

**RESOLUTION NO. 4560**

**A RESOLUTION OF THE CITY OF OVERLAND PARK, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING CONCERNING THE ADVISABILITY OF THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT LOCATED GENERALLY IN THE VICINITY OF I-435 AND ANTIOCH ROAD WITHIN THE CITY AND DECLARING THE INTENT OF THE CITY TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX PURSUANT TO K.S.A. 12-6a26 ET SEQ. AS AMENDED (BROOKRIDGE CID NO. 1).**

**WHEREAS**, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the “Act”), the City of Overland Park, Kansas (the “City”), is authorized to create a community improvement district (“CID”) as provided in the Act to provide for the acquisition, improvement, construction, demolition, removal, renovation, reconstruction, restoration, replacement, repair, furnishing and equipping buildings, structures, facilities, sidewalks, roads, parking lots, traffic signs and signals, utilities, pedestrian amenities, drainage, water, storm and sewer systems, underground gas, heating and electrical services and extensions, water mains and extensions, site improvements, street lights, lighting, street light fixtures, benches, awnings, canopies, walls, trees, landscapes and other amenities and improvements as provided in the Act (collectively, a “CID Project”); and

**WHEREAS**, upon proper petition, the Act further authorizes the City, in order to pay the costs of a project which is a CID Project, to impose a CID sales tax on the selling of tangible personal property at retail or rendering or furnishing services within a CID in any increment of .10% or .25% not to exceed 2.0% and to finance the costs of a CID Project pursuant to pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such CID sales tax; and

**WHEREAS**, a petition (the “Petition”) has been filed with the City Clerk of the City proposing the creation of a CID, the making of CID Projects relating thereto as more particularly described on **Exhibit A** attached hereto (the “Project”) and the imposition of a CID sales tax in order to pay a portion of the costs of the Project; and

**WHEREAS**, the proposed CID is located generally in the vicinity of I-435 and Antioch Road in the City (the “Brookridge CID No. 1”); and

**WHEREAS**, the Petition was signed by the owners of record, whether resident or not, of more than 55% of assessed value of the land area contained within the proposed Brookridge CID No. 1 and by more than 55% percent of all owners of real property within the boundaries of the proposed Brookridge CID No. 1; and

**WHEREAS**, if the Brookridge CID No. 1 is created by the City and certain further conditions are met, the City intends to impose a one and one-half percent (1.5%) CID sales tax within the Brookridge CID No. 1; and

**WHEREAS**, the Act provides that prior to creating any CID, the City shall, by resolution, direct and order a public hearing on the advisability of creating such CID and

authorizing a CID Project therein and the intent of the City to levy a CID sales tax within such district and shall give notice of said public hearing in accordance with the Act;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:**

1. Notice is hereby given that a public hearing to consider the advisability of the creation by the City of the proposed Brookridge CID No. 1 and the imposition by the City of a one and one-half percent (1.5%) CID sales tax within the proposed Brookridge CID No. 1 shall be held at the Overland Park City Hall, 8500 Santa Fe Drive, Overland Park, Kansas, on December 2, 2019, at 7:30 p.m., Central Time (or as soon thereafter as is practical).

2. The general nature of the proposed Project to be completed within the proposed Brookridge CID No. 1 is set forth in **Exhibit A** attached hereto and incorporated herein by reference.

3. The estimated cost of the Brookridge CID No. 1 Project is \$36,000,000.

4. The Project within the proposed Brookridge CID No. 1 will be financed on a pay-as-you-go basis payable from revenues received from the imposition of a one and one-half percent (1.5%) CID sales tax on the selling of tangible personal property at retail or rendering or furnishing of taxable services taxable pursuant to the provisions of the Kansas retailer's sales tax act within the proposed Brookridge CID No. 1. No special assessments will be levied pursuant to the Act to finance the Project.

5. A map generally outlining the boundaries of the proposed Brookridge CID No. 1 is attached hereto as **Exhibit B** and incorporated herein by reference. A legal description of the proposed Brookridge CID No. 1 is set forth in **Exhibit C** attached hereto and incorporated herein by reference.

