

RESOLUTION NO. 4818

A RESOLUTION OF THE CITY OF OVERLAND PARK, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING CONCERNING THE ADVISABILITY OF THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT GENERALLY LOCATED AT THE NORTHEAST CORNER OF I-435 AND METCALF AVENUE 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 AMENDED (METCALF 108 CID).

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the “Act”), the City of Overland Park, Kansas (the “City”), is authorized to create a community improvement district (“CID”) 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 amenities and improvements as provided in the Act (collectively, a “CID Project”); and

WHEREAS, upon proper petition, the Act further authorizes the City, in order to pay the costs of a project which is a CID Project, to impose a CID sales tax on the selling of tangible personal property at retail or rendering or furnishing services within a CID in any increment of .10% or .25% not to exceed 2.0% and to finance the costs of a CID Project pursuant to pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such CID sales tax; and

WHEREAS, a petition (the “Petition”) has been filed with the City Clerk of the City proposing the creation of a CID, the making of CID Projects relating thereto as more particularly described on **Exhibit A** attached hereto (the “Project”) and the imposition of a CID sales tax in order to pay a portion of the costs of the Project; and

WHEREAS, the proposed CID is generally located at the northeast corner of I-435 and Metcalf Avenue in the City (the “Metcalf 108 CID”); and

WHEREAS, the Petition was signed by the owners of record, whether resident or not, of more than 55% of assessed value of the land area contained within the proposed Metcalf 108 CID and by more than 55% percent of all owners of real property within the boundaries of the proposed Metcalf 108 CID; and

WHEREAS, if the Metcalf 108 CID is created by the City and certain further conditions are met, the City intends to impose a one percent (1.0%) CID sales tax within the Metcalf 108 CID; and

WHEREAS, the Act provides that prior to creating any CID, the City shall, by resolution, direct and order a public hearing on the advisability of creating such CID and authorizing a CID

Project therein and the intent of the City to levy a CID sales tax within such district and shall give notice of said public hearing in accordance with the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:

1. Notice is hereby given that a public hearing to consider the advisability of the creation by the City of the proposed Metcalf 108 CID and the imposition by the City of a one percent (1.0%) CID sales tax within the proposed Metcalf 108 CID shall be held at the Overland Park City Hall, 8500 Santa Fe Drive, Overland Park, Kansas, on July 11, 2022, at 7:30 p.m., Central Time (or as soon thereafter as is practical).

2. The general nature of the proposed Project to be completed within the proposed Metcalf 108 CID is set forth in **Exhibit A** attached hereto and incorporated herein by reference.

3. The estimated cost of the Metcalf 108 CID Project is \$1,054,955.

4. The Project within the proposed Metcalf 108 CID will be financed on a pay-as-you-go basis payable from revenues received from the imposition of a one percent (1.0%) CID 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 Metcalf 108 CID. No special assessments will be levied pursuant to the Act to finance the Project.

5. A map generally outlining the boundaries of the proposed Metcalf 108 CID is attached hereto as **Exhibit B** and incorporated herein by reference. A legal description of the proposed Metcalf 108 CID is set forth in **Exhibit C** attached hereto and incorporated herein by reference.

6. The City Clerk shall give notice of the public hearing in accordance with the provisions of the Act by publishing this resolution at least once each week for two consecutive weeks in the official City newspaper and sending this resolution by certified mail to all owners. The second publication of this resolution shall occur at least seven days prior to the date of hearing and the certified mailed notice shall be sent at least ten days prior to the date of hearing.

ADOPTED by the City Council this 16th day of May, 2022.

APPROVED AND SIGNED by the Mayor this 16th day of May, 2022.

CITY OF OVERLAND PARK, KANSAS

By: /s/ Curt Skoog
Curt Skoog
Mayor

(SEAL)

ATTEST:

By: /s/ Elizabeth Kelley

APPROVED AS TO FORM:

By: /s/ Michael Koss

Elizabeth Kelley
City Clerk

Michael Koss
Deputy City Attorney

APPROVED AS TO FORM:

