

(Published in *The Leavenworth Times* on November 14, 2020)

**ORDINANCE NO. 8151**

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY (PRICE CHOPPER CID); AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; AND PROVIDING FOR THE METHOD OF FINANCING THE SAME.**

**WHEREAS**, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "Act"), cities and counties are authorized to create community improvement districts for economic development purposes and any other purpose for which public money may expended, and to levy a community improvement district sales tax and/or levy special assessments upon the property within such community improvement districts; and

**WHEREAS**, a petition (the "Petition") signed by or on behalf of Super Market Developers, Inc. ("Petitioners"), was filed with the City Clerk of the City of Leavenworth, Kansas (the "City") in accordance with the Act, which Petition proposed the creation of a community improvement district (the "District") under the Act and the imposition of a community improvement district (CID) sales tax therein (the "CID Sales Tax"), in order to assist in financing costs of the Project (defined below); and

**WHEREAS**, the Petition was signed by the required number of owners of record, whether resident or not, as required by the Act; and

**WHEREAS**, the City Commission of the City of Leavenworth, Kansas (the "City Commission") intends to create the District and to levy a community improvement sales tax therein in the amount of four-tenths of one percent (0.40%) (the "CID Sales Tax"); and

**WHEREAS**, the Act provides that prior to creating any community improvement district and imposing a community improvement district sales tax, the governing body shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and the construction of such community improvement district projects therein, and to give notice of the hearing by publication at least once each week for two (2) consecutive weeks in the official City newspaper and by certified mail to all property owners within the proposed community improvement district, the second publication to be at least seven (7) days prior to the hearing and such certified mail sent at least ten (10) days prior to such hearing; and

**WHEREAS**, the City Commission adopted Resolution No. B-2263 on September 22, 2020, directing that a public hearing on the proposed District within the City be held on October 27, 2020, declaring its intent to impose the CID Sales Tax, and requiring that the Clerk for the City of Leavenworth, Kansas provide for notice of such public hearing as set forth in the Act; and

**WHEREAS**, notice of the public hearing containing the following information: (a) the time and place of the hearing, (b) the general nature of the Project, (c) the estimated cost of the Project, (d) the proposed method of financing the Project, (e) the proposed amount of the CID Sales Tax, (f) a map of the proposed District, and (g) a legal description of the proposed District, was mailed to all property owners within the proposed District on October 9, 2020, and published once each

week for two (2) consecutive weeks in *The Leavenworth Times*, the official City newspaper, on October 2, 2020 and October 9, 2020; and

**WHEREAS**, on October 27, 2020, the City Commission conducted a public hearing on the proposed District, the proposed Project, and estimated costs thereof and the method of financing the same, all in accordance with the Act; and

**WHEREAS**, the City Commission hereby finds and determines it to be advisable to create the District, authorize the Project, approve the estimated cost of the Project, and approve the method of financing the same, all in accordance with the provisions of the Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1. Creation of District.** The City Commission hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the District within the City. Provided, that the City Commission's approval and creation of the District is conditioned and contingent upon the proposed developers of the Project, the above-named Petitioners, and the City of Leavenworth, Kansas, entering into and fully-executing a Development Agreement by no later than November 13, 2020, on terms which are mutually satisfactory to City and such developers. A map generally outlining the boundaries of the District is attached hereto as **Exhibit A** and incorporated herein by reference. The legal description of the District is set forth on **Exhibit B**, attached hereto and incorporated herein by reference.

**Section 2. Authorization of Project.** The general nature of the project to be funded by the proposed community improvement district (the "**Project**") consists generally of the redevelopment of the existing Price Chopper grocery store within the District and associated infrastructure improvements and other improvements, including potential environmental improvements, and all related expenses to redevelop and finance the redevelopment project, and any other items allowable under K.S.A. 12-6a26 *et seq.*, which Project is hereby authorized, subject to the terms of the above-described Development Agreement.

**Section 3. Approval of Estimated Cost of the Project.** The estimated or probable cost of the Project is approximately \$12,340,296.00, plus interest accrued on borrowed money, which is hereby approved.

**Section 4. 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). This method of financing is hereby approved.

**Section 5. Imposition of CID Sales Tax.** In order to provide for the payment of the Project, the City Commission hereby levies the CID Sales Tax within the District in an amount of 0.40% for a period of 22 years, as authorized under the Act, subject to the terms of the above-described Development Agreement.

