

ORDINANCE NO. 2124

**AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 2123
IN CONNECTION WITH THE COMMUNITY IMPROVEMENT DISTRICT
(EDGERTON CROSSING WOODSTONE PROJECT).**

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; and

WHEREAS, pursuant to the Act and Ordinance No. 2100 of the City of Edgerton, Kansas (the “City”) passed on November 18, 2021, the Governing Body of the City established a community improvement district known as the “Community Improvement District (Edgerton Crossing Woodstone Project)” (the “CID”); and

WHEREAS, Section 3 of Ordinance No. 2100 levied a community improvement district sales tax within the CID in the amount of 1.00% (the “CID Sales Tax”) and stated that collection of the CID Sales Tax would commence on January 1, 2023; and

WHEREAS, the Governing Body passed Ordinance No. 2123 on October 13, 2022 amending Ordinance No. 2100 to delay the commencement of the CID Sales Tax; and

WHEREAS, Ordinance No. 2123 did not include the legal description of the CID; and

WHEREAS, the Governing Body desires to amend and restate Ordinance No. 2123 to include the legal description of the CID;

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

Section 1. Section 3(a) of Ordinance No. 2100 is hereby deleted in its entirety and replaced with the following:

- (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 commence on: (i) the date that the first retail user within the CID is open for business; (ii) such other date as determined by the City; or (iii) the earliest date following the forgoing (i) or (ii) on which the Kansas Department of Revenue agrees to being the imposition of the CID Sales Tax. The CID Sales Tax shall be administered, collected and subject to the provisions of K.S.A. 12-187 *et seq.*, this Ordinance (as amended from time to time), and the development agreement between the City and the developer.

Section 2. The City Clerk shall file a certified copy of this Ordinance with the Register of Deeds of Johnson County, Kansas. The legal description of the boundaries of the District are set forth on the attached **Exhibit A**

Section 3. The Mayor, City Clerk and other appropriate officers of the City are hereby authorized and directed to execute, attest, acknowledge and deliver for and on behalf of and as the act and deed of the City, any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 4. 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.

PASSED by the Governing Body of the City of Edgerton, Kansas, this 10th day of November, 2022.

/s/

Donald Roberts, Mayor

[SEAL]

ATTEST:

/s/

Alexandria Clower, City Clerk

/s/

Scott W. Anderson
Economic Development Counsel

EXHIBIT A

LEGAL DESCRIPTION OF CID DISTRICT

The East One-Third ($1/3$) of the Northeast Quarter ($NE\ 1/4$) excluding that part in roads and Highways of Section 9, Township 15, Range 22, in the City of Edgerton, Johnson County, Kansas.