

(Published in the *Miami County Republic* on June 24, 2020 and July 1, 2020)

RESOLUTION NO. 2020-011

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY TO BE KNOWN AS THE PAOLA CROSSINGS COMMUNITY IMPROVEMENT DISTRICT

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.* (“the Act”) the City of Paola, 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 community improvement district 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, a petition (the “Petition”) was filed with the City on May 29, 2020, proposing (i) the creation of a community improvement district under the Act to be known as Paola Crossings Community Improvement District (the “District”), (ii) the construction of the Project as more particularly described in the Petition and this Resolution, and (iii) the imposition of a community improvement district sales tax within the CID District in the amount of 1.25% to pay a portion of the costs of the Project; and

WHEREAS, the Petition is signed by the owners of record of more than 55% of the land area within the proposed District, and by owners collectively owning more than 55% by assessed value of the land area within the proposed District (the “Petitioners”); and

WHEREAS, the Act provides that before creating any community improvement district, 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 community improvement district, the construction of the proposed Project and the intent of the City to levy a community improvement district sales tax.

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

SECTION 1. Public Hearing. Notice is given that a public hearing will be held before the City Council on July 14, 2020, at 6:00 p.m., or as soon thereafter as the matter can be heard, in the Municipal Courtroom of the Paola Justice Center at 805 N. Pearl Street, Paola, Kansas, to

consider the advisability of: (i) the City's creation of the Paola Crossings Community Improvement District; (ii) the Project described in the Petition; and (iii) the imposition of a community improvement district sales tax in the District in an amount not to exceed 1.25%.

SECTION 2. Project. The general description of the proposed Project to be constructed within the District is: economic development related improvements including but not limited to office, retail, restaurant, residential and general commercial development.

SECTION 3. Project Costs; Estimates. Costs to be partially financed from the proposed community improvement district sales tax include acquisition, construction, maintenance and procurement of land, infrastructure, sidewalks, parking lots, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing and advertisement, cleaning and maintenance, security, soft costs, costs of private financing, and the City and Developer's administrative costs in establishing and maintaining the District, all as permitted by the Act. The described reimbursements stated in the preceding sentence shall not be deemed a limitation on reimbursement and revenues of the community improvement district sales tax proposed by the Petition may be utilized for costs of the Project in accordance with the Petition, the Act, and any development agreement 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 1.25% community improvement district 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, tax increment revenues as permitted by Kansas law, private equity and private debt.

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

SECTION 6. Effective Date; Publication and 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 a week for two consecutive weeks in the official City newspaper 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 CID District, by certified mail, at least ten (10) days before the public hearing.

PASSED AND APPROVED by vote of the governing body of the City of Paola, Kansas on June 9, 2020.

CITY OF PAOLA, KANSAS

[seal]

By _____
Artie Stuteville, Mayor

ATTEST:

By _____
Stephanie Marler, City Clerk

EXHIBIT A

(Legal Description of Paola Crossings Community Improvement District)

