

(Published in *The Legal Record* on January 16, 2018)

ORDINANCE NO. 988

AN ORDINANCE AUTHORIZING THE CREATION OF THE SOUTH WOODSIDE COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF WESTWOOD, KANSAS; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; PROVIDING FOR THE METHOD OF FINANCING THE SAME; AND LEVYING A 0.9% CID SALES TAX.

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the “Act”), cities are authorized to create community improvement districts as a method of financing economic development related improvements in a defined area within the city; and

WHEREAS, the City of Westwood, Kansas (the “City”) is a city within the meaning of the Act; and

WHEREAS, a petition (the “Petition”) was filed with the City Clerk of the City, on or about March 6, 2017, proposing: (a) that the community improvement district described therein (the “District”) be created; (b) the completion of a project relating thereto, as more particularly described on *Exhibit A* attached hereto and incorporated herein by reference (the “Project”); and (c) the imposition of a CID sales tax in the amount of 0.9% (the “CID Sales Tax”) in order to pay the costs of the Project, all in accordance with the Act; and

WHEREAS, the Petition was signed by the owners of record, whether resident or not, of all of the land area and assessed value within the proposed District; and

WHEREAS, the Act provides that prior to creating any community improvement district, the governing body shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and the construction of such community improvement district projects therein, and give notice of the hearing: (a) by publication at least once each week for two (2) consecutive weeks in the official city newspaper, the second publication to be at least seven (7) days prior to the hearing; and (b) by certified mail sent to all property owners within the proposed community improvement district at least ten (10) days prior to such hearing; and

WHEREAS, the City Council of the City (the “Governing Body”) adopted Resolution No. 58-2017 on May 11, 2017 (the “Resolution”) directing that a public hearing on the proposed District be held on June 8, 2017, declaring an intent to levy the CID Sales Tax, and directing the City Clerk to provide for notice of such public hearing as set forth in the Act; and

WHEREAS, the Resolution containing the following information: (a) the time and place of the hearing; (b) the general nature of the proposed community improvement district project; (c) the estimated cost of the proposed community improvement district project; (d) the proposed method of financing the cost of the community improvement district project; (e) the proposed

amount of the community improvement district sales tax; and (f) a map and legal description of the proposed District, was published once each week for two (2) consecutive weeks in *The Legal Record*, the official City newspaper, on May 23, 2017 and on May 30, 2017; and

WHEREAS, a copy of the Resolution was mailed by certified mail to all property owners within the proposed District (other than those which waived such notice) not less than ten (10) days prior to the date set for the public hearing; and

WHEREAS, on June 8, 2017, the Governing Body held a public hearing on the proposed District, and the imposition of the CID Sales Tax (the “Public Hearing”); and

WHEREAS, the City and Woodside Village Redevelopment, LLC entered into that certain Woodside Village Redevelopment Agreement, dated January 12, 2012, as amended by that certain First Amendment to Woodside Village Redevelopment Agreement, dated February 9, 2012, as further amended by that certain Second Amendment to Woodside Village Redevelopment Agreement, dated March 12, 2012, as further amended by that certain Third Amendment to Woodside Village Redevelopment Agreement, dated April 12, 2012, as further amended by that certain Fourth Amendment to Woodside Village Redevelopment Agreement, dated May 10, 2012, as further amended by that certain Fifth Amendment to Woodside Village Redevelopment Agreement, dated June 14, 2012, as further amended by that certain Sixth Amendment to Woodside Village Redevelopment Agreement, dated July 12, 2012, as further amended by that certain Seventh Amendment to Woodside Village Redevelopment Agreement, dated February 13, 2014, as further amended by that certain Eighth Amendment to Woodside Village Redevelopment Agreement, dated September 19, 2014, as further amended by that certain Ninth Amendment to Woodside Village Redevelopment Agreement, dated October 13, 2016 (as amended, the “Development Agreement”); and

WHEREAS, the parties to the Development Agreement desire for the collection of the CID Sales Tax to commence on July 1, 2018, or on such later date mutually agreed to by the parties to the Development Agreement; and

WHEREAS, the Governing Body hereby finds and determines it to be advisable to create the District, establish the boundaries thereof, authorize the Project, approve the CID Sales Tax, all in accordance with the provisions of the Act.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

Section 1. Creation of District; Boundaries. Based on the Petition and the information provided at the Public Hearing, the Governing Body hereby creates the District within the City, which shall be designated as the *South Woodside Community Improvement District*. The District shall contain within its boundaries the real property legally described on **Exhibit B** and generally depicted on **Exhibit C** attached hereto and incorporated herein by reference.

