

(Published in the *McPherson Sentinel* on July 19, 2017 and July 26, 2017)

RESOLUTION NO. 2017-13

A RESOLUTION CALLING A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY OF MCPHERSON, KANSAS, ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO FINANCE IMPROVEMENTS WITHIN SUCH DISTRICT, PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING, AND AUTHORIZING ACTIONS RELATED THERETO.

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

WHEREAS, a petition (the “Petition”) was filed with the City requesting that: (a) the community improvement district described therein (the “District”) be created; (b) the City levy a community improvement district sales tax within the District in the amount of 2.0% (the “CID Sales Tax”); (c) the costs of the proposed community improvement district project, interest on financing, associated costs of issuance and necessary reserves, if any, be financed by the issuance of bonds consisting of special obligation bonds of the City, as described in the Act and as provided in K.S.A. 12-6a35 (the “Special Obligation Bonds”), and the imposition of the CID Sales Tax; and (d) the City waive the portion of the City’s Community Improvement District Policy relating to the prohibition on issuing special obligation bonds in order to allow the issuance of the Special Obligation Bonds for this community improvement district project; and

WHEREAS, the Petition was signed by the owners of record, whether resident or not, of: (a) more than fifty-five (55%) of the land area within the District and (b) more than fifty-five (55%) by assessed value of the land area within the District; and

WHEREAS, pursuant to the Act, prior to considering the formation of the District and the imposition of the CID Sales Tax, the City Commission of the City (the “Governing Body”) must conduct a public hearing, notice of which shall be given in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS:

Section 1. Petition. The Governing Body hereby finds that the Petition is in compliance with the provisions of the Act.

Section 2. Public Hearing. A public hearing before the Governing Body regarding the creation of the District, the issuance of the Special Obligation Bonds and the imposition of the CID Sales Tax, shall be held on August 7, 2017, at 8:30 a.m., or as soon thereafter as the Governing Body may hear

such matter, at the City Commission meeting room in City Hall, 400 E. Kansas Avenue, McPherson, Kansas 67460.

Section 3. Description of the District, the Special Obligation Bonds and the CID Sales Tax. The Petition requests the creation of the District, the issuance of Special Obligation Bonds and the imposition of the CID Sales Tax based on the following:

(a) ***Boundaries of Proposed Community Improvement District.*** The District proposed to be established by the City contains within its boundaries the real property legally described in ***Exhibit A*** attached hereto and the boundaries of which are contained in a map of the District attached as ***Exhibit B*** attached hereto.

(b) ***General Nature of the Proposed District Project.*** The proposed project to be undertaken within the District (the “Project”) consists of the construction of street improvements to Plaza East Place to serve the area described as the District.

(c) ***Estimated Costs of the Proposed Project.*** The estimated design, construction and inspection costs of the proposed Project are \$630,588.95.

(d) ***Proposed Method of Financing the Proposed Project; Special Obligation Bonds; CID Sales Tax.*** The costs of the proposed Project, interest on financing, associated costs of issuance and necessary reserves, if any, are proposed to be financed by the issuance of Special Obligation Bonds of the City as provided in K.S.A. 12-6a35, and the imposition of the CID Sales Tax in the amount of 2.0% on the selling of tangible personal property at retail or rendering or furnishing of taxable services within the proposed District as provided in K.S.A. 12-6a31. The Special Obligation Bonds will be repaid solely from a pledge of the revenues received from the imposition of the CID Sales Tax. The proceeds of the Special Obligation Bonds and the proceeds of the CID Sales Tax remitted to the City will be credited to a separate fund of the City created for the District pursuant to K.S.A. 12-6a34. The City will retain an on-going administrative service fee from the proceeds of the CID Sales Tax, in an amount equal to 5% of the total eligible costs of the Project, as the administrator of the District. The City hereby waives the portion of the City’s Community Improvement District Policy relating to the prohibition on issuing special obligation bonds in order to allow the issuance of the Special Obligation Bonds for this Project. The issuance of Special Obligation Bonds rests solely with the Governing Body of the City and the approval of the District does not obligate the City to issue the Special Obligation Bonds. No assessments for the Project will be levied on property within the proposed District.

Section 4. Notice of Public Hearing. Notice of such public hearing shall be given by publication of this Resolution once a week for two consecutive weeks in the official City newspaper, the last publication being not less than seven (7) days prior to the public hearing. In addition, the Clerk shall cause a copy of this Resolution to be sent by certified mail to all owners of property within the proposed District, such mailing to occur not less than ten (10) days prior to the public hearing.