6. The City Clerk shall give notice of the public hearing in accordance with the provisions of the Act by publishing this resolution at least once each week for two consecutive weeks in the official City newspaper and sending this resolution by certified mail to all owners. The second publication of this resolution shall occur at least seven days prior to the date of hearing and the certified mailed notice shall be sent at least ten days prior to the date of hearing.

ADOPTED by the City Council this 21<sup>st</sup> day of October, 2019.

APPROVED AND SIGNED by the Mayor this 21<sup>st</sup> day of October, 2019.

**CITY OF OVERLAND PARK, KANSAS**

By: /s/ Carl Gerlach  
Carl Gerlach  
Mayor

(SEAL)

ATTEST:

By: /s/ Elizabeth Kelley  
Elizabeth Kelley  
City Clerk

APPROVED AS TO FORM:

By: /s/ Michael Koss  
Michael Koss  
Senior Assistant City Attorney

APPROVED AS TO FORM:

By: /s/ Joseph D. Serrano  
Joseph D. Serrano, Kutak Rock LLP  
Bond Counsel

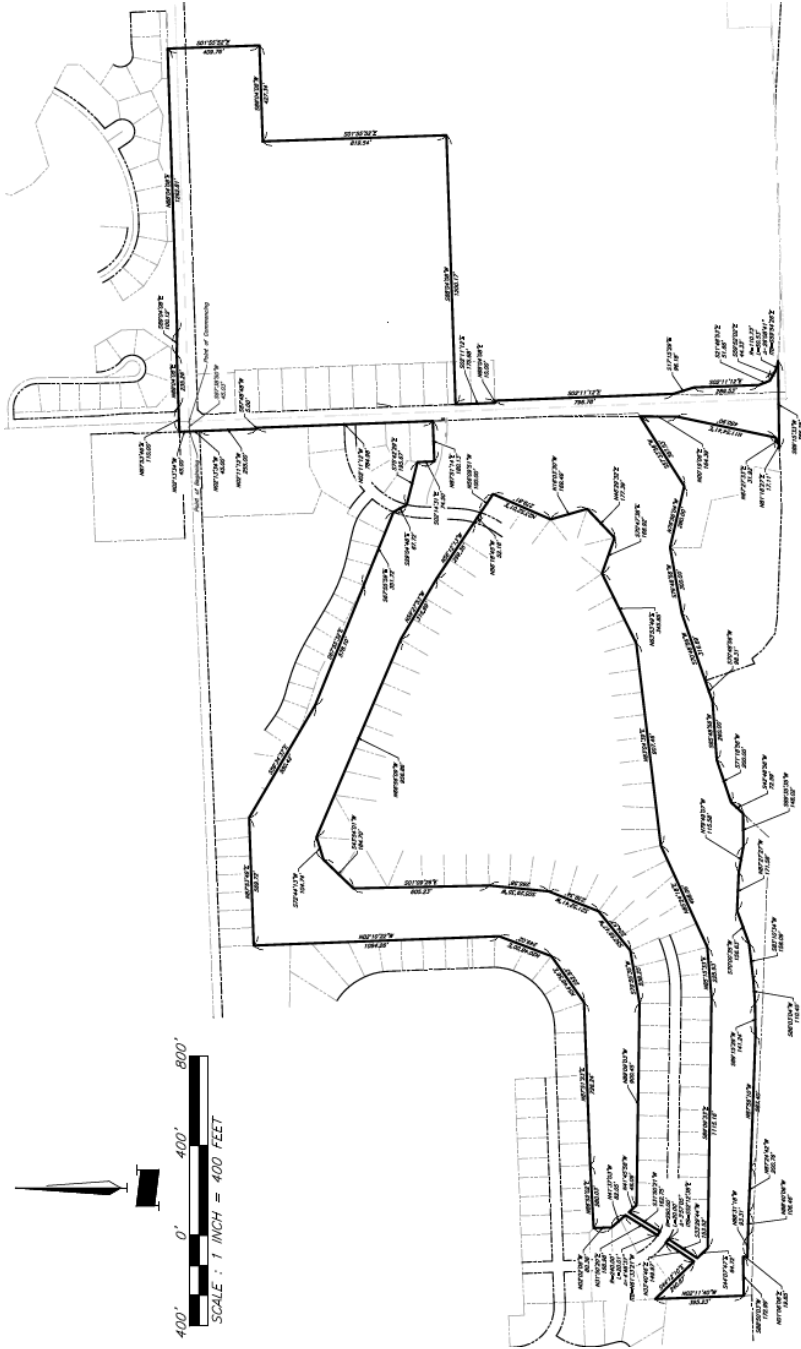
**EXHIBIT A**

**GENERAL NATURE OF PROPOSED CID PROJECT**

**(THE BROOKRIDGE CID No. 1)**

The proposed CID Project consists of redevelopment of certain privately-owned property and adjacent right-of-way located at the northeast corner of I-435 and Antioch Road within the City. The general nature of the proposed CID Project is to promote economic development within the CID District, which shall all be accomplished by providing community improvement district financing in accordance with this petition, the Act, and City of Overland Park policy to finance the demolition, construction, design, maintenance, and procurement of certain improvements, costs, and services within the CID District, including, but not limited to: land acquisition, infrastructure and site work related items, streets, sidewalks, parking improvements, buildings, facilities, tenant improvements, golf course improvements, landscaping, stream corridor improvements, utilities, signage, lighting, art, and other cultural and entertainment amenities.

**EXHIBIT B**  
**MAP OF PROPOSED CID**  
**(THE BROOKRIDGE CID No. 1)**



## EXHIBIT C

### LEGAL DESCRIPTION OF CID

#### (THE BROOKRIDGE CID No. 1)

A tract of land over a portion of the Southeast Quarter of Section 1, Township 13 South, Range 24 East, and the Southwest Quarter of Section 6, Township 13 South, Range 25 East, and the Northwest Quarter of Section 7, Township 13 South Range 25 East, and the North half of Section 12, Township 13 South, Range 24 East, being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of said Section 12, Township 13 South, Range 24 East; thence South  $87^{\circ}38'50''$  West, along the North line of said Northeast Quarter, a distance of 45.03 feet, to the Point of Beginning; thence North  $02^{\circ}13'34''$  West, departing said North line, a distance of 45.00 feet, to a point of intersection of the North Right-of-Way line of 103rd Street and the West Right-of-Way line of Antioch Road, as both are now established; thence North  $87^{\circ}53'46''$  East, departing said intersection, a distance of 110.00 