

ORDINANCE NO. 2100

AN ORDINANCE AUTHORIZING THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT (EDGERTON CROSSING WOODSTONE PROJECT) 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 (the “Petition”) was filed with the City of Edgerton, Kansas (the “City”) on September 22, 2021, proposing the creation of the Community Improvement District (Woodstone Project) (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 Woodstone Properties, LLC, a Missouri limited liability company (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. 09-23-21B, the City provided notice that it would hold a public hearing on November 18, 2021 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 (Edgerton Crossing Woodstone Project) located generally at the southwest corner of Homestead Lane and 199th Street. A map 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 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 generally the acquisition of land, sitework and the construction of infrastructure improvements (excluding water and electrical offsite improvements), and any other items or uses authorized by the Act. The total estimated cost of the Projects is \$4,384,232.

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, 2023 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 (Edgerton Crossing Woodstone Project). 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 \$4,384,232 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.

PASSED by the Governing Body of the City of Edgerton, Kansas, this 18th day of November, 2021.

/s/

Donald Roberts, Mayor

[SEAL]

ATTEST:

/s/

Alexandria Clower, City Clerk

Community Improvement District (Edgerton Crossing Woodstone Project)

EXHIBIT A
MAP OF CID DISTRICT

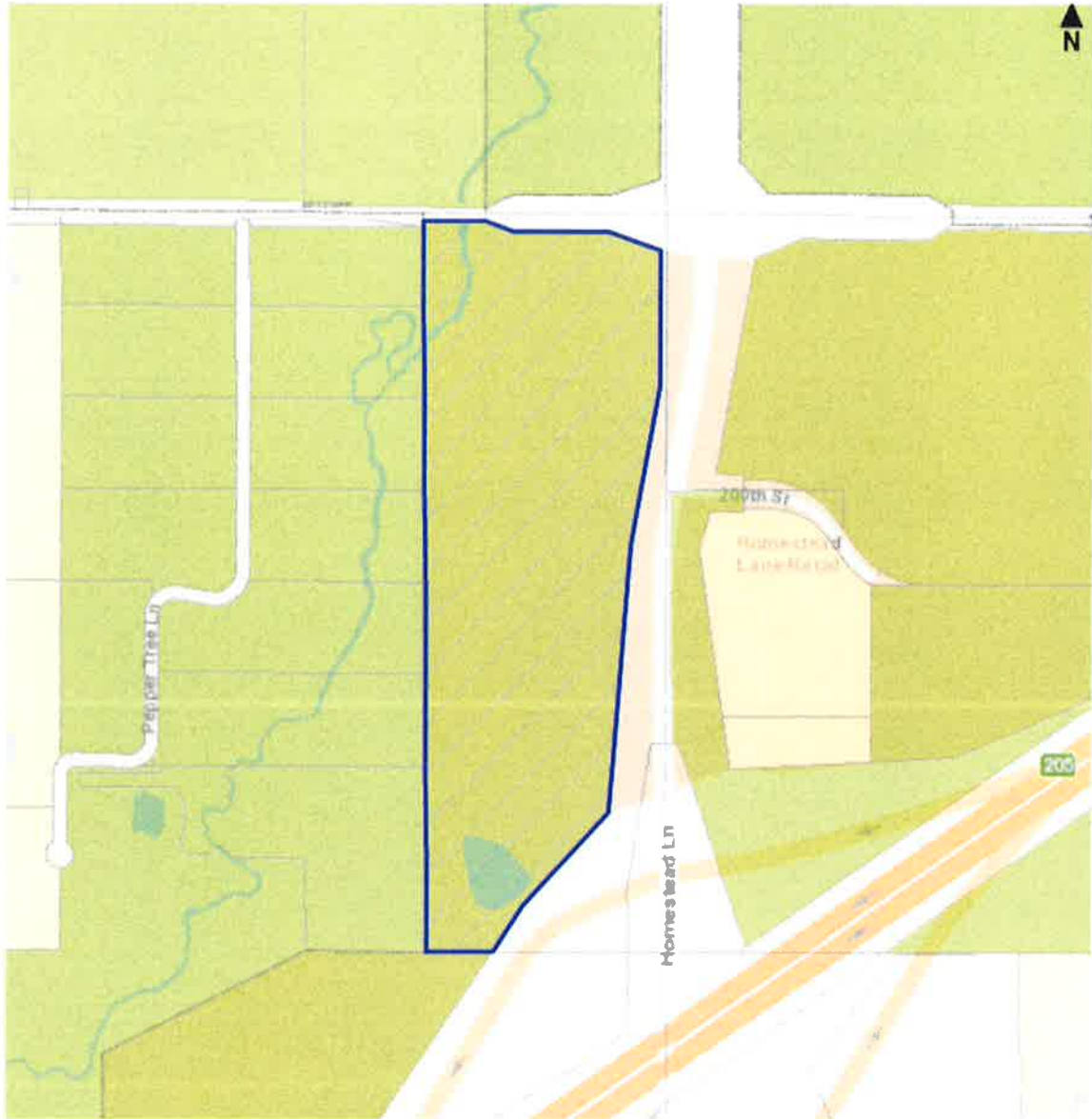


EXHIBIT B

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.