

RESOLUTION NO. 56-2017

A RESOLUTION OF THE CITY OF WESTWOOD, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING CONCERNING ADVISABILITY OF THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY AND DECLARING THE INTENT OF THE CITY TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX 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"), the City of Westwood, Kansas (the "City"), is authorized 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, upon proper petition, the Act further authorizes the City, in order to pay the costs of such community district projects, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing services within a community improvement district in any increment of .10% or .25% not to exceed 2% and to reimburse the costs of the community district projects pursuant to pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such community improvement district sales tax; and

WHEREAS, a petition (the "Petition") has been filed with the City Clerk of the City on or about March 6, 2017, proposing the creation of a community improvement district (the "Woodside CID No. 2"), the making of community district projects relating thereto as more particularly described on **Exhibit A** attached hereto (the "Project"), and the imposition of a community improvement district sales tax; and

WHEREAS, the Petition was signed by the owners of more than 55% of the land area within the proposed Woodside CID; and

WHEREAS, the Act provides that prior to creating any community improvement district, the City shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and the construction of such community projects therein and the intent of the City to levy a community improvement district sales tax within such district and shall give notice of said public hearing in accordance with the Act.

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

1. Notice is hereby given that a public hearing to consider the advisability of the creation by the City of the Woodside CID No. 2 and the imposition by the City of nine-tenths of one percent (0.9%) community improvement district sales tax within the Woodside CID No. 2 shall be held on May 11, 2017, beginning at 7:00 p.m., central time, at the Westwood City Hall, 4700 Rainbow Boulevard, Westwood, Kansas.

2. The general nature of the proposed Project to be constructed within the proposed Woodside CID is set forth on **Exhibit A** attached hereto and incorporated by reference herein.

3. The estimated cost of the Project within the proposed Woodside CID is \$61,331,000.

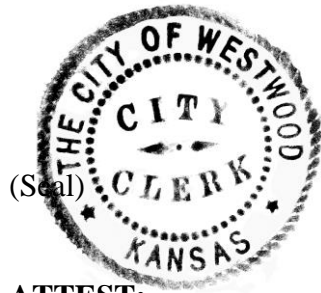
4. The Project within the proposed Woodside CID will be financed on a pay-as-you-go basis or through the issuance of special obligation bonds payable from revenues received from the imposition of nine-tenths of one percent (0.9%) community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing of taxable services taxable pursuant to the provisions of the Kansas retailer's sales tax act within the proposed Woodside CID No. 2.

5. A legal description of the proposed Woodside CID No. 2 is set forth in **Exhibit B** attached hereto and incorporated herein by reference. A map generally outlining the boundaries of the proposed Woodside CID is attached hereto as **Exhibit C** and incorporated herein by reference.

6. The City Clerk shall give notice of the public hearing in accordance with the provisions of the Act.

7. This Resolution shall be in full force and effect from and after its adoption.

THIS RESOLUTION IS ADOPTED by the Governing Body of the City of Westwood, Kansas, this 13th day of April, 2017.



(Seal)

CITY OF WESTWOOD, KANSAS

A handwritten signature in black ink, appearing to read "John M. Y.", written over a horizontal line.

John M. Y., Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "F-L S", written over a horizontal line.

Frederick L. Sherman, City Clerk

APPROVED AS TO FORM ONLY:

A handwritten signature in black ink, appearing to read "Ryan Denk", written over a horizontal line.

Ryan Denk, City Attorney

Exhibit A

Project

The CID Project consists of the redevelopment of a mixed use district project associated with the current Woodside Health and Tennis Club. Generally comprised of certain parcels of land North and South of 47th Place, East of Rainbow Boulevard and West of State Line Road; specifically including all of Lot 1, Woodside Club Complex, a subdivision in Johnson County, Kansas and most of Lot 2, Woodside Club Complex, a subdivision in Johnson County, Kansas more particularly described in EXHIBIT "B". 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

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.



Exhibit C

Map