Section 2. Authorization of Project; Estimated Costs. The Governing Body hereby authorizes the Project within the District, and approves the total estimated cost of the Project that may be financed with CID Sales Tax to be \$61,331,000.

Section 3. Method of Financing. The Project within the proposed District will be financed on a pay-as-you-go basis and/or by the issuance of special obligation notes and bonds payable from revenues received from the imposition of the CID Sales Tax. No special assessments shall be implemented under the Act to pay for the Project.

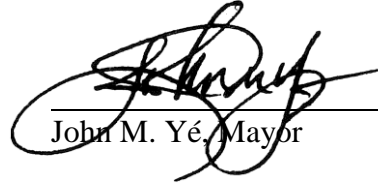
Section 4. Levy of CID Sales Tax. In accordance with the Act, and to provide funds to pay costs of the Project, the Governing Body hereby authorizes and directs the levy of the CID Sales Tax on the selling of tangible personal property at retail or rendering or furnishing of services within the District in the amount of 0.9%. The collection of the CID Sales Tax shall commence on July 1, 2018, or on such later date mutually agreed to by the parties to the Development Agreement, and shall expire 22 years from such commencement date. The CID Sales Tax shall be administered, collected and subject to the provisions of K.S.A. 12-187 *et seq.* and the Development Agreement.

Section 5. Effective Date. This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper. After this Ordinance becomes effective in accordance with this Section, the City Clerk shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189, along with instructions to commence collection of the CID Sales Tax on July 1, 2018, or on such later date mutually agreed to by the parties to the Development Agreement.

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PASSED by the Governing Body of the City of Westwood, Kansas on January 11, 2018 and **SIGNED** by the Mayor.

CITY OF WESTWOOD, KANSAS



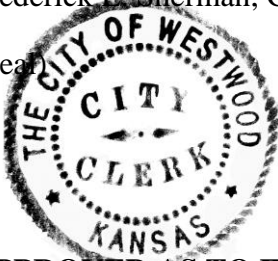
John M. Yé, Mayor

ATTEST:

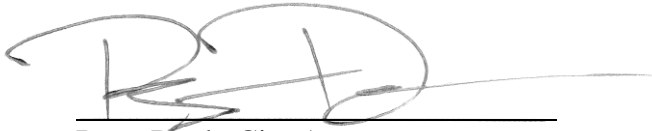


Frederick L. Sherman, City Clerk

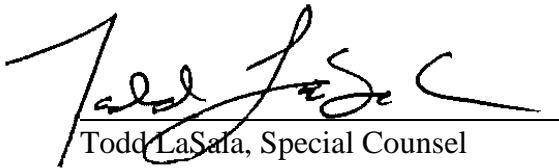
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APPROVED AS TO FORM ONLY:



Ryan Denk, City Attorney



Todd LaSala, Special Counsel

EXHIBIT A

General Nature of the Project

The CID may consist of multiple redevelopment project areas. The buildings, facilities, and improvements to be constructed or improved in the CID may be described in a general manner as consisting of some or all of the following uses, without limitation: multi-family residential including but not limited to condominium and apartment units and live/work units, and all included associated site work, public and private infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), and other associated and appurtenant structures, facilities, and items allowable under K.S.A. 12—6a26 *et seq.*

EXHIBIT B

Legal Description of the District

File No. 010-2516
Woodside Village
January 11, 2017
Revised March 1, 2017
EXH25

CID Description

All of Lot 1, together with part of Lot 2, Woodside Club Complex, a subdivision in the City of Westwood, Johnson County, Kansas, described as follows:

BEGINNING at the Southwest corner of Lot 1, Woodside Club Complex, a subdivision in the City of Westwood, Johnson County, Kansas; thence North 00 degrees 00 minutes 05 seconds West, along the West line of said Lot 1, a distance of 330.53 feet to the Northwest corner of said Lot 1; thence North 89 degrees 49 minutes 30 seconds East, along the North line of said Lot 1, a distance of 595.00 feet to the Northeast corner of said Lot 1; thence South 00 degrees 17 minutes 05 seconds East, along the East line of said Lot 1, a distance of 199.39 feet to a point; thence South 89 degrees 42 minutes 55 seconds West, continuing along said East line, a distance of 38.98 feet to a point; thence South 05 degrees 34 minutes 35 seconds West, continuing along said East line, a distance of 173.45 feet to the Southeast corner of said Lot 1; thence North 53 degrees 17 minutes 05 seconds West, along the South line of said Lot 1, a distance of 2.34 feet to a point of curvature; thence in a Northwesterly and Westerly direction, continuing along said South line and along a curve to the left, having a radius of 204.32 feet, through a central angle of 34 degrees 04 minutes 22 seconds, an arc distance of 121.51 feet to a point on a non-tangent line, said line being the Northerly extension of the East line of Lot 2 of said Woodside Club Complex; thence South 00 degrees 17 minutes 36 seconds East, departing said South line, along the Northerly extension of said East line, a distance of 50.09 feet to the Northeast corner of said Lot 2, said corner also lying on the South line of 47th Street Place right of way, as established in said Woodside Club Complex, said corner also lying on a non-tangent curve; thence in a Westerly direction, along said North and South lines and along a curve to the left whose initial tangent bears North 86 degrees 24 minutes 18 seconds West, having a radius of 154.32 feet, through a central angle of 3 degrees 52 minutes 47 seconds, an arc distance of 10.45 feet to a point of tangency; thence South 89 degrees 42 minutes 55 seconds West, continuing along said North and South lines, a distance of 352.54 feet to a point; thence South 00 degrees 10 minutes 59 seconds East, departing said North and South lines, a distance of 279.95 feet to a point on the South line of said Lot 2; thence South 89 degrees 42 minutes 26 seconds West, along said South line, a distance of 227.27 feet to a point; thence North 00 degrees 29 minutes 01 second West, departing said South line, a distance of 211.94 feet to a point; thence North 89 degrees 30 minutes 59 seconds East a distance of 32.91 feet to a point; thence North 00 degrees 17 minutes 05 seconds West a distance of 1.00 foot to a point; thence North 89 degrees 41 minutes 30 seconds East a distance of 172.43 feet to a point; thence North 00 degrees 16 minutes 15 seconds West a distance of 66.86 feet to a point on said South line of 47th Street Place right of way; thence South 89 degrees 42 minutes 55 seconds West, along said South line, a distance of 39.43 feet to a point; thence North 00 degrees 17 minutes 05 seconds West, departing said South line, a distance of 50.00 feet to the POINT OF BEGINNING, containing 263,771 Square Feet or 6.0553 Acres, more or less.

EXCEPT all that part of 47th Street Place, as established in Woodside Club Complex, a subdivision in the City of Westwood, Johnson County, Kansas, described as follows:

BEGINNING at the Southwest corner of Lot 1, Woodside Club Complex, a subdivision in the City of Westwood, Johnson County, Kansas, said corner also lying on the North line of 47th Street Place right of way, as established in said Woodside Club Complex; thence North 89 degrees 42 minutes 55 seconds East, along said North line, a distance of 415.11 feet to a point of curvature; thence in an Easterly direction, continuing along said North line and along a curve to the right, having a radius of 204.32 feet, through a central angle of 2 degrees 55 minutes 38 seconds, an arc distance of 10.44 feet to a point on a non-tangent line, said line being the Northerly extension of the East line of Lot 2 of said Woodside Club Complex; thence South 00 degrees 17 minutes 36 seconds East, departing said North line, along the Northerly extension of said East line, a distance of 50.09 feet to the Northeast corner of said Lot 2, said corner also lying on a non-tangent curve, said curve being the South line of said 47th Street Place right of way; thence in a Westerly direction, along said South line and along a curve to the left whose initial tangent bears North 86 degrees 24 minutes 18 seconds West, having a radius of 154.32 feet, through a central angle of 3 degrees 52 minutes 47 seconds, an arc distance of 10.45 feet to a point of tangency; thence South 89 degrees 42 minutes 55 seconds West, continuing along said South line, a distance of 415.11 feet to a point; thence North 00 degrees 17 minutes 05 seconds West, departing said North line, a distance of 50.00 feet to the POINT OF BEGINNING, containing 21,278 Square Feet or 0.4885 Acres, more or less.

The above-described boundaries contain a net total of 242,493 Square Feet or 5.5668 Acres, more or less.



