

(Published in *The Butler County Times-Gazette* and
at www.andoverks.com on June 8, 2024 and June 15, 2024)

RESOLUTION NO. 24-19

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY (REDBUD TRAIL PROJECT).

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.* ("the Act"), the City of Andover, Kansas (the "City") is authorized to create a community improvement district ("CID") within its jurisdiction to fund all or a portion of the cost of a "Project" as defined and authorized under the Act; and

WHEREAS, the Act further authorizes the City to impose a sales tax within the CID on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailers' sales tax act, and amendments thereto, in any increment permitted by the Act, and to pledge the revenue received from such tax to pay for the Project or reimburse the cost of the Project as "pay-as-you-go financing" (as defined in the Act); and

WHEREAS, Red Bud Trail Properties, LLC, a Kansas limited liability company, (the "Developer"), have filed a petition (the "Petition") with the City on May 24, 2024, proposing (i) the creation of a CID under the Act (the "District") to assist in financing the development of a project as described in the Petition (the "Project"), (ii) the construction of the Project, and (iii) the imposition of a CID sales tax within the District in the amount of two percent (2.0%) to pay a portion of the costs of the Project; and

WHEREAS, the Petition is signed by Developer, the owner of record of more than 55% of (i) the land area within the proposed District and (ii) by assessed value of the land area within the proposed District; and

WHEREAS, the Act provides that before creating any CID, the governing body of the City shall by resolution direct and order and give notice of a public hearing on the advisability of creating a CID, the construction of the proposed Project and the intent of the City to levy a CID sales tax.

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

SECTION 1. Public Hearing. Notice is given that a public hearing will be held before the governing body on June 25, 2024, at 7:00 p.m., or as soon thereafter as the matter can be heard, at City Hall, 1609 E. Central, Andover, Kansas, to consider the advisability of: (i) the City's creation of the proposed District (as defined above); (ii) the Project described in the

Petition; and (iii) the imposition of a CID sales tax in the District in an amount not to exceed two percent (2.0%).

SECTION 2. Project. The general description of the proposed Project to be constructed within the District is: the development of a restaurant and associated uses, public space, outdoor patio and open space and/or similar, related or appurtenant uses, other structures and uses, and all associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, interest and financing costs of the Project, and the City and the Petitioner's administrative costs in establishing and maintaining the District, infrastructure located outside the District but contiguous to any portion of the District and such infrastructure is related to the Project within the District or substantially for the benefit of the District, ongoing costs associated with the operations, maintenance, and upkeep of property located within the boundaries of the District, and any other items allowable under the Act, all generally located at the southwest corner of West Harrison Street and North Andover Road in the City of Andover, Kansas.

SECTION 3. Project Costs; Estimates. Costs to be partially financed from the proposed CID sales tax include, land acquisition, construction, engineering, finance costs, ongoing costs associated with the operations, maintenance, and upkeep of property located within the boundaries of the District, and the City and Developer's administrative costs in establishing and maintaining the District, all as permitted by the Act, in addition to the State of Kansas administrative expenses (2%) and the City's administrative fee (5%). The total estimated and probable cost of the Project is \$1,673,000. The estimated cost for the Project to be reimbursed from CID sales tax revenues is \$435,890. The revenues of the CID sales tax proposed by the Petition may be utilized for costs of the Project in accordance with the Petition, the Act, and a Development Agreement between the City and Developer governing the District.

SECTION 4. Financing; District Only Sales Tax. The Project within the District is proposed to be financed in part, on a pay-as-you-go basis, from revenues received from the levy and collection of a two percent (2.0%) CID sales tax on the sale of tangible personal property sold at retail or on rendering or furnishing of services taxable pursuant to the Kansas retailers' sales tax statutes, only within the proposed District. The entire Project will be financed from a combination of the community improvement district sales tax revenues, private equity, and private debt.

SECTION 5. Description of District. The legal description of the District is attached to this Resolution as **Exhibit A** and a map of the proposed District is attached as **Exhibit B**.

SECTION 6. Effective Date; Publication and Mailed Notice. This Resolution shall be effective upon and after its adoption by the governing body. The City Clerk is authorized and directed to give notice of the public hearing by publishing this Resolution once each week for two consecutive weeks in the official City newspaper and *The Butler County Times-Gazette* with the second publication occurring at least seven (7) days before the public hearing date. The City Clerk is also authorized and directed to mail a copy of this Resolution to all property owners within the proposed District, by certified mail, return receipt requested, at least ten (10) days before the public hearing.

ADOPTED AND APPROVED by vote of the governing body of the City of Andover, Kansas on the 28th day of May, 2024.

