

ORDINANCE NO. 967

AN ORDINANCE AUTHORIZING THE LEVY OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX ON A DATE CERTAIN WITHIN THE CITY PURSUANT TO K.S.A. 12-6a26 ET SEQ., AS MAY BE AMENDED (WOODSIDE PROJECT).

WHEREAS, pursuant to K.S.A. 12-6a26 et seq., as amended (the "Act"), authorizes the City of Westwood, Kansas (the "City"), to create a community improvement district as provided in the Act to provide for the acquisition, improvement, construction, demolition, removal, renovation, reconstruction, restoration, replacement, repair, furnishing and equipping buildings, structures, facilities, sidewalks, roads, parking lots, traffic signs and signals, utilities, pedestrian amenities, drainage, water, storm and sewer systems, underground gas, heating and electrical services and extensions, water mains and extensions, site improvements, street lights, lighting, street light fixtures, benches, awnings, canopies, walls, trees, landscapes and other cultural amenities and others as set forth in the Act (collectively, the "community district projects"); and

WHEREAS, a petition (the "Petition") was filed with the City Clerk of the City on November 15, 2011, proposing (a) the creation of a community improvement district (the "Woodside CID"), the boundaries of which are legally described on **Exhibit A** attached hereto and as illustrated in the map attached hereto as **Exhibit B**; (b) the making of CID project improvements relating thereto as more particularly described on **Exhibit C** attached hereto (the "Project"); and (c) the imposition of a community improvement district sales tax in the amount of 1.1% (the "CID Sales Tax"); and (d) that certain community improvement district project costs to be incurred within the Woodside CID be financed with pay-as-you-go financing and/or the sale of special obligation bonds or notes issued by the City payable from such CID Sales Tax, all in accordance with the Act; and

WHEREAS, the Petition was signed by the owners of all of the land area within the proposed Woodside CID; and

WHEREAS, pursuant to Resolution No. 24-2011 of the City, adopted on November 17, 2011, the governing body of the City directed a public hearing on the proposed Woodside CID be held and declared its intent to consider the levy the CID Sales Tax; and

WHEREAS, following proper notice as provided in the Act, the governing body of the City held a public hearing commencing on December 8, 2011, and continued to December 20, 2011, on the proposed Woodside CID, the proposed Project and the imposition of the CID Sales Tax in the proposed Woodside CID; and

WHEREAS, on December 20, 2011 the governing body adopted Ordinance No. 924 to create the Woodside CID and impose the CID Sales Tax, but Section 4 of said Ordinance provided that the imposition and collection of the CID Sales Tax shall commence as set forth in Section 4.3 of that certain Woodside Redevelopment Agreement between the City and Woodside Redevelopment, Inc.; and

WHEREAS, the conditions set forth in Section 4.3(a) of the Woodside Redevelopment

Agreement have now been satisfied and the City now desires to impose the CID Sales Tax on a date certain, as more particularly set forth below;

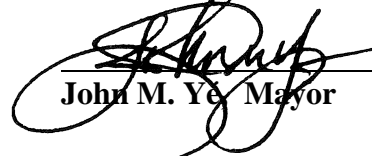
THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS, AS FOLLOWS:

Section 1. Levy of Sales Tax. In accordance with the Act and to provide funds to pay costs of the Project, the Governing Body of the City hereby authorizes the levy of a community improvement district sales tax on the selling of tangible personal property at retail or rendered or furnishing services taxable pursuant to the provisions of the Kansas retailer's sales tax act, as amended, within the Woodside CID in the amount of 1.1%, the "CID" Sales Tax". The imposition and collections of the CID Sales Tax shall commence as of July 1, 2016, or any other date of the City may approve by ordinance if a change in the effective date of the commencement of collection of the CID Sales Tax is requested by the number of owners of record in the Woodside CID. The CID Sales Tax shall be administered, collected and subject to the provisions of K.S.A 12-187 *et seq.*

Section 2. 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.

THIS ORDINANCE IS PASSED by the Governing Body of the City of Westwood, Kansas, this 10th day of March, 2016.

CITY OF WESTWOOD, KANSAS


John M. Ye Mayor

ATTEST:



Frederick L. Sherman, City Clerk

(Seal)



APPROVED AS TO FORM ONLY:



Ryan Denk, City Attorney

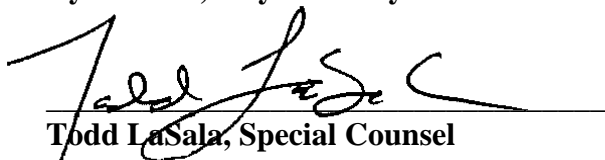

Todd LaSala, Special Counsel

EXHIBIT A

Legal Description

Lots 1 and 2, WOODSIDE CLUB COMPLEX, a subdivision of land in the City of Westwood, Johnson County, Kansas

AND

All that part of Lot 5, WESTPORT VIEW, a subdivision of land in the Northwest Quarter of Section 2, Township 12 South, Range 25 East of the 6th Principal Meridian in the City of Westwood, Johnson County, Kansas, being bounded and described as follows: Beginning at the Southwest corner of Lot 1, WOODSIDE CLUB COMPLEX, a subdivision of land in said Johnson County, being also a point on the North right-of-way line of W. 47th Place, as now established; thence South 89°43'00" West, along said North right-of-way line, 319.14 feet to its intersection with the East right-of-way line of Rainbow Boulevard, as now established; thence North 00°30'02" West, along said East right-of-way line 331.14 feet to a point on the North line of said Northwest Quarter; thence North 89°49'35" East, along said North line, 322.03 feet to the Northwest corner of said Lot 1, WOODSIDE CLUB COMPLEX; thence South 00°00'00" East along the East line of said Lot 1, 330.53 feet to the Point of Beginning. Containing 106,060 square feet or 2.43 acres, more or less.

