

(Published in *The Legal Record* on August 13 and August 20, 2024)

RESOLUTION NO. 24-1037

A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF OLATHE, KANSAS TO BE KNOWN AS THE TWIN TRAILS SHOPPING CENTER COMMUNITY IMPROVEMENT DISTRICT AND REGARDING THE CITY'S INTENT TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT.

WHEREAS, K.S.A. 12-6a26 *et seq.* (the "Act") authorizes the governing body of any city or county to create community improvement districts to finance projects within such defined area of the city or county and to levy a community improvement district sales tax and/or levy special assessments upon property within the district to finance projects; and

WHEREAS, a petition (the "Petition") was filed with the City Clerk on April 12, 2024, proposing the creation of the Twin Trails Shopping Center Community Improvement District ("CID") under the Act, the imposition of a community improvement district sales tax in order to pay the costs of Projects (defined herein); and

WHEREAS, the Petition was signed by the required number of owners of record, whether resident or not, as required by the Act; and

WHEREAS, the City of Olathe, Kansas (the "City") intends to create the CID and to levy a community improvement district sales tax in an amount equal to 1.0% as requested in the Petition (the "CID Sales Tax"); and

WHEREAS, the Governing Body hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of creating the CID, approving the Projects described herein and levying the CID Sales Tax, pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS, AS FOLLOWS:

SECTION 1. Petition. The Governing Body hereby finds and determines that the Petition meets the requirements of the Act.

SECTION 2. Public Hearing. It is hereby authorized, ordered and directed that the Governing Body shall hold a public hearing, in accordance with the provisions of the Act, on the advisability of creating the CID, approving the Projects, and whether to impose a CID Sales Tax in an amount equal to 1.0% and such other matters related thereto, such public hearing to be held on **September 3, 2024 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at City Hall, City Council Chambers, 100 East Santa Fe, Olathe, Kansas, under the authority of the Act.

SECTION 3. Proposed CID Projects. The general nature of the proposed project is the redevelopment and improvement of certain real property generally located at the southeast corner of Santa Fe Street and Ridgeview Road within the City, including some or all of the following:

1. Demolition, site work, and utility work;
2. Building façade remodel;
3. Parking lot and sidewalk reconstruction;
4. Parking lot lighting;
5. Signage, hardscape and landscaping improvements; and

related soft costs of the Projects, and the City and the petitioner’s administrative costs in establishing and maintaining the CID, and other items collectively permitted to be financed within the CID under the Act, and the City’s CID Policy (Policy F-9) (collectively, the “Projects”).

SECTION 4. Estimated Cost. The estimated cost of the proposed Projects is \$8,548,830, plus interest on financing.

SECTION 5. Method of Financing, Community Improvement District Sales Tax and Special Assessments. The estimated cost of the proposed Projects will be financed by through a combination of private equity, private debt and pay-as-you-go financing, as defined in the Act. It is proposed that a CID Sales Tax in an amount equal to 1.0% be levied. There will not be any special assessments on property within the boundaries of the CID to pay the costs of the Projects.

SECTION 6. Map and Legal Description of Proposed CID. The legal description of the property to be contained in the proposed CID is set forth on **Exhibit A** attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed CID is attached as **Exhibit B** hereto and incorporated by reference herein.

SECTION 7. Notice of Hearing. The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of this Resolution in the official newspaper. Such publication shall be at least once each week for two consecutive weeks. The second publication shall be at least 7 days prior to the date of the hearing. The City Clerk is hereby further ordered and directed to mail a copy of this Resolution, via certified mail, to all property owners within such proposed CID at least 10 days prior to the date of the hearing.

SECTION 8. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

ADOPTED on August 6, 2024.

By: _____
Mayor

[SEAL]

By: _____
City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED TWIN TRAILS SHOPPING CENTER COMMUNITY IMPROVEMENT DISTRICT

Tract 4, Parcel A:

Lot 265, except the North 15.5 feet; Lots 266 thru 285, inclusive and Lots 310 thru 329, inclusive; Lot 330, except the North 15.5 feet, and all of the vacated alley between said Lots 265 thru 330, inclusive, except the North 15.5 feet thereof, all in Block 9; Lots 339 thru 351, inclusive and the East $\frac{1}{2}$ of vacated alley adjacent on the West, all in Block 12, together with the East $\frac{1}{2}$ of vacated Central Street, adjacent to Lots 323 thru 330, inclusive, Block 9, except the North 15.5 feet thereof and all of vacated Central Street between Lots 310 thru 322, inclusive, Block 9 and Lots 339 thru 351, inclusive, Block 12; all in LOCKWOOD HEIGHTS, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof. Excepting any part thereof in Santa Fe Avenue or Burch Street.

Tract 4, Parcel B:

Lots 382, 383 and 384, and the West $\frac{1}{2}$ of the vacated alley adjacent on the East, in Block 12, LOCKWOOD HEIGHTS, a subdivision in the City of Olathe, Johnson County, Kansas, except that part in Ridgeview Road.

ALSO INCLUDING:

Any and all adjacent Right-of-Way.

EXHIBIT B

**MAP OF PROPOSED TWIN TRAILS SHOPPING CENTER
COMMUNITY IMPROVEMENT DISTRICT**

The following property located in Johnson County, Olathe, Kansas:

