

**ORDINANCE NO. BID-3272**

**AN ORDINANCE RELATING TO THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT OF THE CITY OF OVERLAND PARK; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 2.14.010, 2.14.060, 2.14.070, AND 2.14.080, AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.**

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

**Section 1.** Overland Park Municipal Code Section 2.14.010 is hereby amended to read as follows:

**2.14.010 Boundaries and Name of District.**

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A Business Improvement District, as provided for in K.S.A. 12-1781, et seq., shall be established for the Downtown Business District of the City of Overland Park, Kansas (the "District").

A. The boundaries of the District are legally described as follows:

Beginning at the intersection of the center lines of Newton St. and 78th Street in Section 19, Township 12 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas; thence easterly along the center line of 78th Street to a point 753.34 feet east of the center line of Metcalf Ave., said point being at the intersection of the center line of 78th St. and the northerly extension of the east line of Lot 5, Early Place, a subdivision of land in the City of Overland Park; thence southerly along said extension and along said east line and its southerly extension to a point 165 feet north of the south line of Section 20, Township 12 South, Range 25 East; thence easterly and parallel to the south line of said Section 20 to a point 800 feet east of the west line of said Section 20; thence southerly and parallel to the west line of said Section 20 to a point on the south line of said Section 20; thence westerly along said south line to a point 795 feet east of the southwest corner of said Section 20; thence southerly and parallel to the west line of Section 29, Township 12 South, Range 25 East to a point on the north line of Lot 13, Kirkbride Place, a subdivision of land in the City of Overland Park; thence westerly along said north line to the northeast corner of Lot 14, Kirkbride Place; thence southerly along the east line of said Lot 14 and its southerly extension to the center line of 80th St.; thence west along the center line of 80th St. to its intersection with the center line of Broadmoor Lane; thence south along the center line of Broadmoor Lane to its intersection with the north line of Lot 2, Conser's Addition, a subdivision of land in the City of Overland Park; thence easterly along the north line of said Lot 2 to a point 138 feet east of the northwest corner of said Lot 2; thence southerly and parallel to the west line of said Lot 2 a distance of 320 feet; thence westerly and parallel to the north line of said Lot 2 a distance of 138 feet to the intersection with the east line of Lot 1, Conser's Addition, a subdivision of land in the City of Overland Park; thence southerly along the east line of said Lot 1 and its southerly extension to the center line of 82nd St.; thence westerly along the center line of 82nd St. to its intersection with the center line of Travis St.; thence southerly along the center line of Travis St. to its intersection with the center line of 83rd St. thence westerly along the center line of 83rd St. to its intersection with the southwesterly extension of the westerly line of Lot 5, Block 10, Overland Heights No. 2, a subdivision of land in the City of Overland Park; thence northeasterly along said extension and along said westerly line of Lot 5 and its northeasterly extension to a point on the center line of Overland Park Drive; thence northwesterly along the center line of Overland Park Drive to its intersection with the center line of Valley View Dr.; thence southwesterly along the center line of Valley View Dr. to its intersection with the southeasterly extension of the southwesterly line of Lot 4, Overland Acres, a subdivision of land in the City of Overland Park; thence northwesterly along said extension and along the southwesterly line of said Lot 4 to the east corner of Lot 2, Overland Acres; thence southwesterly along the southeasterly line of said Lot 2 to the northeast corner of Lot 1, Overland Acres; thence south along the west line of said Lot 1 to the southeast corner of said Lot 1; thence west along the south line of said Lot 1 and its westerly extension to its intersection with the center line of Robinson St.; thence northerly along the center line of Robinson St. to its intersection with the center

line of 81st St.; thence easterly along the center line of 81st St. to its intersection with the southerly extension of the east line of Lot 13, Block 6, Overland Park, a subdivision of land in the City of Overland Park; thence northerly to the northeast corner of Lot 24, Block 2, Overland Park; thence northerly to the southwest corner of Lot 34, Marty's First Addition to Overland, a subdivision of land in the City of Overland Park; thence westerly and along the south line of Lot 33, Marty's 1st Addition to Overland, and its westerly extension to its intersection with the center line of Newton St.; thence northerly along the center line of Newton St. to its intersection with the center line of 78th St. and the Point of Beginning.

- B. The District, for the purpose of assessing the BID Fee, shall be divided into three tiers, legally described as follows:

**"Tier 1"**

Beginning at the northeast corner of Section 30, Township 12 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas; thence southerly along the east line of said Section 30 to its intersection with the centerline of Hamilton Drive; thence westerly along the centerline of Hamilton Drive to an intersection with Floyd Street; thence northerly along the centerline of Floyd Street to an intersection with the easterly extension of the south line of Lot 1, The Vue; thence westerly along said extension and the south line of said Lot 1 and its westerly extension to an intersection with the centerline of Marty Street; thence southerly along the centerline of Marty Street to an intersection with the centerline of 81st Street; thence westerly along the centerline of 81st Street to an intersection with the centerline of Overland Park Drive; thence southerly along the centerline of Overland Park Drive to an intersection with Valley View Drive; thence southwesterly along the centerline of Valley View Drive to an intersection with the southeasterly extension of the northeast line of Lot 21, Resurvey of Overland Heights; thence northwesterly along the northeast line of said Lot 21 and its extension to the northwest to an intersection with the centerline of Santa Fe Drive; thence southwesterly along the centerline of Santa Fe Drive to an intersection with the centerline of Conser Street; thence northerly along the centerline of Conser Street to an intersection with the westerly extension of the south line of Lot 13, Block 5, Overland Park; thence easterly to the southeast corner of said Lot 13; thence northeasterly and northerly along the east lines of Lots 13, 14, 15, 16 and 17, Block 5, Overland Park, to the northeast corner of said Lot 17; thence northeasterly to a point on the south line of Lot 12, Block 1, Overland Park, and 90.5 feet west of the southeast corner of said Lot 12; thence northerly to a point on the north line of Lot 11, Block 1, Overland Park, and 90.5 feet west of the northeast corner of said Lot 11; thence easterly along the north line of said Lot 11 and its easterly extension to the intersection with the centerline of Foster Street; thence northerly along the centerline of Foster Street to an intersection with the centerline of 78th Street; thence easterly along the centerline of 78th Street to an intersection with the centerline of Marty Street; thence southerly along the centerline of Marty Street to an intersection with the westerly extension of the south line of Lot 41, Overland Summit; thence easterly to the southeast corner of said Lot 41; thence northerly to the northwest corner of Lot 53, Overland Summit; thence easterly to the northeast corner of said Lot 53; thence southeasterly to the southwest corner of Lot 88, Overland Summit; thence easterly to the southeast corner of said Lot 88; thence northerly to the northwest corner of Lot 107, Overland Summit; thence easterly along the north line of said Lot 107 and its easterly extension to an intersection with the east line of Section 19, Township 12 South, Range 25 East; thence southerly along the east line of said Section 19 to the Point of Beginning.

**"Tier 2"**

Beginning at the intersection of the east line of Section 19, Township 12 South, Range 25 East, and the centerline of 78th Street, in the City of Overland Park, Johnson County, Kansas; thence westerly along the centerline of 78th Street to the intersection with the centerline of Marty Street, thence southerly along the centerline of Marty Street to an intersection with the westerly extension of the south line of Lot 41, Overland Summit; thence easterly to the southeast corner of said Lot 41; thence northerly to the northwest corner of Lot 53, Overland Summit; thence easterly to the northeast corner of said Lot 53; thence southeasterly to the southwest corner of Lot 88, Overland Summit; thence easterly to the southeast corner of said Lot 88; thence northerly to the northwest corner of Lot 107, Overland Summit; thence easterly along the north line of said Lot 107 and its easterly extension to an intersection with the east line of Section 19, Township 12 South, Range 25 East; thence southerly along the east line of Section 19, Township 12 South,

Range 25 East to an intersection with the centerline of Hamilton Drive; thence westerly along the centerline of Hamilton Drive to an intersection with Floyd Street; thence northerly along the centerline of Floyd Street to an intersection with the easterly extension of the south line of Lot 1, The Vue; thence westerly along said extension and the south line of said Lot 1 and its westerly extension to an intersection with the centerline of Marty Street; thence southerly along the centerline of Marty Street to an intersection with the centerline of 81st Street; thence westerly along the centerline of 81st Street to an intersection with the centerline of Overland Park Drive; thence southerly along the centerline of Overland Park Drive to an intersection with the centerline of Hamilton Drive; thence easterly along the centerline of Hamilton Drive to an intersection with the west lot line of Lot 2, Overland Park Community Center; thence southeasterly along the west lot line of said Lot 2 to the southwestern corner of said Lot 2; thence northeasterly along the southern lot line of said Lot 2 and its northeasterly extension to an intersection with the centerline of Marty Street; thence southeasterly along the centerline of Marty Street to an intersection with the east line of Section 30, Township 12 South, Range 25 East; thence northerly along said east line to an intersection with the centerline of 82nd Street; thence easterly along the centerline of 82nd Street to an intersection with the southerly extension of the east line of Lot 1, Conser's Addition; thence northerly along the east line of said Lot 1 to an intersection with the south line of Lot 1, Cypress Springs at a point that is 138 feet west of the southeast corner of said Lot 1; thence northerly along the east line of said Lot 1 and its northerly extension to an intersection with the centerline of 81st Street; thence westerly along the centerline of 81st Street to an intersection with the centerline of Broadmoor Lane; thence northerly along the centerline of Broadmoor Lane to an intersection with the centerline of 80th Street; thence westerly along the centerline of 80th Street to an intersection with the southerly extension of the east line of Lot 1, O'Neill Honda East; thence northerly along the east line of said Lot 1 to the northeast corner of said Lot 1; thence easterly to a point 525.6 feet east and 331.65 feet south of the northwest corner of Section 29, Township 12 South, Range 25 East; thence northerly to an intersection with the north line of Section 29, Township 12 South, Range 25 East at a point 525.6 feet east of the northwest corner of said Section 29; thence westerly along the north line of said Section 29 to an intersection with the southerly extension of the east line of Lot 1, Metcalf 7801; thence northerly along the east line of said Lot 1 and its northerly extension to an intersection with the centerline of 78th Street; thence westerly along the centerline of 78th Street to the point of beginning;

and

Beginning at the intersection of the north line of Section 30, Township 12 South, Range 25 East and the centerline of Foster Street; thence southerly along the centerline of Foster Street to an intersection with the easterly extension of the north line of Lot 11, Block 1, Overland Park; thence westerly along the north line of said Lot 11 to a point 90.5 feet west of the northeast corner of said Lot 11; thence southerly to an intersection with the south line of Lot 12, Block 1, Overland Park at a point 90.5 feet west of the southeast corner of said Lot 12; thence southwesterly to the northeast corner of Lot 17, Block 5, Overland Park; thence southerly and southwesterly along the east lines of Lots 17, 16, 15, 14, and 13, Block 5, Overland Park to the southeast corner of said Lot 13; thence westerly along the south line of said Lot 13 and its westerly extension to an intersection with the centerline of Conser Street; thence southerly along the centerline of Conser Street to an intersection with Santa Fe Drive; thence northeasterly along the centerline of Santa Fe Drive to an intersection with the northwesterly extension of the northeast line of Lot 21, Resurvey of Overland Heights; thence southeasterly along the northeast line of said Lot 21 and its southeasterly extension to an intersection with the centerline of Valley View Drive; thence southwesterly along the centerline of Valley View Drive to an intersection with the centerline of Newton Avenue; thence northwesterly along the centerline of Newton Avenue to an intersection with the centerline of Santa Fe Drive; thence southwesterly along the centerline of Santa Fe Drive to an intersection with the centerline of Newton Street; thence northerly along the centerline of Newton Street to an intersection with the centerline of 81st Street; thence easterly along the centerline of 81st Street to an intersection with the southerly extension of the west line of Lot 12, Block 6, Overland Park; thence northerly along the west lines of Lots 1 through 12, Block 6, Overland Park to the northwest corner of said Lot 1; thence northerly to the southwest corner of Lot 12, Block 2, Overland Park; thence northerly along the west lines of Lots 1 through 12, Block 2, Overland Park to the northwest corner of said Lot 1; thence northerly to the southwest corner of Lot 34, Marty's 1st Addition to Overland; thence easterly along the south line of said Lot 34 to the southeast corner of said Lot 34; thence easterly to the southwest corner of Lot 36, Marty's 1st Addition of Overland; thence northerly along the west line of said Lot 36 for a distance of 167.8 feet; thence east along

a line 167.8 feet north of the south line of said Lot 36 to an intersection with the centerline of Foster Street; then southerly along the centerline of Foster Street to the point of beginning.

**“Tier 3”**

Beginning at the intersection of the centerline of 78th Street with the northerly extension of the east line of Lot 1, Metcalf 7801; thence southerly along the east line of said Lot 1 and its southerly extension to an intersection with the north line of Section 29, Township 12 South, Range 25 East; thence easterly along the north line of said Section 29 to a point 525.6 feet east of the northwest corner of said Section 29; then southerly to a point 525.6 feet east and 331.65 feet south of the northwest corner of said Section 29; thence westerly to the northeast corner of Lot 1, O’Neill Honda East; thence southerly along the east line of said Lot 1 and its southerly extension to an intersection with the centerline of 80th Street; thence easterly along the centerline of 80th Street to an intersection with the southerly extension of the east line of Lot 14, Kirkbride Place; thence northerly along the east line of said Lot 14 to the northeast corner of said Lot 14; thence easterly to a point 795.04 feet east and 331.53 feet south of the northwest corner of Section 29, Township 12 South, Range 25 East; thence northerly to a point on the north line of Section 29, Township 12 South, Range 25 East 795.04 feet east of the northwest corner of said Section 29; thence easterly along the north line of said Section 29 to a point 800 feet east of the northwest corner of said Section 29; thence northerly and parallel to the west line of Section 20, Township 12 South, Range 25 East, to a point 165 north of the south line of said Section 20; thence westerly and parallel to the south line of said Section 20 to an intersection with the southerly extension of the east line of Lot 5, Early Place; thence northerly along the east line of said Lot 5 and its extension to an intersection with the centerline of 78th Street; thence westerly along the centerline of 78th Street to the Point of Beginning;

and

Beginning at the intersection of the centerline of 82nd Street with the east line of Section 30, Township 12 South, Range 25 East; thence easterly along the centerline of 82nd Street to an intersection with the centerline of Travis Street; thence southerly along the centerline of Travis Street to an intersection with the centerline of 83rd Street; thence westerly along the centerline of 83rd Street to an intersection with the southwesterly extension of the west line of Lot 5, Block 10, Overland Heights No. 2; thence northeasterly along the west line of said Lot 5 and its northeasterly extension to an intersection with the centerline of Overland Park Drive; thence northwesterly along the centerline of Overland Park Drive to an intersection with the centerline of Hamilton Drive; thence northeasterly along the centerline of Hamilton Drive to an intersection with the west line of Lot 2, Overland Park Community Center; thence southeasterly along the west line of said Lot 2 to the southwest corner of said Lot 2; thence northeasterly along the south line of said Lot 2 and its northeasterly extension to an intersection with the centerline of Marty Street; thence southeasterly along the centerline of Marty Street to an intersection with the east line of Section 30, Township 12 South, Range 25 East; then northerly along the east line of said Section 30 to the point of beginning;

and

Beginning at the intersection of the centerline of Valley View Drive and the centerline of Newton Street in Section 30, Township 12 South, Range 25 East; thence northwesterly along the centerline of Newton Street to an intersection with the centerline of Santa Fe Drive; thence southwesterly along the centerline of Santa Fe Drive to an intersection with the centerline of Newton Street; thence northerly along the centerline of Newton Street to an intersection with the centerline of 81st Street; thence westerly along the centerline of 81st Street to an intersection with the centerline of Robinson Street; thence south along the centerline of Robinson Street to an intersection with the westerly extension of the south line of Lot 1, Overland Acres; thence easterly along the south line of said Lot 1 and its extension to the southeast corner of said Lot 1; thence northerly along the east line of said Lot 1 to the southern corner of Lot 2, Overland Acres; thence northeasterly along the southeast line of said Lot 2 to the eastern corner of said Lot 2; then southeasterly along the north line of Lot 5, Overland Acres, and its southeasterly extension to an intersection with the centerline of Valley View Drive; thence northeasterly along the centerline of Valley View Drive to the Point of Beginning;

and

Beginning at the intersection of the centerline of 78th Street and the centerline of Foster Street in Section 19, Township 12 South, Range 25 East; thence westerly along the centerline of 78th Street to an intersection with the centerline of Newton Street; thence southerly along the centerline of Newton Street to an intersection with the westerly extension of the south line of Lot 33, Marty's 1st Addition to Overland; thence easterly along the south lines of Lots 33 and 34, Marty's 1st Addition to Overland to the southeast corner of said Lot 34; thence easterly to the southwest corner of Lot 35, Marty's 1st Addition to Overland; thence easterly to the southeast corner of said Lot 35; thence northerly along the west line of Lot 36, Marty's 1st Addition to Overland for a distance of 167.8 feet; thence east along a line 167.8 feet north of and parallel to the south line of said Lot 36 to an intersection with the centerline of Foster Street; thence northerly along the centerline of Foster Street to the point of beginning.

**Section 2.** Overland Park Municipal Code Section 2.14.060 is hereby amended to read as follows:

**2.14.060 Definitions.**

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- A. **Business** – shall mean any individual, sole proprietorship, corporation, partnership or other organization engaged in the exchange, purchase, sale, provision or manufacturing of any commodities, products or services, including, but not be limited to, the commercial use of property for retailing, business services, personal services, office functions, utilities, manufacturing, warehousing, repair, entertainment, or wholesaling purposes.

The term "Business" shall also include:

1. The ownership of buildings or structures, or parts thereof, which are unoccupied and which are held for investment purposes, and which are or could be offered for sale or lease, excluding residential properties that are owner occupied or which contain 9 or fewer residential units for lease.
2. The ownership of parcels of vacant commercial land or parcels of land where new buildings are under construction but not yet occupied, which is held for investment purposes, for sale or lease, or for development purposes.
3. A multi-unit residential Business, meaning a Business providing residential living space of at least 10 apartments, units or rooms under common ownership. Examples, include, but are not limited to, apartment complexes, condominium complexes, independent and assisted living facilities (such as for the elderly or disabled), nursing homes and similar facilities.

Notwithstanding the above, all property owned or used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes shall be excluded from the provisions of this ordinance in accordance with K.S.A. 12-1782. Evidence of non-profit status shall include but not be limited to exemption from state property taxes, or designation by the Federal Internal Revenue Service as a Section 501(C) organization.

- B. **BID Fee** shall mean a business improvement service fee assessed on Businesses as established by Section 2.14.030, in the amounts established under by Section 2.14.070, and as administered by Section 2.14.080.
- C. **District** – shall mean the Downtown Business District of the City of Overland Park, Kansas, the boundaries of which are set forth in Section 2.14.010.
- D. **Services** shall mean governmental functions, programs, activities, facilities improvements and other services which the City is authorized to perform or provide, as identified further in Section 2.14.020.

- E. **Total Building Area** - shall mean the gross building area for all buildings on the property as reported by the Johnson County Appraiser, less a 10 percent allowance for common areas and mechanical spaces. Total Building Area shall not include parking structures. Where a property contains both commercial and residential business uses, the Total Building Area shall be divided into separate portions for the commercial and residential components as reported by the Johnson County Appraiser.

**Section 3.** Overland Park Municipal Code Section 2.14.070 is hereby amended to read as follows:

**2.14.070 Method of Assessment.**

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- A. As set forth in Section 2.14.080 A., the property owners of each Business within the District shall be assessed a BID Fee for each assessment year.
- B. A BID Fee assessment ordinance shall be adopted for each assessment year in accordance with the requirements of the Kansas Statutes. The BID Fee assessment ordinance shall establish for the assessment year:
  - 1. A rate for the Total Building Area of commercial business use;
  - 2. A rate for the Total Building Area of residential business use; and
  - 3. A rate for the gross land area of land parcels that are vacant or under construction.

The BID Fee shall not increase from year to year without a public hearing to consider the increase.

- C. For the purposes of the BID Fee calculation:
  - 1. A fee shall be calculated for each parcel or contiguous group of parcels of land under common ownership;
  - 2. The fee shall be the sum of the fee calculations for Total Building Area for commercial businesses, Total Building Area for residential businesses, and gross land area for parcels of land that are vacant or under construction; and
  - 3. A parcel of land or multiple contiguous parcels of land shall be considered to be in the tier which contains the majority of the gross land area.

