

## ORDINANCE NO. 811

**AN ORDINANCE AUTHORIZING THE CREATION OF THE LANSING TOWNE CENTER TRANSPORTATION DEVELOPMENT DISTRICT IN LANSING, KANSAS; AUTHORIZING THE MAKING OF CERTAIN TRANSPORTATION PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH TRANSPORTATION PROJECT IMPROVEMENTS; PROVIDING FOR THE METHOD OF FINANCING; AUTHORIZING THE IMPOSITION OF A TRANSPORTATION DISTRICT SALES TAX WITHIN THE TRANSPORTATION DEVELOPMENT DISTRICT IN LANSING, KANSAS; ESTABLISHING A METHOD OF COLLECTION OF SUCH SALES TAX; AND PROVIDING FOR THE SEGREGATION OF SUCH SALES TAX REVENUES FOR THE PAYMENT OF THE COSTS OF CERTAIN TRANSPORTATION PROJECTS WITHIN TRANSPORTATION DEVELOPMENT DISTRICT**

**WHEREAS**, K.S.A. 12-17,140 *et. seq.* (the "Act") authorizes the governing body of any city or county to create transportation development districts ("Transportation Districts") within such jurisdiction, to acquire interests in property and to construct any project or undertaking therein to improve any bridge, street, road, highway access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail or other mass transit facility and any similar or related project or infrastructure including, but not limited to, utility relocation; sanitary and storm sewers and lift stations; drainage conduits, channels and levees; streetlight fixtures, connection and facilities; underground gas, water, heating and electrical services and connections located within or without the public-right-of-way; sidewalks and pedestrian underpasses or overpasses; and water main and extensions; and including a building facade but only when part of remodeling, repairing, enlarging or reconstructing an existing building (collectively, "Transportation Projects"); and

**WHEREAS**, the Act further authorizes said governing body, in order to pay the costs of such Transportation Projects, to levy a transportation district sales tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the Kansas retailer's sales tax act within Transportation Districts in any increment of .10% or .25% not to exceed 1.0% and/or the levy of special assessments upon property within such Transportation Districts, and to issue revenue bonds payable from such sales taxes and/or special assessments; and

**WHEREAS**, a petition (the "TDD Petition") was filed with the City Clerk of the City of Lansing, Kansas (the "City") on February 19, 2008, proposing the creation of a Transportation District, the making of Transportation Projects therein and the imposition of a transportation district sales tax in order to pay the costs of such Transportation Projects; and

**WHEREAS**, the TDD Petition was signed by the owners of record, whether resident or not, of all of the land area within the proposed Transportation District; and

**WHEREAS**, the Act provides that prior to creating any Transportation District, the governing body shall, by resolution, direct and order a public hearing on the advisability of creating such Transportation District and the construction of such Transportation Projects therein, and to give notice of the hearing by publication at least once each week for two consecutive weeks in the official City newspaper and by certified mail to all property owners within the proposed Transportation District, the second publication to be at least seven days prior to the hearing and such certified mail sent at least ten days prior to such hearing; and

**WHEREAS**, the Governing Body adopted Resolution No. B-3-08 on April 17, 2008 directing that a public hearing on the proposed Transportation District within the City be held on May 15, 2008, declaring its intent to impose a transportation development district sales tax, and requiring that the City Clerk provide for notice of such public hearing as set forth in the Act; and

**WHEREAS**, a Notice of Public Hearing containing the following information: (a) the time and place of the hearing; (b) the general nature of the proposed Transportation Projects; (c) the maximum cost of the proposed Transportation Projects; (d) the proposed amount of the transportation development district sales tax; (e) the proposed amount of any special assessments and the method of assessment; and (f) the map or boundary description of the proposed Transportation District, was mailed (by certified mail) to all property owners within the proposed Transportation District on April 29, 2008, and published once each week for two consecutive weeks in *The Leavenworth Times*, the official City newspaper, on April 24, 2008 and May 2, 2008; and

**WHEREAS**, on May 15, 2008 the Governing Body conducted a public hearing on the proposed Transportation Districts, the proposed Transportation Projects, the estimated costs thereof, the method of financing the same and the imposition of the transportation district sales tax; and

**WHEREAS**, the Governing Body hereby finds and determines it to be advisable to create a Transportation District and set forth the boundaries thereof, authorize Transportation Projects relating thereto, approve the estimated costs of such Transportation Projects, approve the method of financing the same and impose the transportation district sales tax, all in accordance with the provisions of the Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS, AS FOLLOWS:**

**SECTION 1. Creation of Transportation Development District; Boundaries.** The Governing Body of the City hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, a Transportation Development District within the City to be known as the Lansing Towne Center Transportation Development District ("Transportation District").

