

(Published in *The Wyandotte Echo* on June 25, 2009)

ORDINANCE NO. O- 47 -09

**AN ORDINANCE AUTHORIZING THE CREATION OF THE PLAZA @ the SPEEDWAY NO. 2 TRANSPORTATION DEVELOPMENT DISTRICT IN KANSAS CITY, 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; 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 THE PLAZA @ THE SPEEDWAY NO. 2 TRANSPORTATION DEVELOPMENT DISTRICT**

**WHEREAS**, the Transportation Development District Act, 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 relating thereto 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 impose a transportation district sales tax on the selling of tangible personal property at retail or rendering or furnishing services 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 "Petition") was filed with the Unified Government Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), on February 9, 2009, proposing the creation of a transportation district, the making of transportation projects relating thereto and the imposition of a transportation district sales tax in order to pay the costs of such transportation projects; and

**WHEREAS**, said 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 Unified Government 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 of the Unified Government adopted Resolution No. R-60-09 on April 30, 2009 directing that a public hearing on the proposed transportation district be held on June 4, 2009 and requiring that the Unified Government 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 estimated cost of the proposed transportation projects; (d) the proposed method of financing the costs of the transportation projects; (e) the proposed amount of the transportation development district sales tax; (f) the proposed amount of any special assessments and the method of assessment; and (g) 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 May 1, 2009 and published once each week for two consecutive weeks in *The Wyandotte Echo*, the official Unified Government newspaper, on May 7, 2009 and May 14, 2009; and

**WHEREAS**, on this date the governing body of the Unified Government conducted a public hearing on the proposed transportation district, 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 of the Unified Government 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.

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

**SECTION 1. Creation of Transportation Development District; Boundaries.** The governing body of the Unified Government hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, a Transportation Development District within Kansas City, Kansas to be known as The Plaza @ the Speedway No. 2 Transportation Development District (the "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; Maximum Costs.** The governing body of the Unified Government 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 maximum cost of the Projects is \$15,304,199.00, plus costs of issuance, costs of interest on any temporary financing and associated reserves.

### **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 0.4% 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 the maximum principal amount of \$15,304,199.00, plus 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 and/or the repayment of the revenue bonds issued to finance the same, the governing body of the Unified Government hereby imposes the Sales Tax within the Transportation District in an amount of 0.4% 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. The provisions of this section may be amended and/or modified pursuant to one or more ordinances and/or resolutions of the governing body of the Unified Government that provide for the issuance and repayment of the Revenue Bonds or by incorporation by reference any modifications to the Act that provide for collection of the Sales Tax.

**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 Unified Government to be designated as the the Plaza @ the Speedway No. 2 Transportation District Sales Tax Revenue Fund (the "Revenue Fund"). Such revenues shall be used to pay the costs of the Projects and/or to repay the Revenue Bonds and related expenses. The provisions of this section may be amended and/or modified pursuant to one or more ordinances and/or resolutions of the governing body of the Unified Government that provide for the issuance and repayment of the Revenue Bonds.

**SECTION 7. Effective Date** This Ordinance shall take effect and be in full force from and after its passage by the governing body and publication in the official Unified Government newspaper.

PASSED by the Commission of the Unified Government of Wyandotte County/Kansas City,  
Kansas this 4th day of June, 2009.

  
\_\_\_\_\_  
Mayor/CEO

  
\_\_\_\_\_  
DEPUTY Unified Government Clerk

Approved as to From: \_\_\_\_\_  
Deputy County Attorney

**EXHIBIT A**

[Legal Description of the District]

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 22, and 26 of The Plaza at the Speedway, a subdivision lying in the South Half of Section 34 and 35, Township 10 South, Range 23 East, in Kansas City, Wyandotte County, Kansas.