**Section 4.** Overland Park Municipal Code Section 2.14.080 is hereby amended to read as follows:

**2.14.080 Administration of Assessment.**

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**A. Annual BID Fee Assessment.**

- 1. The property owners of each parcel or contiguous group of parcels within the District shall be assessed the BID Fee for each assessment year. Each assessment year shall run from January 1st to December 31st.
- 2. The City shall assess the BID Fee prior to December 31st. The BID Fee is due upon issuance of the assessment and shall be considered past due if not paid on or before February 1st.
- 3. When assessments for the BID Fee are prepared, all unpaid past due amounts (for outstanding BID Fees, late fees and costs) shall be added to the amount of the current assessment.

- B. **BID Fee Assessment Years 2020-2024.** For Assessment Years 2020 through 2024 (only), the property owner shall have the option of either: (1) paying the entire BID Fee; or (2)

requesting that the BID Fee be allocated and assessed to individual tenants which will have business leases active on January 1st of the upcoming assessment year; provided however, the property owner shall be responsible for any portion of the BID Fee not allocated to any tenants.

For property owners selecting the second option, the property owner must provide the City no later than December 15th a roster of tenants which will have business leases active on January 1st of the upcoming assessment year. The roster shall include: (1) the name of each tenant; (2) each tenant's contact and contact address; and (3) the percentage of the BID Fee which should be allocated to each tenant based upon their leased space as a percentage of the Total Building Area. The City shall then assess each tenant for their proportional share of the BID Fee. Where the Total Building Area is greater than the sum of all allocated tenant leased spaces, the remaining percentage of the BID Fee shall be allocated to the property owner.

- C. **Late Fee.** A late fee of 25 percent shall be assessed when any BID Fee becomes past due.
- D. **Refund.** No refunds for any BID Fee paid will be given to any Business properly assessed a BID Fee, regardless of when the Business vacates the premises and whether or not a new Business subsequently assumes that location during the balance of the year for which the BID Fee was paid.
- E. **Appeal.** If a Business feels that it received an assessment in error or that the amount of the assessment was miscalculated or based upon incorrect information, then the Business may submit a written appeal to the City Clerk's office on or before December 31st (or within 30 days of the initial assessment). The written appeal must provide the basis of the appeal, the correction being requested and an address or email address for the appellant to receive the City's response. The written appeal shall be reviewed by the Director of Finance, the Director of Planning & Development Service and the City Attorney (or their designees). Following such review, the City will send either a revised assessment if the appeal is determined to have merit, or a written notice stating that the appeal has been denied. The Business shall then have 30 days from the date of the revised assessment or the written notice to make payment before such amount is considered past due, or alternatively, to file an appeal with the BID Advisory Board pursuant to O.P.M.C. Section 2.14.040 C.
- F. **Collection.** If it becomes necessary to utilize the services of a collection agency, attorney or court action in order to collect any outstanding BID Fee, late fees or costs due and owing from a Business, the cost of said collection agency, attorney or court action shall be added to the amount due to the City and shall become a legal obligation of said Business.
- G. **Agent.** The City may use BID Fees to contract with any person or organization, including, but not limited to, the not-for-profit corporation with which the City contracts for other specified services within the District, to do the tasks of compiling a list of Businesses in the District, determining their respective floor area or land area and/or to assist with the assessment or collection of the BID Fee.

**Section 5.** Existing Overland Park Municipal Code Sections 2.14.010, 2.14.060, 2.14.070, and 2.14.080 are hereby repealed. Provided, however, the provisions of said sections shall survive solely to the extent necessary for the purpose of the collection and remitting of any BID Fee due and outstanding thereunder.

**Section 6.** This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

PASSED by the City Council this 18th day of November, 2019.

APPROVED by the Mayor this 18th day of November, 2019.

**CITY OF OVERLAND PARK, KANSAS**

By: (s) Carl Gerlach \_\_\_\_\_  
Carl Gerlach  
Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

By: (s) Elizabeth Kelley \_\_\_\_\_  
Elizabeth Kelley  
City Clerk

By: (s) Stephen B. Horner \_\_\_\_\_  
Stephen B. Horner  
Senior Assistant City Attorney