

(Published in *The Butler County Times-Gazette* on March 4, 2023.)

ORDINANCE NO. 2211

A ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF AUGUSTA, KANSAS; AUTHORIZING CERTAIN IMPROVEMENT PROJECTS THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH IMPROVEMENT 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 IMPROVEMENT 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. 2023-02 of the City, containing the time and place of a public hearing on the advisability of creating a community improvement district (the "Community Improvement District"), the general nature of proposed improvement projects within the Community Improvement District (the "Projects"), the estimated costs of the Projects, the proposed method of financing the Projects, the proposed amount a sales tax within the Community Improvement District, the proposed method of assessment, if any, and a map and legal description of the proposed Community Improvement District; and

WHEREAS, Resolution No. 2023-02 was published twice in *The Butler County Times-Gazette*, the official City newspaper, on February 4, 2023 and February 11, 2023; and

WHEREAS, the governing body has heretofore on this date conducted a public hearing on advisability of creating the Community Improvement District; and

WHEREAS, the governing body hereby finds and determines it to be advisable to adopt this Ordinance to create the Community Improvement District, authorize the Projects therein, approve the estimated costs of such improvement Projects, contain the legal description and map of the boundaries of the Community Improvement District, levy a community improvement district sales tax and approve the method of financing the improvement Projects, all in accordance with the provisions of the Act; and

WHEREAS, the City desires to enter into a development agreement with Old Jayhawker 310 LLC (DBA Holiday Bowl) (the "Developer") pursuant to which the Developer will construct or cause to be constructed the Projects within the Community Improvement District and the City will reimburse the Developer for certain costs related thereto.

THEREFORE, BE IT RESOLVED 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 Community Improvement District. The legal description of the Community Improvement District is as follows:

Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, Block 6, Original Town, now City of Augusta, Butler County, Kansas, commonly known as 310 North State Street, Augusta, Kansas 67010.

A map of the property contained in the Community Improvement District is set forth on *Schedule I* attached hereto and incorporated by reference herein.

SECTION 2. Authorization of Community Improvement District Projects; Estimated Costs.

The governing body hereby authorizes the improvement Projects within the Community Improvement District, as more fully described below:

Acquisition of real property and remodeling to a historic building and bowling facility, and other expenses associated with the Projects

The estimated costs of the Projects are \$600,000.

SECTION 3. Method of Financing.

(a) The costs of the proposed Projects are 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 \$600,000 to the petitioner/property owner, or its successor(s) or a related business entity, which amount shall not be limited in amount by this Ordinance authorizing the Projects.

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

SECTION 4. Levy of Sales Tax. In order to provide funds to finance the costs of the Projects, the levy, in accordance the provisions of the Act, of a community improvement district sales tax within the Community Improvement District, in an amount of 2% on the selling of tangible personal property at retail or rendering or furnishing services within the Community Improvement District (the "Sales Tax"), is authorized and directed. The collection of the Sales Tax shall commence on July 1, 2023 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. Development Agreement. That certain Development Agreement for Implementation of a Community Improvement District between the City and the Developer (the "Development Agreement"), in substantially the form presented to and reviewed by the governing body on this date, is hereby approved. The Mayor is hereby authorized and directed to execute the Development Agreement. The Mayor, Clerk and other representatives of the City are authorized and directed to take such other actions as are necessary and appropriate to carry out and comply with this Ordinance and the Development Agreement.

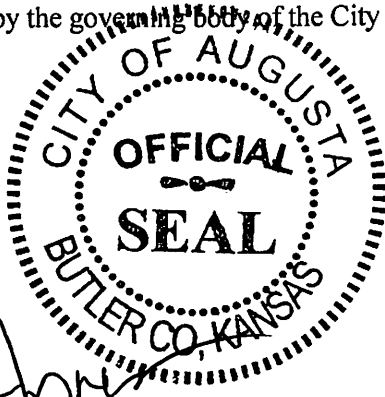
SECTION 5. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City and publication in the official City newspaper.


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ADOPTED by the governing body of the City of Augusta, Kansas, on February 21, 2023.

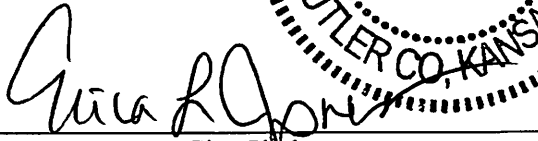
(Seal)

ATTEST:





Mayor



City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 221 of the City of Augusta, Kansas adopted by the governing body on February 21, 2023, as the same appears of record in my office, and that it was published in *The Butler County Times-Gazette* on February __, 2023.

DATED: February 21, 2023.



City Clerk

SCHEDULE I

MAP OF COMMUNITY IMPROVEMENT DISTRICT

Aerial Photograph of Subject:

