



(Published in *The Butler County Times Gazette* on November 22, 2014.)

ORDINANCE NO. 2073

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF AUGUSTA, 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 Augusta, Kansas (the "City"), has heretofore received a Petition pursuant to K.S.A. 12-6a26 *et seq.* (the "Act") and adopted Resolution No. 14-16 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. 14-16 was published twice in *The Butler County Times Gazette*, the official City newspaper, on October 30, 2014, 2014 and November 6, 2014; and

WHEREAS, the governing body has heretofore on this date 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 AUGUSTA, 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 tract of land lying in the Northwest Quarter of Section 27, Township 27 South, Range 4 East of the Sixth Principal Meridian, Augusta, Butler County, Kansas, said tract of land being a portion of two parcels of land described as follows:

Beginning at a point 985 feet west of the Northeast Corner of the Northwest Quarter of Section 27, Township 27 South, Range 4 East of the Sixth Principal Meridian, thence west 64 feet; thence south along the west line of tract of land last

REC
COMP
NUM

described in Book 723, Page 305, to the north right of way of the St. Louis and San Francisco Railway Company; thence easterly along said right of way to a point due south of the place of beginning; thence north along the east line of said tract of land last described in Book 723, Page 305, to the point of beginning, EXCEPT the north 275.55 feet thereof.

Beginning at a point that is 1049 feet west of the Northeast Corner of the Northwest Quarter of Section 27, Township 27 South, Range 4 East of the Sixth Principal Meridian; thence running west 196 feet; thence south 527.56, more or less, along the west line of a tract of land last described in Book 641, Page 410, to a point on the northerly right of way of the St. Louis and San Francisco Railroad; thence easterly along said right of way 198.52 feet, more or less, to a point due south of the place of beginning; thence north 491.53 feet along the east line of said tract of land last described in Book 641, Page 410, to the point of beginning, EXCEPT the north 275.55 feet thereof.

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 improvement Project within the District, as more fully described below:

(A) Within the District, construction of the following:

A hotel facility of approximately 56 rooms, lounge and breakfast area, laundry area, indoor pool and spa, meeting room and exercise area located in the District, and acquiring and installing furniture, fixtures and equipment in the building (the "Hotel Facility").

(B) Within the District, construction of the following to serve the Hotel Facility:

(1) sidewalks, streets, roads, interchanges, highway access roads, intersections, parking lots, traffic signs and signals, utilities, pedestrian amenities, drainage systems, water systems, storm systems, sewer systems, lift stations, underground gas, heating and electrical services and connections located within or without the public right-of-way, water mains and extensions and other site improvements;

(2) streetscape, lighting, street light fixtures, street light connections, street light facilities, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;

(3) parks, lawns, trees and other landscape;

(4) paintings, murals, display cases, sculptures, fountains and other cultural amenities;

(C) Within the District, and in connection with the operation of the Hotel Facility, to operate or to contract for the provision of music, news, child-care, or parking lots or garages, and buses, minibuses or other modes of transportation;

(D) Within the District, and in connection with the operation of the Hotel Facility, to provide or contract for the provision of security personnel, equipment or facilities for the protection of

property and persons;

(E) Within the District, and in connection with the operation of the Hotel Facility, to provide or contract for cleaning, maintenance and other services to public or private property;

(F) Within the District, and in connection with the operation of the Hotel Facility, to produce and promote any tourism, recreational or cultural activity or special event, including, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events and furnishing music in any public place;

(G) Within the District, and in connection with the operation of the Hotel Facility, to support business activity and economic development, including, but not limited to, the promotion of business activity, development and retention and the recruitment of developers and business;

(H) Within the District, and in connection with the operation of the Hotel Facility, to provide or support training programs for employees of businesses; and

(I) Within the District, and in connection with the operation of the Hotel Facility, to contract for or conduct economic impact, planning, marketing or other studies.

The *estimated* costs of the Project are \$4,200,000.

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 K.S.A. 12-6a27, and paid from the fund of the City identified in K.S.A. 12-6a34. It is estimated that the City will pay \$638,000 to the owner of the property in the District, or its successor(s), which amount shall not be limited in amount by this Ordinance authorizing the Project.

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

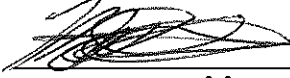
SECTION 4. Levy of Sales Tax. In order to provide funds to finance the costs of the Project, the levy, in accordance the provisions of the Act, of a community improvement district sales tax within the District, in an amount of 2% on the selling of tangible personal property at retail or rendering or furnishing services within the District (the "Sales Tax"), is authorized and directed. The collection of the Sales Tax shall commence on July 1, 2015 and shall expire 22 years from such commencement date. The Sales Tax shall be administered, collected and subject to the provisions of K.S.A. 12-187 *et seq.* The City Clerk, upon adoption 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.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]


PASSED by the governing body of the City of Augusta, Kansas, on November 17, 2014, and **APPROVED** and **SIGNED** by the Mayor.

(Seal)



Mayor, Matt Childers

ATTEST:



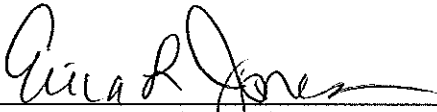
City Clerk, Erica L. Jones

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2013 of the City of Augusta, Kansas adopted by the governing body on November 17, 2014, as the same appears of record in my office, and that it was published in *The Butler County Times Gazette* on November 22 2014.

DATED: November 17, 2014.





City Clerk, Erica L. Jones

SCHEDULE I

MAP OF COMMUNITY IMPROVEMENT DISTRICT