AND

Any and all right-of-way adjacent thereto.

EXHIBIT B

Map

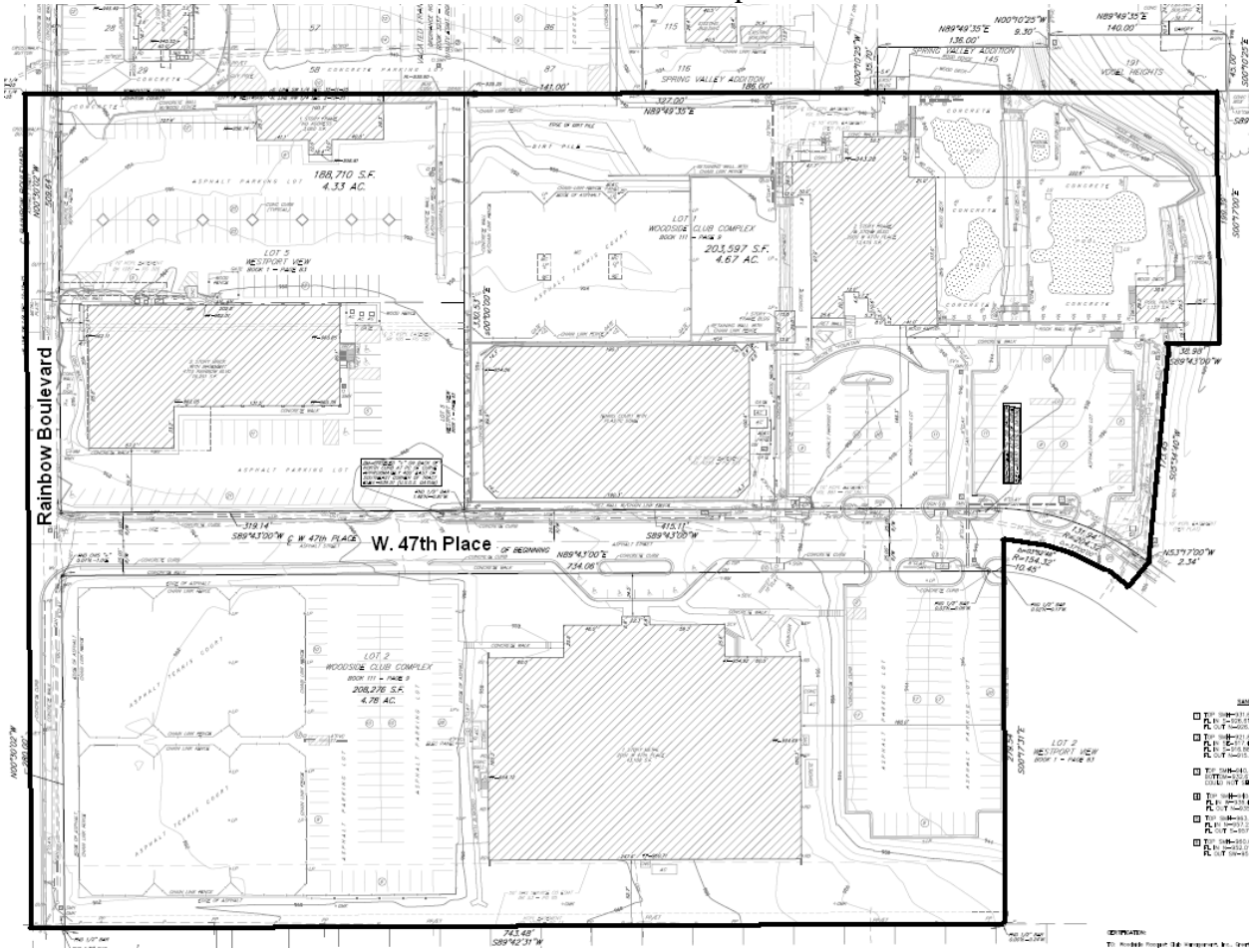


EXHIBIT C

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: tennis and racquet club, full-service fitness facility with associated amenities including but not limited to outdoor tennis courts and swimming pools, general retail, restaurants, specialty retail, office, 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 C-1

| WOODSIDE COMMUNITY IMPROVEMENT DISTRICT | |
|--|------------------------------|
| Estimated Budget | |
| <u>Improvement Category</u> | <u>Estimated Cost</u> |
| Land Acquisition | \$100,000 |
| Sitework, Parking & Infrastructure | \$1,000,000 |
| Vertical Building Construction | \$4,500,000 |
| Legal, Engineering, and Other Soft Costs | \$1,100,000 |
| TOTAL ESTIMATED PROJECT COSTS | \$7,000,000 |

NOTE: Amounts listed above are cost estimates for project components and do not include associated financing costs, such as interest. Petitioner requests that reimbursement be made from the CID Revenue fund for actual costs incurred related to cost categories listed above, including associated financing costs, such as interest and any costs associated with the issuance of bonds and the City's administrative fees and expenses to be more specifically set forth in the Development Agreement, all subject to the reimbursement cap as set forth in the Development Agreement.