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**ORDINANCE NO. 2089**

**AN ORDINANCE AMENDING ORDINANCE NO. 2073 THAT CREATED A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF AUGUSTA, KANSAS.**

**WHEREAS**, the governing body of the City of Augusta, Kansas (the "City"), has heretofore passed Ordinance No. 2073 creating a community improvement district (the "District") pursuant to K.S.A. 12-6a26 *et seq.* (the "Act"), with a provision that the collection of the Sales Tax (as defined herein) shall commence on July 1, 2015; and

**WHEREAS**, the legal description of the District has changed since the passage of Ordinance No. 2073; and

**WHEREAS**, the governing body hereby finds and determines it to be advisable to adopt this Ordinance to also change the date the collection of the Sales Tax will commence to October 1, 2016, 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. Modification of Section 1 of Ordinance No. 2073.** Section 1 of Ordinance No. 2073 shall be repealed and replaced with the following Section 1:

**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 260 feet; thence south 527.56 feet, more or less to a point on the Northerly right of way of the St. Louis and San Francisco Railroad; thence Easterly along said right of way to a point due South of the place of beginning; thence North to the beginning, EXCEPT the North 275.55 feet thereof.

A map of the property contained in the District is set forth on *Schedule I* to Ordinance No. 2073.

**SECTION 2. Modification of Section 4 of Ordinance No. 2073.** Section 4 of Ordinance No. 2073 shall be repealed and replaced with following Section 4:

**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 October 1, 2016 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 3. Ratification.** Except as Section 1 of Ordinance No. 2073 is amended by this Ordinance, the remainder of Ordinance No. 2073 is hereby ratified and confirmed and will remain in full force and effect.

**SECTION 4. 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.

**PASSED** by the governing body of the City of Augusta, Kansas, on October 5, 2015, and **SIGNED** by the Mayor.

(Seal)

/s/Matt Childers, Mayor

ATTEST:

/s/Erica L. Jones, City Clerk