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ORDINANCE NO. 2048

AN ORDINANCE AUTHORIZING THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT (ON THE GO TRAVEL PLAZA) AND LEVYING A CID SALES TAX WITHIN SUCH DISTRICT.

WHEREAS, K.S.A. 12-6a26 *et seq.* (the “Act”) authorizes the Governing Body of a city to create a community improvement district to finance projects within a defined area of the city and to levy a community improvement district sales tax upon receipt of a petition signed by the owners of more than 55% of the land area within the proposed district, and signed by owners collectively owning more than 55% by assessed value of the land area within the proposed district; and

WHEREAS, a Petition for the Creation of a Community Improvement District (On The Go Travel Plaza) (the “Petition”) was filed with the City of Edgerton, Kansas (the “City”) on August 26, 2020, proposing the creation of the Community Improvement District (On The Go Travel Plaza) (the “District”) under the Act and the imposition of a 1% community improvement district sales tax (the “CID Sales Tax”) in order to pay the costs of projects as described in the Petition (the “Projects”); and

WHEREAS, the Petition was signed by My Store III, Inc., a Missouri corporation (the “Property Owner”), the owner of record of 100% of the land area contained in the proposed District and the owner of 100% by assessed value of the land area contained within the proposed District; and

WHEREAS, pursuant to Resolution No. 08-27-20B, the City provided notice that it would hold a public hearing on September 24, 2020 to consider establishing the District, and on such date the Governing Body conducted a public hearing to consider establishing the District, all in accordance with the Act; and

WHEREAS, the Act provides that upon conclusion of the public hearing the Governing Body, by majority vote, may create the District by adoption of an Ordinance and authorize the Projects therein; and

WHEREAS, the Governing Body of the City hereby finds and determines it to be advisable to create the District and set forth the boundaries thereof, authorize the Projects as described herein, approve the estimated costs of the Projects and approve the method of financing the same, all in accordance with the provisions of the Act;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:

Section 1. Creation of Community Improvement District; Boundaries. The

Governing Body hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the District within the City to be referred to as the Community Improvement District (On The Go Travel Plaza). A map generally outlining the boundaries of the proposed District is attached as **Exhibit A** hereto and incorporated by reference herein. A legal description of the boundaries of the proposed District is set forth on **Exhibit B** attached hereto and incorporated by reference herein.

Section 2. Authorization of Community Improvement District Projects and Estimated Costs. The Projects consist of the construction of public infrastructure in, adjacent to or substantially for the benefit of, the private project located within the District, including, but not limited to, roads, storm sewer, sidewalks, trails, street lights, traffic signals, and sanitary sewer, along with ongoing operation and maintenance costs and any other items or uses authorized by the Act. The total estimated cost of the Projects is \$1,707,033.

Section 3. Method of Financing.

(a) The Projects will be financed with the CID Sales Tax levied pursuant to the provisions of the Act and the costs of the Projects will be reimbursed on a pay-as-you-go basis, as defined in the Act. The CID Sales Tax shall be effective January 1, 2021 and extend for the term of the CID.

(b) There will be no issuance of bonds, including full faith and credit bonds, pursuant to the Act.

(c) There will be no special assessments authorized or levied.

Section 4. Segregation of CID Sales Tax. The CID Sales Tax collected shall be deposited into a special fund of the City to be designated as the Community Improvement District Revenue Fund (On The Go Travel Plaza). The CID Sales Tax collected shall be used to reimburse the costs of the Projects.

Section 5. Recording. The City Clerk shall file a certified copy of this Ordinance with the Register of Deeds of Johnson County, Kansas.

Section 6. Term of District. The term of the District shall continue for a term of 22 years from the date the State Director of Taxation begins collecting the CID Sales Tax or until the approved District eligible costs up to a maximum of \$1,707,033 are paid, whichever occurs first. The City shall record written evidence of the termination of the District with the Register of Deeds of Johnson County, Kansas when the District is terminated.

Section 7. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication once in the official City newspaper. After publication of this Ordinance, the City Clerk is directed to provide the Kansas Department of Revenue with a copy of this Ordinance notifying them of the establishment of the District and the levy of the CID Sales Tax.