feet, to a point of intersection of said North Right-of-Way line, and the East Right-of-Way line of Antioch Road, as now established, per plat of PINEHURST ESTATES – 4TH PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, recorded in Book 39 at Page 47; thence departing said intersection and along said North Right-of-Way line, the following calls: thence North  $88^{\circ}04'08''$  East, a distance of 235.26 feet; thence South  $89^{\circ}04'08''$  East, a distance of 100.12 feet; thence North  $88^{\circ}04'08''$  East, a distance of 1262.81 feet; thence South  $01^{\circ}55'52''$  East, departing said North Right-of-Way line, a distance of 409.76 feet; thence South  $88^{\circ}04'08''$  West, a distance of 427.34 feet; thence South  $01^{\circ}55'52''$  East, a distance of 819.54 feet; thence South  $88^{\circ}04'08''$  West, a distance of 1200.17 feet, to a point on said East Right-of-Way line of Antioch Road; thence along said East Right-of-Way line, the following calls: thence South  $02^{\circ}11'12''$  East, a distance of 175.68 feet; thence North  $88^{\circ}04'08''$  East, a distance of 10.00 feet; thence South  $02^{\circ}11'12''$  East, a distance of 796.78 feet; thence South  $17^{\circ}15'29''$  East, a distance of 96.18 feet; thence South  $02^{\circ}11'12''$  East, a distance of 289.53 feet, to a point being the intersection of said East Right-of-Way line, and the North Right-of-Way line of Interstate 435, as now established; thence departing said intersection, along said North Right-of-Way line, the following three calls: thence South  $21^{\circ}48'53''$  East, a distance of 51.66 feet; thence South  $59^{\circ}52'02''$  East, a distance of 44.33 feet, to a point on a non-tangent curve; thence Southeasterly, along a curve to the left, having a radius of 110.73 feet, a central angle of  $26^{\circ}08'41''$ , and whose initial tangent bearing is South  $59^{\circ}54'26''$  East, a distance of 50.53 feet; thence South  $89^{\circ}15'33''$  West, departing said North Right-of-Way line, a distance of 386.25 feet, to a point of intersection of said North Right-of-Way line of Interstate 435, and said West Right-of-Way line of Antioch Road, as now established; thence departing said North Right-of-Way line of Interstate 435, along said West Right-of-Way line of Antioch Road, the following calls: thence North  $81^{\circ}18'27''$  East, a distance of 17.11 feet; thence North  $67^{\circ}27'33''$  East, a distance of 31.92 feet; thence North  $11^{\circ}54'41''$  East, a distance of 450.90 feet; thence North  $00^{\circ}19'06''$  East, a distance of 164.39 feet; thence South  $57^{\circ}33'56''$  West, departing said West Right-of-Way line of Antioch Road, a distance of 367.53 feet; thence North  $76^{\circ}56'04''$  West, a distance of 280.00 feet, to the Northeast corner of THE ORCHARDS 1ST PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, recorded in Book 58 at Page 10; thence South  $79^{\circ}48'56''$  West, along the North line of said THE ORCHARDS 1ST PLAT, a distance of 300.00 feet; thence South  $70^{\circ}48'56''$