The legal description of the property contained in the Transportation District is set forth on **Exhibit A** attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the Transportation District is attached as **Exhibit B** hereto and incorporated herein by reference.

**SECTION 2. Authorization of Transportation District Projects; Estimated Costs.** The Governing Body of the City hereby finds and determines that it is advisable to authorize certain transportation district projects (the "Projects") within the Transportation District, as more fully described on **Exhibit C** attached hereto and incorporated by reference. The estimated costs of the Projects are \$8,650,000.

**SECTION 3. Method of Financing.**

(a) In order to provide funds to finance the costs of the Projects, it is advisable to impose, in accordance the provisions of the Act, a transportation district sales tax within the Transportation District in the amount of 1.0% on the selling of tangible personal property at retail or rendering or furnishing services within the Transportation District (the "Sales Tax").

(b) There will be no special assessments levied on property within the boundaries of the Transportation District.

(c) The costs of the Projects will be financed by the issuance of revenue bonds of the Unified Government issued in accordance with the provisions of the Act in an estimated principal amount of \$8,650,000, including costs of issuance, costs of interest on any temporary financing and

associated reserves. The revenue bonds will be secured by the pledge of money received from the imposition of the Sales Tax to be imposed on the selling of tangible personal property at retail or rendering or furnishing services within the Transportation District.

**SECTION 4. Imposition of Transportation District Sales Tax.** In order to provide for the payment of the Projects the Governing Body of the City hereby imposes the Sales Tax within the Transportation District in an amount of 1.0% 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 within the Transportation District with such Sales Tax to commence on October 1, 2009.

**SECTION 5. Collection of the Sales Tax.** The collection of the Sales Tax shall be made in the manner prescribed by the Act.

**SECTION 6. Segregation of Sales Tax Revenues.** All revenues derived from the collection of the Sales Tax shall be deposited into a special fund of the City to be designated as the Lansing Towne Center Transportation District Sales Tax Revenue Fund (the "Revenue Fund"). Such revenues shall be used to pay the costs of the Projects and related expenses.

**SECTION 6. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication in the official City newspaper.

PASSED by the Governing Body of the City this 15th day of May, 2008.

SIGNED by the Mayor this 15th day of May, 2008.



*Sunshine Petrone*  
Sunshine Petrone, City Clerk

*Kenneth W. Bernard*  
Kenneth W. Bernard, Mayor

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## EXHIBIT A

### LEGAL DESCRIPTION OF TRANSPORTATION DEVELOPMENT DISTRICT

A tract of land in the Northeast Quarter (NE ¼) of Section 25, Township 9 South, Range 22 East and Southeast Quarter (SE ¼) of Section 24, Township 9 South, Range 22 East of the 6<sup>th</sup> Principal Meridian, City of Lansing, Leavenworth County, Kansas and being more particularly described as follows:

Commencing at the Northeast corner of said Section 25; thence South 89°36'17" West along the North line of the Northeast Quarter (NE ¼) of said Section 25, a distance of 108.80 feet to the intersection of the West Right of Way of US Highway 73 (Kansas Highway 7), as Recorded in Book 469 at Page 600 in the Office of the Register of Deeds of Leavenworth County Kansas with said North line; thence South 01°05'31" West along said Westerly Right of Way a distance of 33.05 feet to the Northeast corner of Lot 1, First National Bank of Lansing, City of Lansing, Leavenworth County, Kansas; thence North 89°18'44" West along the North line of said Lot 1 a distance of 3.70 feet to a Point of Curvature; thence along a curve to the left and continuing along the North line of said Lot 1, said curve having a Radius of 554.55 feet and an Arc Length of 222.96 feet to a Point of Tangency; thence South 67°39'06" West continuing along the North line of said Lot 1, a distance of 110.49 feet to a Point of Curvature; thence along a curve to the right and continuing along the North line of said Lot 1, said curve having a Radius of 757.78 feet and an Arc Length of 25.34 feet to the Northwest Corner of said Lot 1; thence South 73°59'25" West a distance of 84.03 feet to the West Right of Way of Center Drive as described in the Quitclaim Deed Recorded in Book 854 at Page 741 in the Office of Register of Deeds of Leavenworth County Kansas and to the Point of Beginning; thence South 16°37'15" East along said West Right of Way a distance of 66.86 feet to a Point of Curvature; thence along a curve to the left and continuing along said West Right of Way, said curve having a Radius of 335.00 feet and an Arc Length of 164.15 feet to a Point of Tangency; thence South 44°41'45" East continuing along said West Right of Way a distance of 103.59 feet to a Point of Curvature; thence along a curve to the right and continuing along said West Right of Way, said curve having a Radius of 465.00 feet and an Arc Length of 351.49 feet to a Point of Tangency; thence South 01°23'13" East continuing along said West Right of Way a distance of 250.63 feet to a Point of Curvature; thence along a curve to the right and continuing along said West Right of Way, said curve having a Radius of 1965.00 feet and an Arc Length of 86.21 feet to a Point of Tangency; thence South 01°07'37" West continuing along said West Right of Way a distance of 551.91 feet to a Point of Curvature; thence along a curve to the right and continuing along said West Right of Way, said curve having a Radius of 465.00 feet and an Arc Length of 121.26 feet to a Point of Tangency; thence South 16°04'04" West continuing along said West Right of Way a distance of 130.61 feet to a Point of Curvature; thence along a curve to the right and continuing along said West Right of Way, said curve having a Radius of 465.00 feet and an Arc Length of 339.56 feet to a Point of Reverse Curvature; thence along a curve to the left and continuing along said West Right of Way, said curve having a Radius of 535.00 feet and an Arc Length of 166.97 feet; thence North 88°43'14" West along said West Right of Way of a distance of 235.05 feet to the East Line of Stonecrest Subdivision, City of Lansing, Leavenworth County, Kansas; thence North 01°16'46" East along the East line of said Stonecrest Subdivision, the extension thereof and the East line of Lansing Heights Addition, City of Lansing, Leavenworth County, Kansas a distance of 2142.54 feet to the North Right of Way of Mary Street and a non-tangent curve; thence along a non tangent curve to right continuing along said North Right of Way, having an initial bearing of North 83°30'22" West, said curve having a Radius of 691.78 feet and an Arc Length of 444.19 feet; thence North 37°16'24" West continuing along said North Right of Way a distance of 245.67 feet; thence North 31°54'11" West continuing along said North Right of Way a distance of 128.71 feet to a Point of Curvature; thence along a curve to the left and continuing along said North Right of Way, said curve having a Radius of 686.17 feet and an Arc Length of 165.46 feet; thence North 01°07'47" East a distance of 117.30 feet to the South Right of Way for West Kay Street; thence North 69°47'51" East along said South Right of Way a distance of 59.31 feet; thence North 14°03'07" West continuing along said South Right of Way a distance of 15.56 feet; thence North 89°37'36" East continuing

along said South Right of Way a distance of 1409.77 feet to the West Right of Way of US Highway 73 (Kansas Highway 7); thence South  $00^{\circ}59'42''$  West along said West Right of Way a distance of 298.42 feet; thence South  $09^{\circ}41'34''$  West continuing along said West Right of Way a distance of 32.60 feet; thence South  $17^{\circ}37'22''$  West continuing along said West Right of Way a distance of 78.76 feet; thence North  $89^{\circ}47'13''$  West continuing along said West Right of Way a distance of 11.44 feet; thence South  $01^{\circ}42'05''$  West continuing along said West Right of Way a distance of 74.93 feet; thence South  $89^{\circ}58'20''$  West continuing along said West Right of Way a distance of 8.07 feet; thence South  $02^{\circ}09'25''$  West continuing along said West Right of Way a distance of 143.10 feet to the North Right of Way of Mary Street; thence North  $87^{\circ}39'07''$  West along said North Right of Way a distance of 43.21 feet to a Point of Curvature; thence along a curve to the left and continuing along said North Right of Way, said curve having a radius of 388.00 feet and an Arc Length of 97.46 feet to a Point of Tangency; thence South  $77^{\circ}57'20''$  West continuing along said North Right of Way a distance of 88.49 feet; thence South  $15^{\circ}03'31''$  East continuing along said North Right of Way a distance of 26.89 feet to a non-tangent curve; thence along a curve to left continuing along said North Right of Way, having an initial bearing of South  $70^{\circ}07'23''$  West, said curve having a Radius of 626.55 feet and an Arc Length of 27.03 feet to a Point of Tangency; thence South  $67^{\circ}39'06''$  West continuing along said North Right of Way a distance of 110.49 feet to a Point of Curvature; thence along a curve to the right and continuing along said North Right of Way, said curve having a radius of 685.78 feet and an Arc Length of 17.89 feet; thence South  $73^{\circ}51'28''$  West continuing along said North Right of Way a distance of 84.28 feet; thence South  $16^{\circ}37'15''$  East a distance of 72.00 feet to the Point of Beginning, containing 46.18 acres, more or less. Said Legal Description includes all Road Rights of Way.