By: /s/ Joseph Serrano
Joseph D. Serrano, Kutak Rock LLP
Bond Counsel

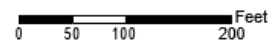
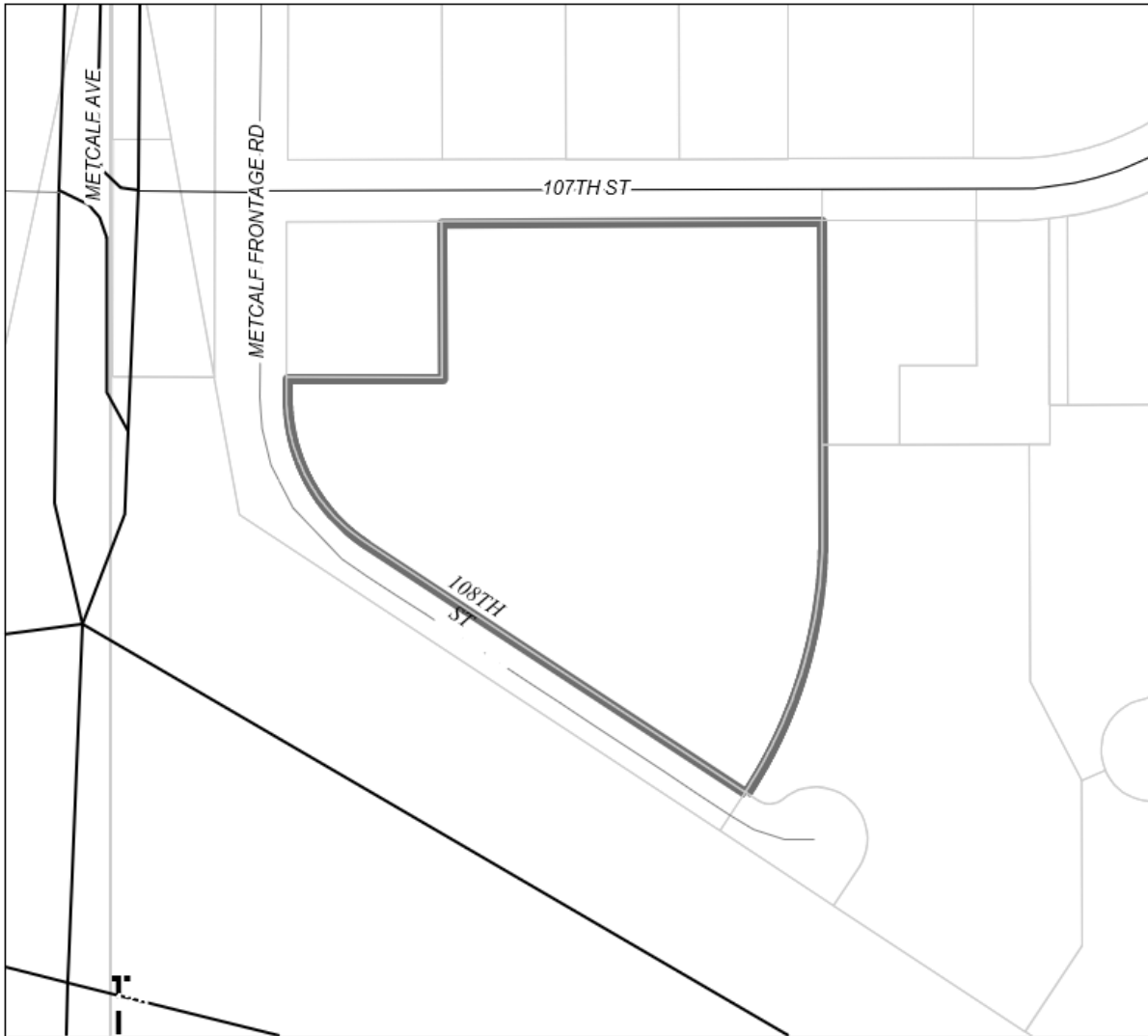
EXHIBIT A



GENERAL NATURE OF PROPOSED METCALF 108 CID PROJECT

The proposed CID Project consists of redevelopment of certain privately-owned property located at the northeast corner of I-435 and Metcalf Avenue within the City. The general nature of the proposed CID Project is to promote economic development within the Metcalf 108 CID, which shall all be accomplished by providing community improvement district financing in accordance with the Petition, the Act, and City of Overland Park policy to finance construction within the Metcalf 108 CID.

EXHIBIT B

MAP OF PROPOSED METCALF 108 CID



-  Property Boundary
-  Legal Description Boundary

April 04, 2017

EXHIBIT C

LEGAL DESCRIPTION OF PROPOSED METCALF 108 CID

All of Tract D, METCALF "107", a subdivision in the City of Overland Park, Johnson County, Kansas, as more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 8, Township 13 South, Range 25 East on the Sixth Principal Meridian; thence South 00 degrees 26 minutes 20 seconds West along the West line of said Southwest Quarter, a distance of 374.19 feet; thence South 89 degrees 33 minutes 40 seconds East, a distance of 170.00 feet to the Southwest corner of Tract C, METCALF "107" and the Point of Beginning; thence continuing South 89 degrees 33 minutes 40 seconds East, a distance of 150.71 feet; thence North 00 degrees 10 minutes 00 seconds East, a distance of 150.71 feet; thence South 89 degrees 50 minutes 00 seconds East, a distance of 368.00 feet; thence South 00 degrees 10 minutes 00 seconds West, a distance of 302.33 feet; thence along a curve to the right tangent to the last described course (having a radius of 455.29 feet, a central angle of 33 degrees 30 minutes 13 seconds) a length of 266.23 feet to a point lying on the North right-of-way line of 108th Street as now established; thence North 56 degrees 19 minutes 45 seconds West along said North right-of-way line, a distance of 439.94 feet; thence along a curve to the right being tangent to the last described course (having a radius of 170.33 feet, a central angle of 56 degrees 46 minutes 04 seconds) a length of 168.76 feet; thence North 00 degrees 26 minutes 20 seconds East, a distance of 17.96 feet to the Point of Beginning.