West, continuing along said North line of THE ORCHARDS 1ST PLAT, a distance of 316.69 feet, to a point of intersection of said THE ORCHARDS 1ST PLAT and said North Right-of-Way line of Interstate 435; thence departing said North line of THE ORCHARDS 1ST PLAT, and along said North Right-of-Way line of Interstate 435, the following calls: thence continuing South 70°48'56" West, a distance of 98.31 feet; thence South 85°48'56" West, a distance of 260.00 feet; thence South 71°18'56" West, a distance of 200.00 feet; thence South 42°48'56" West, a distance of 72.59 feet; thence South 89°35'35" West, a distance of 148.02 feet; thence North 79°49'07" West, a distance of 115.58 feet; thence North 87°27'27" West, a distance of 171.58 feet; thence South 70°00'35" West, a distance of 156.63 feet; thence South 83°10'34" West, a distance of 158.09 feet; thence South 86°03'04" West, a distance of 110.45 feet; thence South 89°15'28" West, a distance of 141.24 feet; thence North 87°56'10" West, a distance of 587.40 feet; thence North 87°24'42" West, a distance of 200.76 feet; thence North 88°40'06" West, a distance of 106.46 feet; thence North 88°31'18" West, a distance of 93.31 feet; thence North 01°06'06" East, a distance of 19.85 feet; thence South 88°50'03" West, a distance of 172.99 feet, to a point of intersection of said North Right-of-Way line of Interstate 435 and the East line of WYCLIFF WEST, a subdivision in the City of Overland Park, Johnson County, Kansas, recorded in Book 31 at Page 30; thence North 02°11'40" West, departing said North Right-of-Way line of Interstate 435, along said East line of WYCLIFF WEST, a distance of 395.23 feet, to a point of intersection of said East line of WYCLIFF WEST and the Southerly line of Block 9 of WYCLIFF, a subdivision in the City of Overland Park, Johnson County, Kansas, recorded in Book 28 at Page 27 and in Book 26 at Page 26 and in Book 29 at Page 50 and in Book 34 at Page 2; thence South 44°12'10" East, departing said East line of WYCLIFF WEST, along the Southerly lines of Lots 39 and 38 in said Block 9, a distance of 240.87 feet, to the Southeast corner of said Lot 38; thence North 33°40'46" East, along the Easterly line of said Lot 38, a distance of 149.97 feet, to a point on a non-tangent curve being the NE corner of said Lot 38, said point also being on the Southerly Right-of-Way line of West 106th Street, as now established; thence Southeasterly, departing said Easterly line of Lot 38, along said Southerly Right-of-Way line of West 106th Street, and along a curve to the left, having a radius of 290.00 feet, a central angle of 03°57'05", and whose initial tangent bearing is South 52°12'38" East, a distance of 20.00 feet, to the Northwest corner of Lot 37 of said Block 9; thence South 33°29'44" West, departing said Southerly Right-of-Way line of West 106th Street, along the Westerly line said Lot 37, a distance of 153.52 feet, to the Southwest corner of said Lot 37; thence South 44°07'47" East, along the Southerly line of said Lot 37, a distance of 64.72 feet; thence South 89°09'33" East, along the Southerly lines of Lots 37 thru 27 of said Block 9, a distance of 1115.16 feet, to the Southeast corner of said Lot 27; thence North 85°15'33" East, along the Southerly lines of Lots 26 and 25 of said Block 9, a distance of 225.93 feet, to the Southeast corner of said Lot 25; thence North 65°24'18" East, along the Southerly lines of Lots 24 thru 20 of said Block 9, a distance of 498.06 feet, to the Southeast corner of said Lot 20; thence North 83°04'39" East, along the Southerly lines of Lots 19 thru 11 of said Block 9, a distance of 907.46 feet, to the Southeast corner of said Lot 11; thence North 63°53'49" East, along the Southerly lines of Lots 10 thru 8 of said Block 9, a distance of 345.85 feet, to the Southeast corner of said Lot 8; thence South 70°47'38" East, along the Southwesterly line of Lot 6 of said Block 9, a distance of 168.92 feet, to the Southeast corner of said Lot 6; thence North 46°29'32" East, along the Southeasterly line of Lot 5 of said Block 9, a distance of 177.39 feet, to the Northeast corner of said Lot 5; thence North 16°03'30" West, along the Easterly line of Lot 4, of said Block 9, a distance of 169.49 feet, to the Northeast corner of said Lot 4; thence