CITY OF ANDOVER, KANSAS

[seal]



By



Ronnie Price, Mayor

ATTEST:

By



Dana Engstrom, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF DISTRICT

Parcel 1:

Lot 1 and the North 15 feet of Lot 2, Block 4, Original Town, now City of Andover, Butler County, Kansas

Parcel 2:

The south 35 feet of Lot 2 and all of Lots 3 and 4, Block 4, Original Town, now City of Andover, Butler County, Kansas.



ArcGIS Web Map

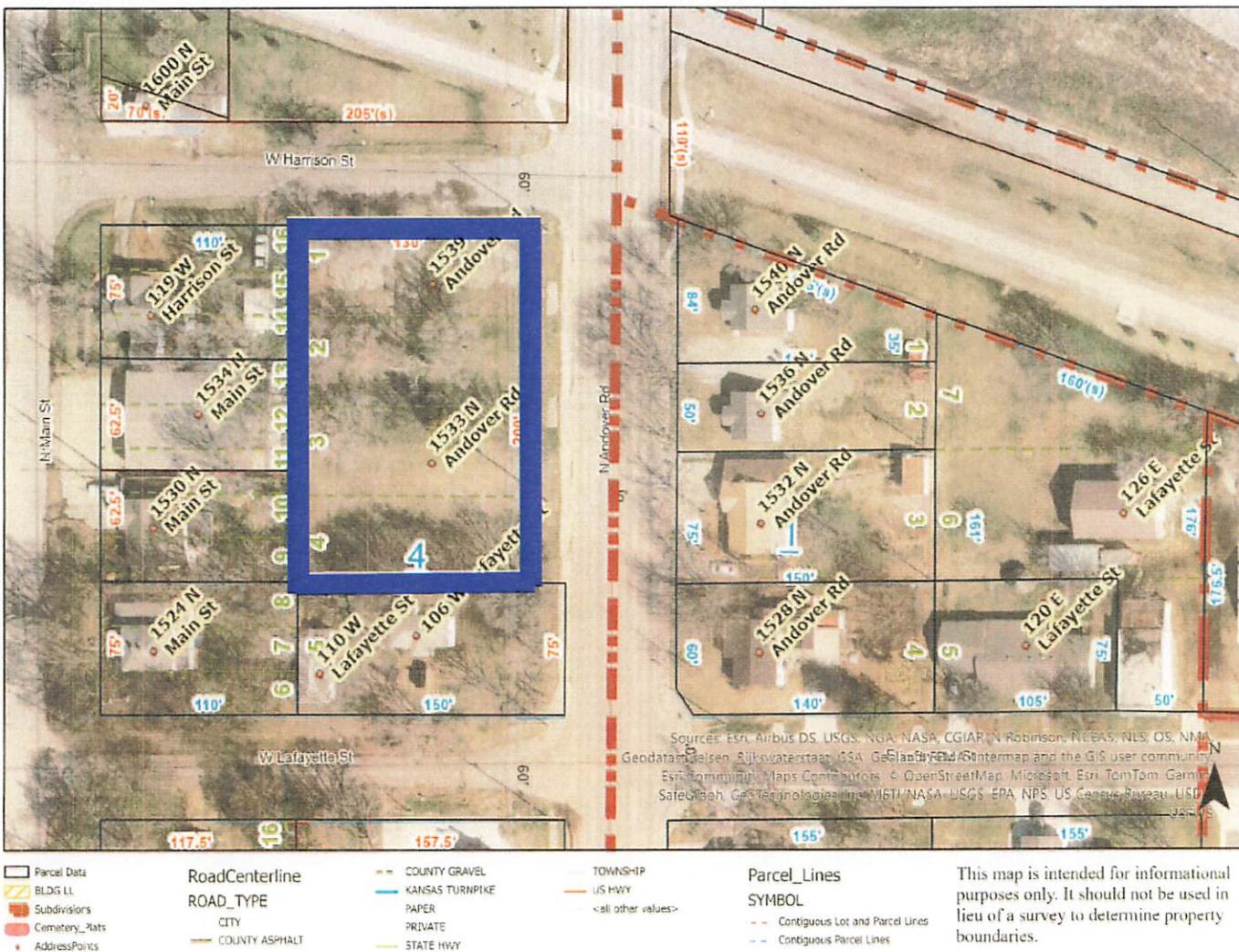


EXHIBIT B

MAP OF PROPOSED DISTRICT

EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas met in regular session, at the usual meeting place in the City on May 28, 2024 at 7:00 p.m., with Mayor Ronnie Price presiding, and the following members of the governing body present: Philip Hamilton, Mike Warrington, Jodi Ocadiz, Paul Wemmer, and Homer Henry.

and the following members absent: Tim Berry

Among other business, there came on for consideration and discussion the following:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY (REDBUD TRAIL PROJECT).