Section 5. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

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ADOPTED by the City Commission of the City of McPherson, Kansas, on July 17, 2017.

(SEAL)

Thomas A. Brown, Mayor

ATTEST:

Tamra K. Seely, City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City of McPherson, Kansas, adopted by the governing body on July 17, 2017, as the same appears of record in my office.

DATED: July 17, 2017.

Tamra K. Seely, City Clerk

EXHIBIT A
Legal Description of the District

TRACT IIA: Commencing at the SW corner of the NW Quarter (NW1/4) of Section Twenty-six (26), Township Nineteen (19) South, Range Three (3) West of the Sixth Principal Meridian; thence East along the S line of said NW1/4 976.65 feet to a point that is 5.00 feet East of the SW corner of Block Four (4), platted; thence with a deflection angle 90 degrees 37 minutes 17 seconds left- North along the East right-of-way line of Champlin Street 135.54 feet to the point of beginning; thence continuing North without deflection 236.32 feet (platted 236.24 feet) to the North line of South Front Street as originally platted and now vacated; thence with a deflection angle 87 degrees 13 minutes 55 seconds right- East along the North line of said vacated South Front Street 174.31 feet (platted 244.89 feet); thence with a deflection angle 90 degrees 00 minutes 00 seconds right- west 174.11 feet to the point of beginning, McPherson County, Kansas, according to the recorded plat hereof.

TRACT IAI: Plaza East Addition Amended 2014 Final Planned Unit Development Plan and Plan, a Planned Unit Development in the West Half (W 1/2) of Section Twenty-six (26), Township Nineteen (19) South, Range Three (3) West of the Sixth Principal Meridian, City of McPherson, McPherson County, Kansas, according to the recorded plat thereof.

TRACT IA2: Plaza East Addition Amended 2014 Final Planned Unit Development Plan and Plat, in the West Half of Section 26, Township 19 South, Range 3 West of the 6th P.M. to the City of McPherson, McPherson County, Kansas as recorded in Plat Book C, Page 40.

TRACT IIB1: Beginning at a point 60.00' south of the southeast corner of Tract IA2 as shown in the April 2014 Amendment to Final P.U.D. Plan of Plaza East Addition, McPherson, Kansas; thence N90°00'00"E, 448.85' to a curve to the left; thence along said curve of radius 55.00', chord length of 52.44'; chord bearing S61°31'40"E, and curve length of 54.66' to the west line of Tract III; thence S00°00'00"W, 60.48' to the southwest corner of said Tract III, thence S00°00'00"W, 80.00'; thence S48°17'17"W, 616.14'; thence S90°00'00"W, 75.00' to the southeast corner of Tract I; thence N00°00'00"E, 395.13'; thence N90°00'00"E, 40.00'; thence N00°00'00"E, 180.21' to the point of beginning containing 4.72 acres more or less.

TRACT IIB2: A part of Tract IIB as shown in the Plaza East Addition Amended 2014 Planned Unit Development Plan and Plat, McPherson, Kansas, beginning at the Southeast Corner of Tract IA2 as shown in the Plaza East Addition Amended 2014 Planned Unit Development Plan and Plat as recorded in Plat Book C, Page 40 at the McPherson County register of Deeds Office; thence N00°03'13"W (N90°00'00"E, 175.97 Rec.) 175.82'; thence N05°21'36"E (N04°39'01"E Rec., 60.00' Rec.) 60.18' to the Northeast corner of Tract IA2; thence S85°04'17"E (S85°20'59"E, 200.75' Rec.) 201.43' to the Northwest corner of Tract IIC; thence S00°03'22"E (S00°00'00"W, 219.42' Rec.) 220.04' to the Southwest corner of Tract IIC; thence N89°33'11"W (S90°00'00"E, 204.95' Calc. Rec.) 206.36' to said point of beginning containing 1.07 acres more or less in the City of McPherson, McPherson County, Kansas.