North 23°52'01" East, along the Easterly lines of Lots 2 and 1 of said Block 9, a distance of 279.81 feet, to the Northeast corner of said Lot 1; thence North 56°09'51" West, along the Northerly line of said Lot 1, a distance of 100.00 feet, to a point on the Easterly Right-of-Way line of Benson Street, as now established; thence North 56°18'45" West, departing said Northerly line of Lot 1 and said Easterly Right-of-Way line of Benson Street, a distance of 52.18 feet, to a point on a Westerly Right-of-Way line of Benson Street, as now established, said point also being on the Northerly line of Lot 1 of Block 5 of said WYCLIFF; thence North 56°12'13" West, departing said Westerly Right-of-Way line of Benson Street, along the Northeasterly lines of Lots 1 thru 3 of said Block 5, a distance of 299.35 feet, to the Northwest corner of said Lot 3; thence North 59°27'53" West, along the Northeasterly lines of Lots 4 thru 6 of said Block 5, a distance of 316.99 feet, to the Northwest corner of said Lot 6; thence North 66°56'09" West, along the Northeasterly lines of Lots 7 thru 15 of said Block 5, a distance of 956.86 feet, to the Northwest corner of said Lot 15; thence South 72°44'13" West, along the Northwesterly line of Lot 16 of said Block 5, a distance of 104.74 feet; thence South 43°54'01" West, along said Northwesterly line of Lot 16 and the Northwesterly line of Lot 17 of said Block 5, a distance of 184.70 feet; thence South 01°09'26" East, along the Westerly lines of Lots 17 thru 22 of said Block 5, a distance of 605.23 feet, to the Southwest corner of said Lot 22; thence South 05°29'35" West, along the Westerly lines of Lots 23 thru 25 of said Block 5, a distance of 266.58 feet, to the Southwest corner of said Lot 25; thence South 21°52'41" West, along the Westerly lines of Lots 26 thru 28 of said Block 5, a distance of 239.34 feet, to the Southwest corner of said Lot 28; thence South 50°59'47" West, along the Northwesterly lines of Lots 29 thru 31 of said Block 5, a distance of 224.57 feet, to the Northwest corner of said Lot 31; thence South 79°55'35" West, along the Northerly lines of Lots 32 thru 34 of said Block 5, a distance of 238.25 feet, to the Northwest corner of said Lot 34; thence North 89°09'03" West, along the Northerly lines of Lots 35 thru 43 of said Block 5, a distance of 900.45 feet, to the Northwest corner of said Lot 43; thence North 41°45'58" West, along the Northerly line of Lot 44 of said Block 5, a distance of 46.09 feet, to the Northwest corner of said Lot 44; thence South 31°50'21" West, along the West line of said Lot 44, a distance of 162.75 feet, to a point on a non-tangent curve being the Southwest corner of said Lot 49, said point also being on the Northerly Right-of-Way of West 106th Street, as now established; thence Northwesterly, departing said West line of Lot 44, along said Northerly Right-of-Way line of West 106th Street, along a curve to the right, having a radius of 240.00 feet, a central angle of 04°46'37", and whose initial tangent bearing is North 61°33'21" West, a distance of 20.01 feet, to the Southeast corner of Lot 45 of said Block 5; thence North 31°50'20" East, departing said North Right-of-Way line, along the Easterly line of said Lot 45, a distance of 168.98 feet, to the Northeast corner of said Lot 45; thence North 41°37'03" West, along the Northeasterly lines of Lots 45 and 46 of said Block 5, a distance of 82.05 feet, to the Northeast corner of said Lot 46; thence North 02°02'08" West, along the East line of Lot 47 of said Block 5, a distance of 80.36 feet, to the Northeast corner of said Lot 47; thence North 86°52'02" East, along the Southerly lines of Lots 49 thru 51 of said Block 5, a distance of 280.03 feet, to the Southeast corner of said Lot 51; thence North 87°51'23" East, along the Southerly lines of Lots 52 thru 58 of said Block 5, a distance of 726.24 feet, to the Southeast corner of said Lot 58; thence North 54°46'56" East, along the Southeasterly lines of Lots 59 and 60 of said Block 5, a distance of 252.83 feet, to the Southeast corner of said Lot 60; thence North 20°48'00" East, along the Southeasterly lines of Lots 61 and 62 of said Block 5, a distance of 249.02 feet; thence North 02°10'22" West, along the Easterly lines of Lots 62 and 63, Tract "A", 64 thru 70 of said Block 5 and Lot 30 of Block 3 of WYCLIFF, a distance of 1094.26