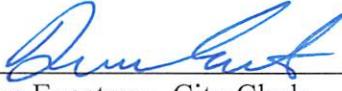
Thereupon, the Resolution was considered and discussed; and on motion of Council President Henry, seconded by Council Member Hamilton, the Resolution was adopted by a majority vote of the members present, it was given No. 24-19, and directed to be signed by the Mayor and attested by the City Clerk. The City Clerk was directed to cause the publication of the Resolution once each week for two consecutive weeks in the official City newspaper and *The Butler County Times-Gazette* with the second publication occurring at least seven (7) days before the public hearing date. The City Clerk was also directed to mail a copy of the Resolution to all property owners within the proposed District, by certified mail, at least ten (10) days before the public hearing.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the May 28, 2024 meeting of the governing body of the City of Andover, Kansas.

[seal]




Dana Engstrom, City Clerk

RECEIVED

PETITION FOR THE CREATION OF A
COMMUNITY IMPROVEMENT DISTRICT

MAY 24 2024

TO: The Governing Body,
City of Andover, Kansas

CITY OF ANDOVER

The undersigned (collectively, "Petitioner"), being the owner(s) of record, whether resident or not, of the following:

1. One hundred percent (100%) of the land area contained within the hereinafter described community improvement district, other than adjacent right-of-way; and
2. One hundred percent (100%) by assessed value of the land area contained within the hereinafter described community improvement district, other than adjacent right-of-way,

hereby petitions the City of Andover, Kansas (the "City") to create a community improvement district ("CID") and authorize the proposed project hereinafter set forth, all in the manner provided by K.S.A. 12-6a26, *et seq.* (the "Act"). In furtherance of such request, the Petitioner states as follows:

1. GENERAL NATURE

The general nature of the project to be funded by the proposed community improvement district (the "Project") is to acquire, redevelop and improve certain real property generally located at the southwest corner of West Harrison Street and North Andover Road in the City of Andover, Kansas. The Project may be described in a general manner as consisting of some or all of the following uses, without limitation: a restaurant and associated uses, public space, outdoor patio and open space and/or similar, related or appurtenant uses, other structures and uses, and all associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, interest and financing costs of the Project, and the City and the Petitioner's administrative costs in establishing and maintaining the CID, infrastructure located outside the CID but contiguous to any portion of the CID and such infrastructure is related to the Project within the CID or substantially for the benefit of the CID, ongoing costs associated with the operations, maintenance, and upkeep of property located within the boundaries of the CID, and any other items allowable under the Act.

2. ESTIMATED COST

The aggregate estimated costs of the Project are approximately \$1,673,000. The estimated cost for the Project to be reimbursed from CID sales tax revenues is \$435,890, including: (i) the State of Kansas administrative expenses (2%) and (ii) the City's administrative fee (5%).

3. PROPOSED METHOD OF FINANCING

It is proposed that the Project be financed through a combination of private equity, private debt, and CID pay-as-you-go financing (as defined in the Act).

4. PROPOSED AMOUNT OF SALES TAX

It is proposed that the Project be financed, in part, through the levying of a two percent (2.0%) add-on CID sales tax, for a period of twenty-two (22) years, as authorized by the Act. The CID sales tax is expected to generate approximately \$435,890 in gross revenues over the entire period of its levy.

5. PROPOSED METHOD AND AMOUNT OF ASSESSMENT

It is not being proposed that the Project be financed through the levying of assessments.

6. MAP AND LEGAL DESCRIPTION OF THE PROPOSED DISTRICT

A map of the proposed community improvement district is attached hereto as Exhibit A.

The legal description of the CID is attached hereto as Exhibit B.

7. DEVELOPMENT AGREEMENT

The City and Petitioner will enter into a Development Agreement (the “**Development Agreement**”) relating to the Project.

7. NOTICE TO PETITION SIGNERS

NAMES MAY NOT BE WITHDRAWN FROM THIS PETITION BY THE SIGNERS HEREOF AFTER THE CITY COMMENCES CONSIDERATION OF THIS PETITION, OR LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF WITH THE CITY CLERK, WHICHEVER OCCURS FIRST.

IN WITNESS WHEREOF, the undersigned Petitioner(s) have executed the above foregoing petition to create the District.