**Section 6. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the City Commission and publication once in the official City newspaper. Provided, that this Ordinance shall not be published unless and until the above condition regarding the Development Agreement has been satisfied. If the above condition has not been satisfied by November 13, 2020, this Ordinance shall not be effective, and shall be deemed revoked without further action on the part of the City Commission

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH, KANSAS  
ON NOVEMBER 10, 2020.**

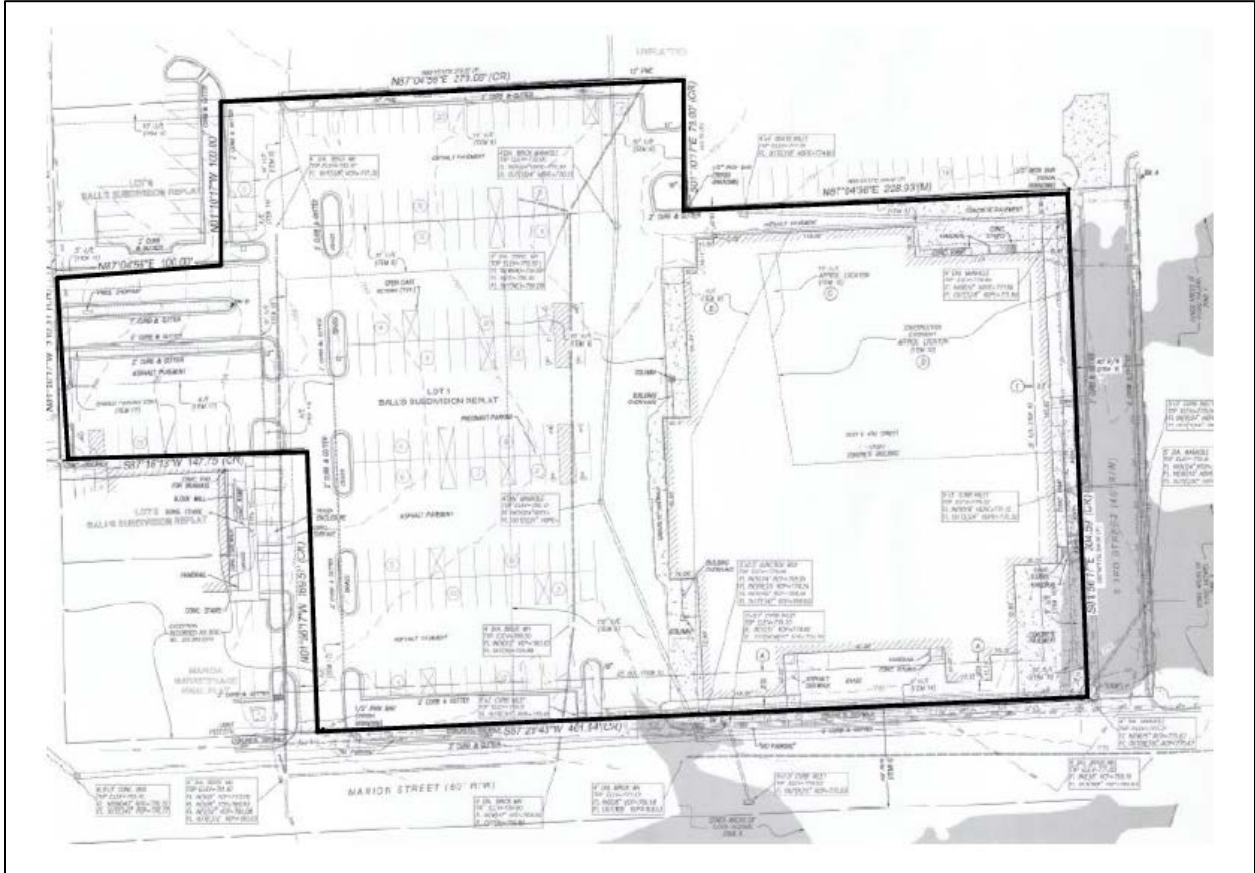
/s/ Myron J. "Mike" Griswold  
Myron J. "Mike" Griswold, Mayor

[SEAL]

ATTEST:

/s/ Carla K. Williamson  
Carla K. Williamson CMC, City Clerk

**EXHIBIT A**  
**Map of District**



**EXHIBIT B**

**Legal Description of District**

**Lot 1, BALL'S SUBDIVISION REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas except that part conveyed by the deed recorded as Doc. No. 2015R03578**

**Parcel ID No 1010104002003020**