feet, to the Southwest corner of Lot 31 of said Block 3; thence North  $87^{\circ}53'49''$  East, along the Southerly lines of Lots 31 thru 37 of said Block 3, a distance of 569.72 feet, to the Southeast corner of said Lot 37; thence South  $59^{\circ}34'37''$  East, along the Southwesterly lines of Lots 16 thru 13, and its Southeasterly extension, a distance of 580.42 feet; thence South  $67^{\circ}55'32''$  East, a distance of 578.10 feet, to the Southeast corner of Lot 5 of said Block 3; thence South  $67^{\circ}55'59''$  East, along the Southerly lines of Lots 4 thru 1 of said Block 3, a distance of 351.72 feet, to a point on said Westerly Right-of-Way line of Benson Street; thence South  $29^{\circ}04'48''$  East, departing said Westerly Right-of-Way line of Benson Street, a distance of 67.72 feet, to a point on the Easterly Right-of-Way line of said Benson Street, said point also being the Southwest corner of Lot 1 of Block 4 of said WYCLIFF; thence South  $75^{\circ}42'29''$  East, departing said Easterly Right-of-Way line of Benson Street, along the Southerly line of said Lot 1, a distance of 195.67 feet, to the Southeast corner of said Lot 1; thence South  $02^{\circ}14'31''$  East, along the West line of Lot 6 of said Block 4, a distance of 74.50 feet, to the Southwest corner of said Lot 6; thence North  $87^{\circ}51'14''$  East, along the Southerly line of said Lot 6, a distance of 180.13 feet, to a point on said Westerly Right-of-Way line of said Antioch Road; thence North  $02^{\circ}11'12''$  West, along said Westerly Right-of-Way line of Antioch Road, a distance of 784.98 feet; thence South  $87^{\circ}48'48''$  West, continuing along side Westerly Right-of-Way line of Antioch Road, a distance of 5.00 feet; thence North  $02^{\circ}11'12''$  West, continuing along said Westerly Right-of-Way line of Antioch Road, a distance of 255.00 feet, to a point of intersection of said Westerly Right-of-Way line of Antioch Road and said Southerly Right-of-Way line of West 103rd Street; thence North  $02^{\circ}13'34''$  West, departing said intersection, a distance of 45.00 feet, to the Point of Beginning, containing 4,435,570.62 square feet or 101.83 acres, more or less.