

## **RESOLUTION NO. 4561**

**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. 2).**

**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. 2”); 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. 2 and by more than 55% percent of all owners of real property within the boundaries of the proposed Brookridge CID No. 2; and

**WHEREAS**, if the Brookridge CID No. 2 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. 2; 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. 2 and the imposition by the City of a one and one-half percent (1.5%) CID sales tax within the proposed Brookridge CID No. 2 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. 2 is set forth in **Exhibit A** attached hereto and incorporated herein by reference.

3. The estimated cost of the Brookridge CID No. 2 Project is \$11,000,000.

4. The Project within the proposed Brookridge CID No. 2 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. 2. 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. 2 is attached hereto as **Exhibit B** and incorporated herein by reference. A legal description of the proposed Brookridge CID No. 2 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

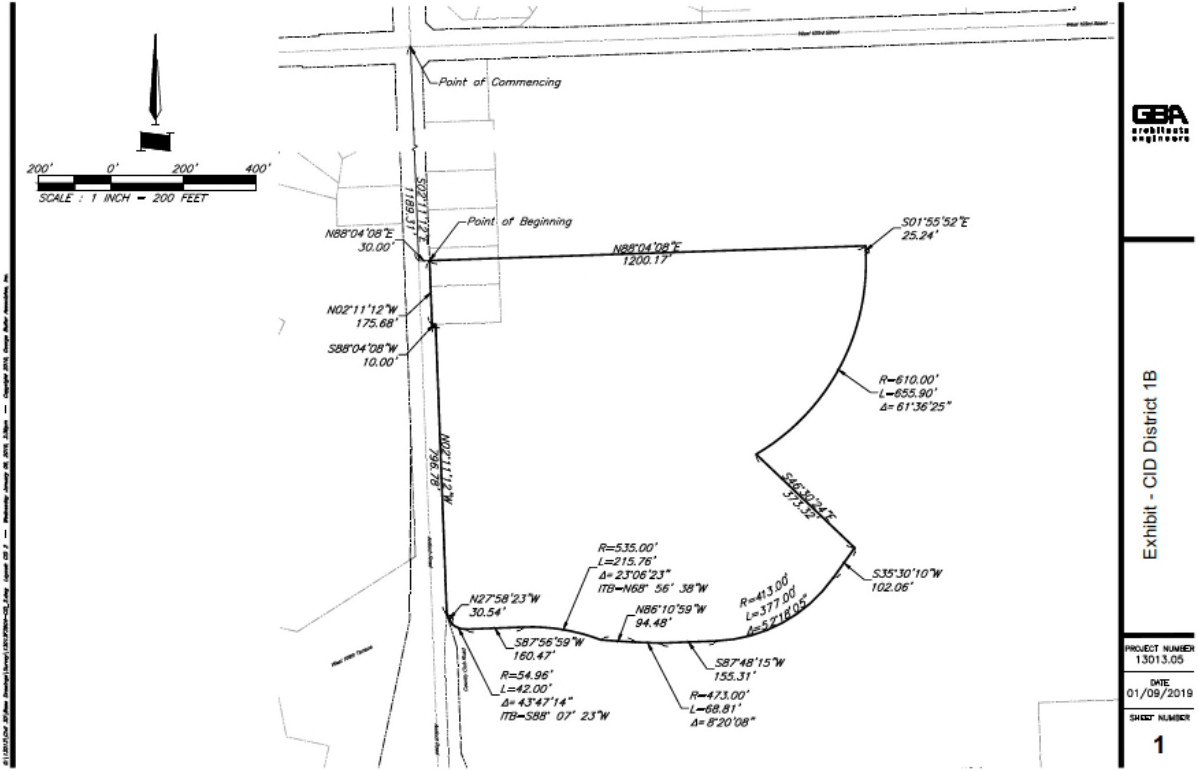
**EXHIBIT A**

**GENERAL NATURE OF PROPOSED CID PROJECT**

**(THE BROOKRIDGE CID No. 2)**

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, landscaping, stream corridor improvements, utilities, signage, lighting, art, and other cultural amenities.

**EXHIBIT B**  
**MAP OF PROPOSED CID**  
**(THE BROOKRIDGE CID No. 2)**



**GBA**  
 architects  
 engineers

Exhibit - CID District 1B

PROJECT NUMBER  
13013.05  
DATE  
01/09/2019  
SHEET NUMBER

**1**

## EXHIBIT C

### LEGAL DESCRIPTION OF CID

#### (THE BROOKRIDGE CID No. 2)

A tract of land over a portion of the Northwest Quarter of Section 7, Township 13 South Range 25 East, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest Corner of said Northwest Quarter of Section 7, Township 13 South, Range 25 East; thence South  $02^{\circ}11'12''$  East, along the West line of said Northwest Quarter, a distance of 1189.31 feet; thence North  $88^{\circ}04'08''$  East, departing said West line, a distance of 30.00 feet, to the Point of Beginning, said point also being on the East Right-of-Way line of Antioch Road, as now established; thence continuing North  $88^{\circ}04'08''$  East, departing said East Right-of-Way line, a distance of 1200.17 feet; thence South  $01^{\circ}55'52''$  East, a distance of 25.24 feet, to a point of curvature; thence Southerly and Southwesterly, along a curve to the right, having a radius of 610.00 feet, a central angle of  $61^{\circ}36'25''$ , a distance of 655.90 feet; thence South  $46^{\circ}30'24''$  East, a distance of 373.32 feet; thence South  $35^{\circ}30'10''$  West, a distance of 102.06 feet, to a point of curvature; thence Southwesterly and Westerly, along a curve to the right, having a radius of 413.00 feet, a central angle of  $52^{\circ}18'05''$ , a distance of 377.00 feet; thence South  $87^{\circ}48'15''$  West, a distance of 155.31 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 473.00 feet, a central angle of  $08^{\circ}20'08''$ , a distance of 68.81 feet; thence North  $86^{\circ}10'59''$  West, a distance of 94.48 feet, to a point on a non-tangent curve; thence Northwesterly and Westerly, along a curve to the left, having a radius of 535.00 feet, a central angle of  $23^{\circ}06'23''$ , and whose initial tangent bearing is North  $68^{\circ}56'38''$  West, a distance of 215.76 feet; thence South  $87^{\circ}56'59''$  West, a distance of 160.47 feet, to a point on a non-tangent curve; thence Westerly and Northwesterly, along a curve to the right, having a radius of 54.96 feet, a central angle of  $43^{\circ}47'14''$ , and whose initial tangent bearing is South  $88^{\circ}07'23''$  West, a distance of 42.00 feet; thence North  $27^{\circ}58'23''$  West, a distance of 30.54 feet, to a point on said East Right-of-Way line; thence North  $02^{\circ}11'12''$  West, along said East Right-of-Way line, a distance of 796.78 feet; thence South  $88^{\circ}04'08''$  West, continuing along said East Right-of-Way line, a distance of 10.00 feet; thence North  $02^{\circ}11'12''$  West, continuing along said East Right-of-Way line, a distance of 175.68 feet, to the Point of Beginning, containing 1,109,249.98 square feet or 25.46 acres, more or less.