EXHIBIT A MAP OF CID DISTRICT

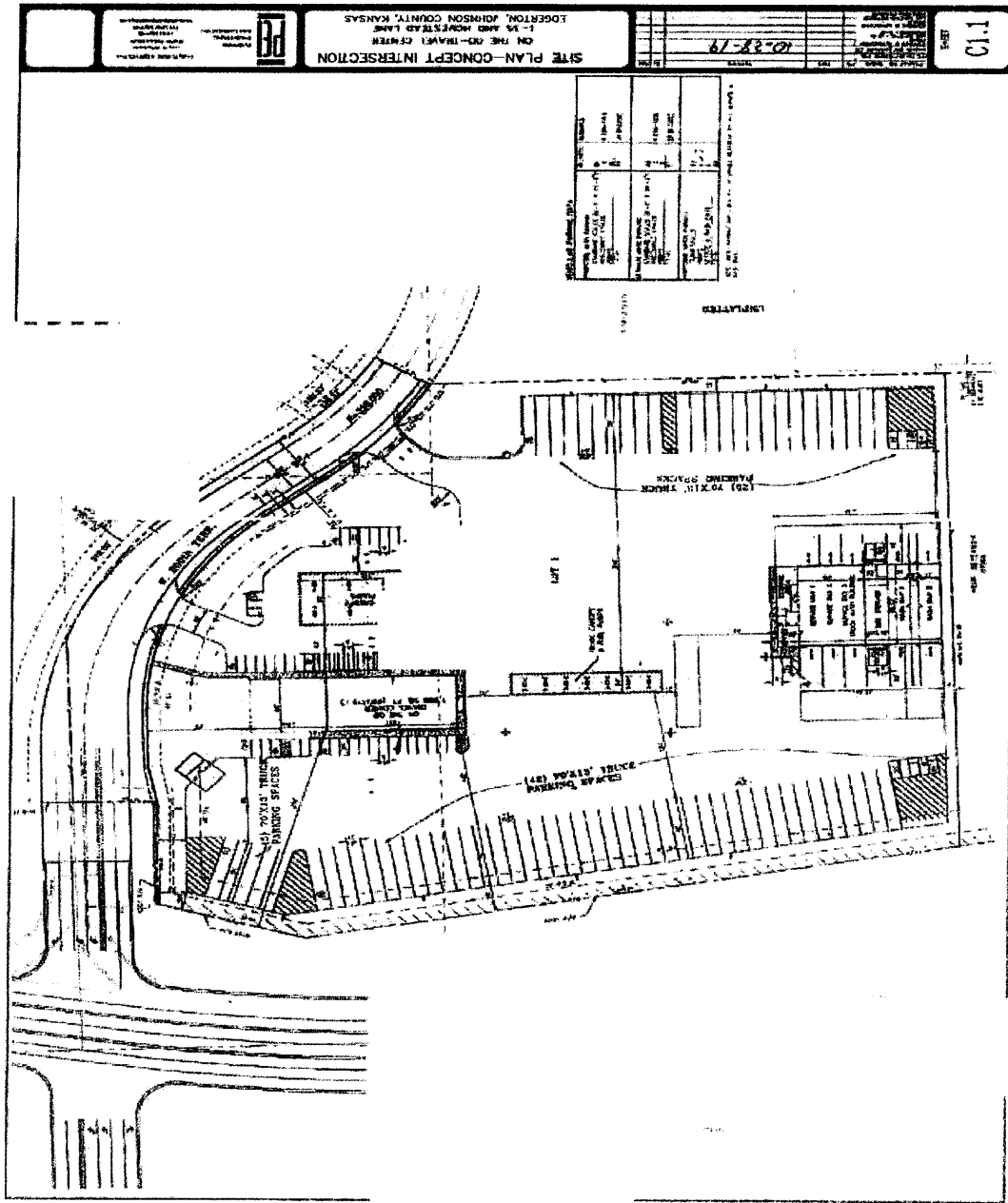


EXHIBIT B

LEGAL DESCRIPTION OF CID DISTRICT

All that part of the NW 1/4 of Section 10, Township 15, Range 22, in Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the NW 1/4 of said Section 10; thence S 2° 03' 46" E, along the West line of the NW 1/4 of said Section 10, a distance of 991.99 feet; thence N 87° 35' 22" E, a distance of 280.86 feet, to a point on the North right-of-way line of Interstate Highway No. 35, as established in the Warranty Deed recorded in Book 201108 at Page 001191, in the Office of the Register of Deeds, Johnson County, Kansas, said point also being the true point of beginning; thence continuing N 87° 35' 22" E, a distance of 185.94 feet; thence Easterly and Southeasterly, along a curve to the right having a radius of 390.00 feet, a central angle of 32° 01' 48" and whose initial tangent bearing is S 69° 47' 26" E, an arc distance of 218.02 feet, to the point of tangency; thence S 37° 45' 38" E, a distance of 93.64 feet, to a point of curvature; thence Southeasterly and Easterly, along a curve to the left having a radius of 320.00 feet and a central angle of 21° 31' 36", an arc distance of 120.23 feet; thence S 30° 41' 48" W, a distance of 59.41 feet, to a point on the North line of the South Half of the NW 1/4 of said Section 10; thence S 1° 47' 20" E, a distance of 638.10 feet, to a point on the North right-of-way line of said Interstate Highway No. 35; thence S 85° 06' 40" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 509.79 feet; thence N 10° 04' 47" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 802.50 feet; thence N 15° 12' 54" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 141.15 feet; thence N 88° 57' 08" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 116.36 feet; thence N 0° 38' 21" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 76.42 feet, to the true point of beginning, containing 12.162 acres, more or less.

PASSED by the Council of the City of Edgerton, Kansas, this 24th day of September, 2020.

[SEAL]



ATTEST:


Chris Clinton, City Clerk

Approved as to form:


Scott W. Anderson, Bond Counsel

Donald Roberts, Mayor

Community Improvement District (On The Go Travel Plaza)