**REDBUD TRAIL PROPERTIES, LLC, a Kansas
limited liability company**

By: Jill Hattan
Name: Jill Hattan
Title: Owner

STATE OF Ks)
COUNTY OF SEOGwick) ss.
)

BE IT REMEMBERED, that on this 24 day of 05, 2024, before me, the undersigned, a Notary Public in and for said County and State, came Jill Hattan, to me personally known, who being by me duly sworn did say that s/he is Owner of Redbud Trail Properties, LLC, a Kansas limited liability company, and that the within instrument was signed and sealed on behalf of said limited liability company by authority thereof, and acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

(Seal) MARY CURTISS
Notary Public - State of Kansas
My Appt. Expires 8-10-27

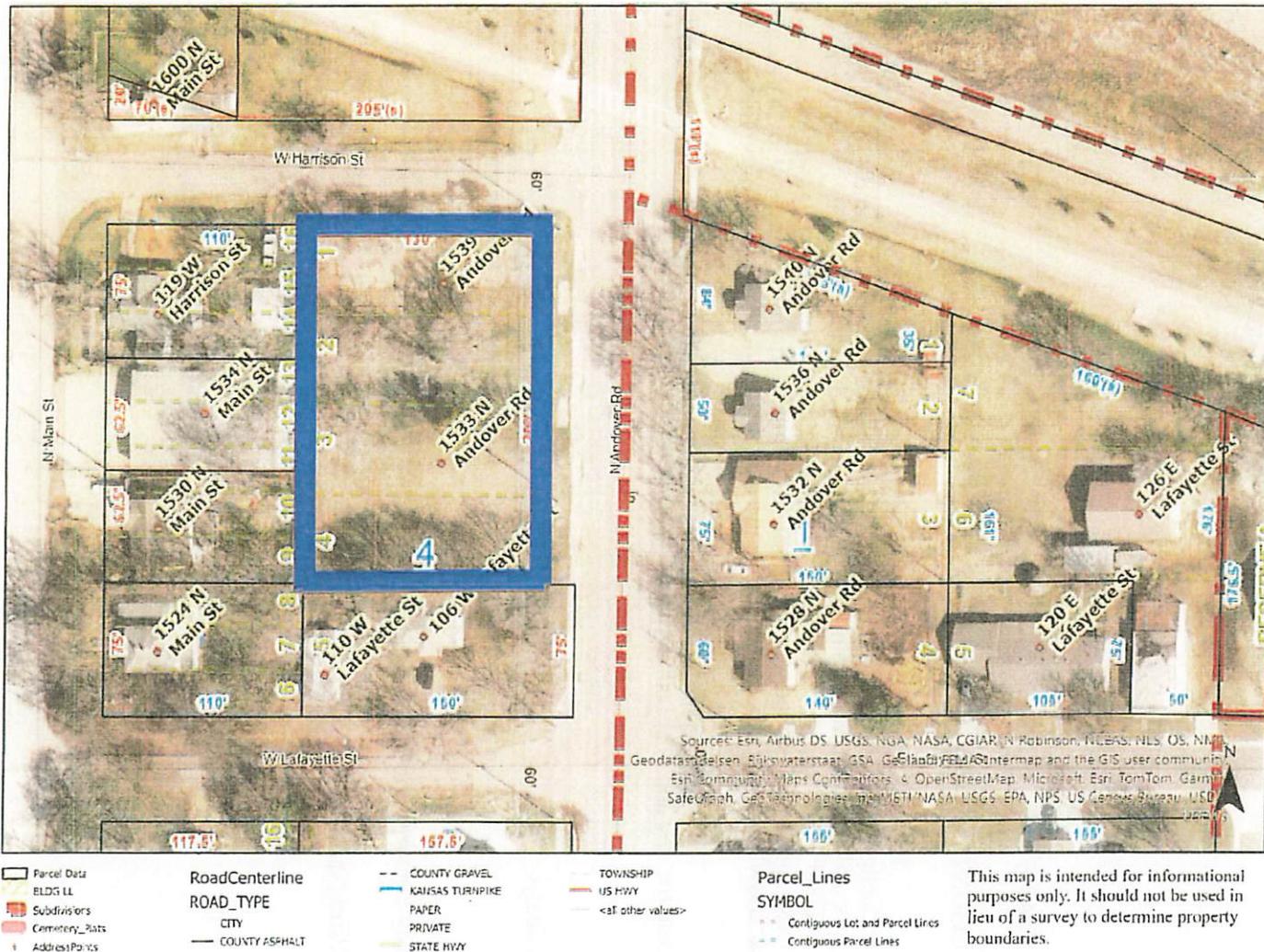
Myra Carlson
Notary Public in and for said
County and State

My Commission Expires: 8-10-27

Print Name: Myra Curtiss



ArcGIS Web Map



MAP OF CID DISTRICT

This map is intended for informational purposes only. It should not be used in lieu of a survey to determine property boundaries.

EXHIBIT B
LEGAL DESCRIPTION OF CID DISTRICT

Parcel 1:

Lot 1 and the North 15 feet of Lot 2, Block 4, Original Town, now City of Andover, Butler County, Kansas

Parcel 2:

The south 35 feet of Lot 2 and all of Lots 3 and 4, Block 4, Original Town, now City of Andover, Butler County, Kansas.