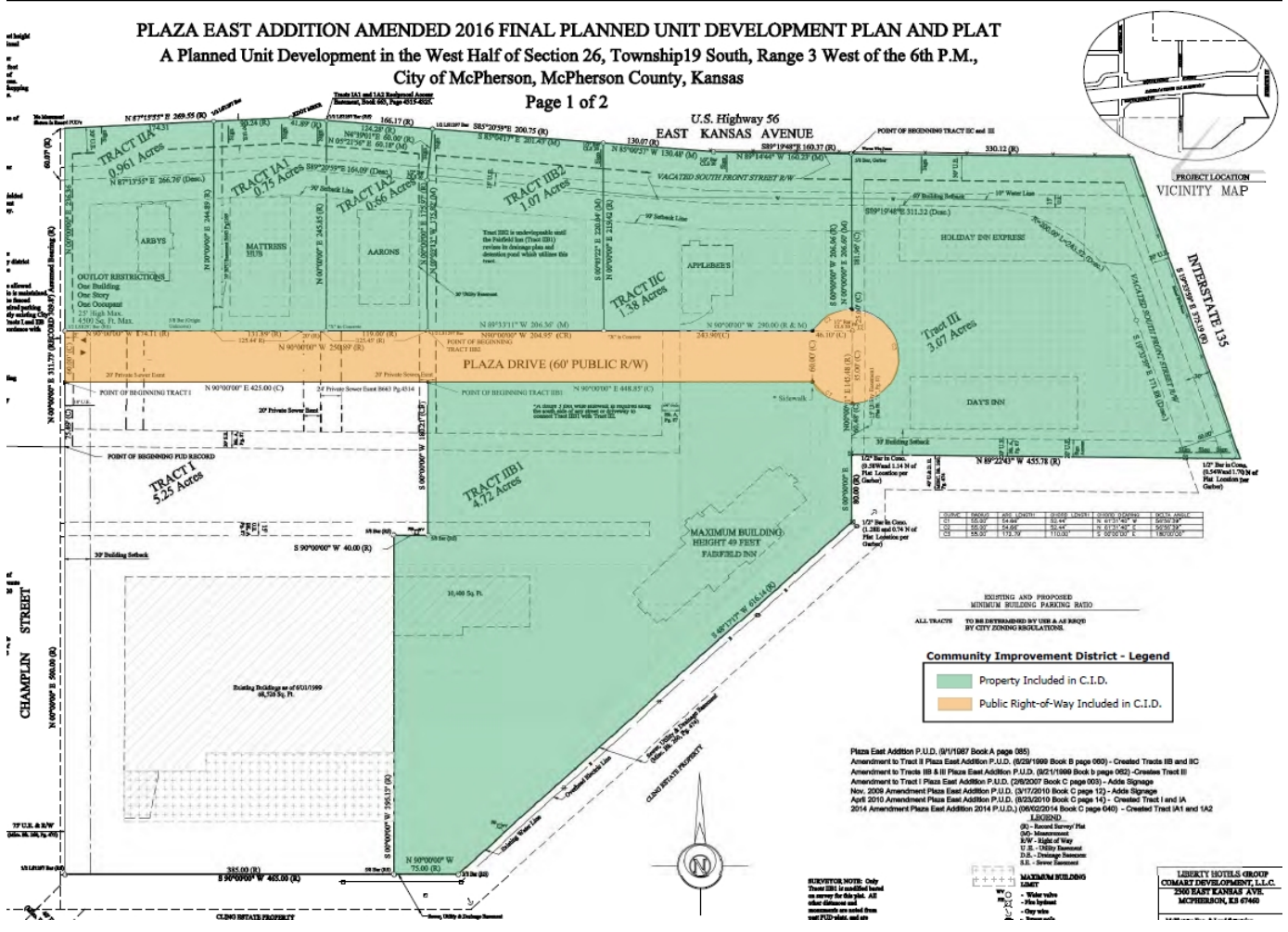
TRACT IIC: Beginning at the northwest corner of Tract III as shown in the Amendment to Tracts IIB and III-Final P.U.D. Plan of Plaza East Addition, McPherson, Kansas; thence N89°19'48"W, 160.37'; thence N85°20'59"W, 130.07'; thence S00°00'00"W, 219.42'; thence N90°00'00"E, 243.90' to a curve to the left, thence along said curve of radius 55.00', chord length of 52.44', chord bearing N61°31'40"E, and curve length of 54.66' to the west line of said Tract III; thence N00°00'00"W, 181.96' to the point of beginning containing 1.38 acres more or less.

TRACT III: Beginning at the northwest corner of Tract III as shown in the Amendment to Tract IIB and III-Final P.U.D. Plan of Plaza East Addition, McPherson, Kansas; thence S89°19'48"E, 330.12'; thence

S19°33'59"E, 375.19'; thence N89°22'23"W, 455.78' to the east line of tract IIB1; thence N00°00'00"E, 60.48' to a curve to the left; thence along said curve of radius 55.00', chord length of 110.00', chord bearing of N00°00'00"E, and curve length of 172.79' to the east line of Tract IIC; thence N00°00'00"E, 181.96' to the point of beginning containing 3.07 acres more or less.

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EXHIBIT B Map of the District



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