

(Published in The Cunningham Courier on March 29, 2016.)

ORDINANCE NO. 653

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF CUNNINGHAM, KANSAS; AUTHORIZING CERTAIN PROJECTS THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH PROJECTS; CONTAINING THE LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES OF THE DISTRICT; LEVYING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX; AND APPROVING THE METHOD OF FINANCING THE PROJECTS.

WHEREAS, the governing body of the City of Cunningham, Kansas (the "City"), has heretofore received a Petition pursuant to K.S.A. 12-6a26 *et seq.* (the "Act") and adopted Resolution No. 16-11 of the City, containing the time and place of a public hearing on the advisability of creating a community improvement district (the "District"), the general nature of proposed project within the District (the "Project"), the estimated costs of the Project, the proposed method of financing the Project, the proposed amount a sales tax within the District, the proposed method of assessment, if any, and a map and legal description of the proposed District; and

WHEREAS, Resolution No. 16-01 was published twice in The Cunningham Courier, the official City newspaper, on February 4, 2016 and February 11, 2016; and

WHEREAS, the governing body has heretofore on February 29, 2016 conducted a public hearing on advisability of creating the District; and

WHEREAS, the governing body hereby finds and determines it to be advisable to adopt this Ordinance to create the District, authorize the Project therein, approve the estimated costs of such improvement Project, contain the legal description and map of the boundaries of the District, levy a community improvement district sales tax and approve the method of financing the improvement Project, all in accordance with the provisions of the Act.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CUNNINGHAM, KANSAS:

SECTION 1. Creation of Community Improvement District; Legal Description and Map.

The governing body hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the District. The legal description of the District is as follows:

A portion of the Southwest Quarter of the Northwest Quarter of Section 4, Township 28 South, Range 10 West of the 6th Principal Meridian, Kingman County, Kansas more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of Section 4, Township 28 South, Range 10 West of the 6th Principal Meridian; thence with a NAD83 Kansas South Zone bearing of North 00°25'25" East along the West line of said Northwest Quarter 992.76 feet for the point of

beginning; thence continuing North 00°25'25 East along the West line of said Northwest Quarter 324.70 feet to the Northwest corner of the Southwest Quarter of said Northwest Quarter; thence South 89°50'22" East along the North line of the Southwest Quarter of said Northwest Quarter 1322.94 feet to the Northeast corner of the Southwest Quarter of said Northwest Quarter; thence South 00°17'22u West along the East line of the Southwest Quarter of said Northwest Quarter 1231.03 feet to the northerly right-of-way line of US Highway 400; thence North 82°50'12a West along said right-of-way 416.28 feet; thence North 72°47'16t West continuing along said right-of-way 475.61 feet; thence North 75°43'466 West continuing along said right-of-way 350.57 feet; thence North 09°02'16i West continuing along said right-of-way 283.99 feet; thence North 01°52'01i West continuing along said right-of-way 250.20 feet; thence North 12°15'25i West continuing along said right-of-way 102.50 feet to the Easterly right of way line of county Road FAS 359; thence departing said right-of-way bearing North 89°34'35y West 37.50 feet to the point of beginning containing 32.283 Acres, subject to a road Right-of-Way easement across the West 37.50 feet thereof and any other easements of record.

A map of the property contained in the District is set forth on *Schedule I* attached hereto and incorporated by reference herein.

SECTION 2. Authorization of Community Improvement District Project; Estimated Costs.

The governing body hereby authorizes the Project within the District, as more fully described below: The development of thirty-two (32) acres, with the construction of a Love's Truck Stop & Country Store; construction of parking lots, roads and sidewalks; water and sewer utilities; site development; fees and miscellaneous expenses associated with the project (the "Projects").

The *estimated* acquisition and construction cost of the proposed Projects is Four Million Dollars (\$4,000,000) of which the maximum CID eligible costs are Three Million Dollars (\$3,000,000).

SECTION 3. Method of Financing.

(a) The costs of the proposed Project proposed to be financed by "Pay-as-you-go financing," as defined in the Act, and paid from the fund of the City identified in K.S.A. 12-6a34. The amount to be paid to the developers of the Project, or their successor(s), will be determined through a separate agreement.

(b) There will be **no** special assessments levied on property within the boundaries of the District.

SECTION 4. Levy of Sales Tax. In order to provide funds to finance the costs of the Project, the levy, in accordance the provisions of the Act, of a community improvement district sales tax within the District, in an amount of 2% on the selling of tangible personal property at retail or rendering or furnishing services within the District (the "CID Sales Tax"), is authorized and directed. It is proposed that the CID Sales Tax will expire 22 years from the date its collection begins, which is anticipated to be January 1, 2017, but which may be such other date as determined by the governing body and permitted by the Act. The CID Sales Tax shall be administered, collected and subject to the provisions of K.S.A. 12-187 *et seq.* The City Clerk, upon passage of this Ordinance, shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City and publication in the official City newspaper.

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PASSED by the governing body of the City of Cunningham, Kansas, on March 2, 2016, and **APPROVED AND SIGNED** by the Mayor.

(Seal)

ATTEST:



Mayor

David C. Steffen
City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 653 of the City of Cunningham, Kansas adopted by the governing body on March 2, 2016, as the same appears of record in my office, and that it was published in The Cunningham Courier on March 10, 2016.

DATED: March 11, 2016.

David C. Steffen
City Clerk

SCHEDULE I

MAP OF COMMUNITY IMPROVEMENT DISTRICT

