

ORDINANCE NO. 8254

AN ORDINANCE AUTHORIZING THE CREATION OF TRANSPORTATION DEVELOPMENT DISTRICT IN LAWRENCE, 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 LAWRENCE, 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 on February 19, 2008 of the City of Lawrence, Kansas (the "City"), 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. 6756 on February 26, 2008 directing that a public hearing on the proposed transportation district within the City be held on April 1, 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 March 5, 2008, and published once each week for two consecutive weeks in the *Lawrence Journal-World*, the official City newspaper, on March 14, 2008 and March 21, 2008; and

**WHEREAS**, on April 1, 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 LAWRENCE, 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 Oread 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 incorporate 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 \$11,000,000.

**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 on a pay as you go basis solely from the revenues generated from 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 Government 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.

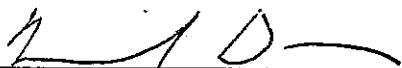
**SECTION 5. Collection of the Sales Tax.** The collection of the Sales Tax shall be made in the manner prescribed by the Act.

**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 Oread 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 8th day of April, 2008.

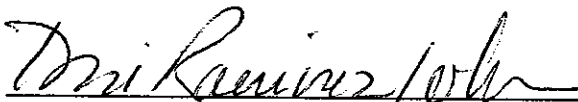
**SIGNED** by the Mayor this 8<sup>th</sup> day of April, 2008.

  
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Michael Dever, Mayor

(SEAL)

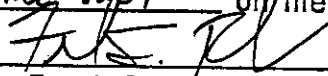
  
\_\_\_\_\_  
Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Toni Ramirez Wheeler, Director of Legal Services

**CERTIFICATION**

I, Frank S. Reeb, City Clerk for the City of Lawrence, Kansas, do hereby certify this to be a true and exact copy of ORDINANCE 82154 on file in my office.

  
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Frank S. Reeb, City Clerk

**EXHIBIT A**

**LEGAL DESCRIPTION OF TRANSPORTATION DEVELOPMENT DISTRICT**

The following property located in Douglas County, Lawrence, Kansas:

North 40 feet of Lot 8 and the South 60 feet of Lot 9, Block 2, Oread Addition;

The West Seventy (70) feet of Lot Seven (7), in Block Two (2), Oread Addition, an Addition to the City of Lawrence, Douglas County, Kansas;

The South 60 feet of the West 70 feet of Lot 8, Block 2, in Oread Addition, a subdivision in the City of Lawrence, Douglas County, Kansas;

**AND**

The East 55 feet of Lot 7 and the East 55 feet of the South 60 feet of Lot 8, all in Block 2, in Oread Addition in the City of Lawrence, Douglas County, Kansas.