Tract 1

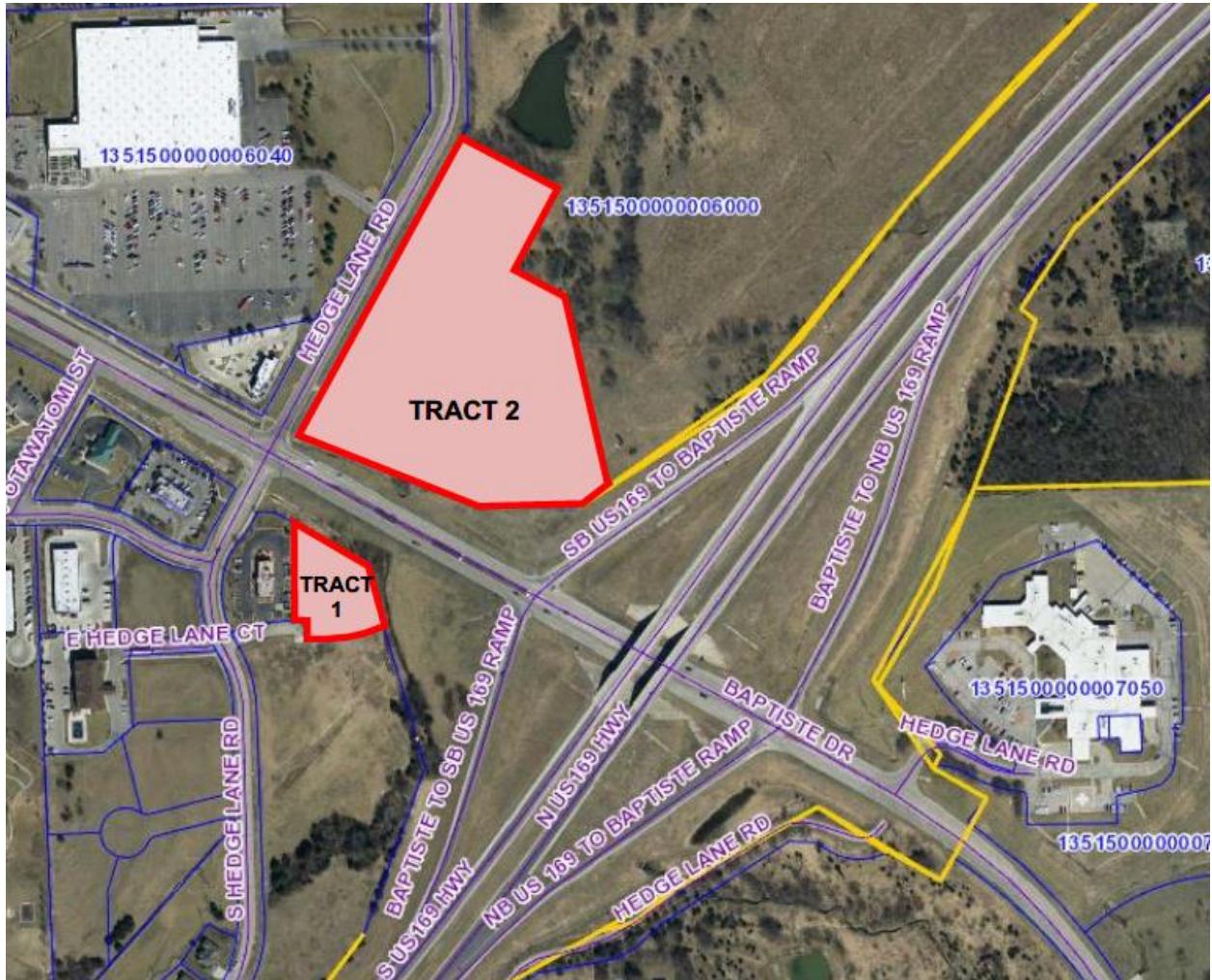
Lot 1, Paola Business Park No. 3, a subdivision in the city of Paola, Miami County, Kansas

Tract 2

ALL THAT PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND ALL THAT PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 17 SOUTH, RANGE 23 EAST, MIAMI COUNTY, KANSAS BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15; THENCE S01°52'42"E, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 358.47 FEET; THENCE S29°03'42"W, A DISTANCE OF 9.42 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE S59°50'08"E, A DISTANCE OF 323.68 FEET; THENCE S28°03'24"W, A DISTANCE OF 263.42 FEET; THENCE S60°47'33"E, A DISTANCE OF 167.29 FEET; THENCE S09°56'07"E, A DISTANCE OF 418.73 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 69; THENCE S57°32'18"W, ALONG SAID LINE, A DISTANCE OF 77.17 FEET; THENCE S88°26'54"W, CONTINUING ALONG SAID LINE, A DISTANCE OF 259.77 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BAPTISTE DRIVE; THENCE N69°14'50"W, ALONG SAID LINE, A DISTANCE OF 503.97 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HEDGE LANE; THENCE N29°03'42"E, ALONG SAID LINE, A DISTANCE OF 868.41 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

(Map of proposed Paola Crossings Community Improvement District)



EXCERPT OF MINUTES

The City Council of the City of Paola, Kansas met in regular session, at the usual meeting place in the City on June 9, 2020 at 6:00 p.m., with Mayor Artie Stuteville presiding, and the following members of the governing body present: Dave Smail, Trent Upshaw, Leigh House and Aaron Nickelson

The following members absent: None

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

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY TO BE KNOWN AS THE PAOLA CROSSINGS COMMUNITY IMPROVEMENT DISTRICT

After discussion, upon motion by Council Member Nickelson, seconded by Council Member Upshaw, the Resolution was passed by a majority of vote of the members present.

The Resolution was designated Resolution No. 2020-011.

**CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES**

I certify that the foregoing is a true and correct Excerpt of Minutes of the June 9, 2020 meeting of the governing body of the City of Paola, Kansas.

[seal]

Stephanie Marler, City Clerk