

(Published in *The Dodge City Daily Globe* on March \_\_, 2012)

**ORDINANCE NO. 3527**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DODGE CITY, KANSAS, ESTABLISHING A STAR BOND PROJECT DISTRICT WITHIN THE CITY AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH**

**WHEREAS**, the state of Kansas (the “State”) desires to promote, stimulate and develop the general and economic welfare of the State and its communities and to assist in the development and redevelopment of eligible areas within a city or county, thereby promoting the general welfare of the citizens of the State, by authorizing cities and counties to acquire certain property and to issue sales tax and revenue (STAR) bonds for the financing of STAR bond projects pursuant to the provisions of K.S.A. 12-17,160 *et seq.*, as amended (the “Act”); and

**WHEREAS**, pursuant to the Act the City of Dodge City, Kansas (the “City”) is authorized to establish STAR bond project districts within eligible areas of the City, as said terms are defined in the Act, to approve STAR bond project district plans for the completion of STAR bond projects within such STAR bond project district, and to finance STAR bond project costs from the incremental increase in state and local sales revenues derived from the STAR bond project district, other revenues described in the Act, or a combination thereof or from the proceeds of special obligation tax increment bonds of the City payable from such described revenues; and

**WHEREAS**, prior to the creation of any STAR bond project district the governing body of the City must adopt a resolution stating that the City is considering the establishing of a STAR bond project district, which resolution shall: (1) Give notice that a public hearing will be held to consider the establishment of a STAR bond project district and fix the date, hour and place of such public hearing, which public hearing shall be held not less than 30 nor more than 70 days following adoption of such resolution, (2) describe the proposed boundaries of the STAR bond project district, (3) describe the proposed STAR bond project district plan, (4) state that a description and map of the proposed STAR bond project district are available for inspection at a time and place designated, and (5) state that the governing body will consider findings necessary for the establishment of a STAR bond project district; and

**WHEREAS**, notice of such public hearing shall be given by mailing a copy of the resolution calling the public hearing via certified mail, return receipt requested, to the board of county commissioners of the county, the board of education of any school district levying taxes on property within the proposed STAR bond project district, and to each owner and occupant of land within the proposed STAR bond project district not more than 10 days following the date of the adoption of such resolution and by publishing a copy of such resolution once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing, which publication shall include a sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the STAR bond project area; and

**WHEREAS**, upon the conclusion of such public hearing and a finding by the Secretary of Commerce that the STAR bond project district is an “eligible area” under the Act, the governing body

may pass an ordinance which shall: (1) make findings that the STAR bond project district proposed to be developed is a STAR bond project under the Act, (2) contain the STAR bond project district plan as approved, (3) contain the legal description of the STAR bond project district, and (4) may establish the STAR bond project district; and

**WHEREAS**, no privately owned property subject to ad valorem taxes shall be acquired and redeveloped under the provisions of the Act, if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the STAR bond project district that the proposed STAR bond project district will have an adverse effect on such county or school district; and

**WHEREAS**, upon the creation of a STAR bond project district pursuant to the Act, the City may propose to undertake one or more STAR bond projects and shall prepare a STAR bond project plan, which may be implemented in separate development stages, in consultation with the City's planning commission; and

**WHEREAS**, the City Commission has heretofore adopted Resolution No. 2012-05 on February 6, 2012, which made a finding that the City is considering the establishment of a STAR bond project district pursuant to the Act, set forth the boundaries of the proposed STAR bond project district, provided a summary of the proposed STAR bond project district plan, called a public hearing concerning the establishment of a STAR bond project district for March 19, 2012 and provided for notice of such public hearing as provided in the Act; and

**WHEREAS**, on February 14, 2012, the Secretary of Commerce made a finding that the proposed STAR bond project district is an "eligible area" under the Act; and

**WHEREAS**, a public hearing was held this date, after due published, delivered and mailed notice in accordance with the provisions of the Act; and

**WHEREAS**, upon and considering the information and public comments received at the public hearing conducted this date, the City Commission hereby deems it advisable to make certain findings and to create the STAR bond project district.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DODGE CITY, KANSAS:**

**Section 1. Findings.** The City Commission hereby finds that due notice of the public hearing conducted this date was made in accordance with the provisions of the Act. The City Commission further finds that the proposed STAR bond project district is a STAR bond project as defined in the Act.

**Section 2. Creation of STAR bond project district.** A STAR bond project district is hereby created within the City in accordance with the provisions of the Act (the "STAR Bond Project District"). The STAR Bond Project District is comprised of two (2) separate, non-contiguous areas located within the City: (i) a historic, downtown area (the "Heritage Area") which is comprised of approximately 140 acres anchored by the Boot Hill Museum and Front Street located north of Wyatt Earp Blvd., but also including redevelopment opportunities south of Wyatt Earp and west of 2<sup>nd</sup> Avenue in and around Wright Park; and (ii) an entertainment area (the "Entertainment Area") which is approximately 375 acres of currently undeveloped ground generally located between U.S Highway 50 and 108<sup>th</sup> Road, south of Frontview Road. The STAR Bond Project District excludes the casino located adjacent to the Entertainment Area

A map depicting the boundaries of the STAR Bond Project District is attached hereto as *Exhibit A*, which is incorporated herein by reference and legally described on *Exhibit B*. The boundaries of the STAR Bond Project District do not contain any property not referenced in Resolution No. 2012-05, which provided notice of the public hearing on the creation of the STAR Bond Project District.

**Section 3. STAR Bond Project District Plan.** The proposed district plan for the STAR Bond Project District (the "District Plan") is hereby approved. The buildings and facilities to be constructed or improved in the STAR Bond Project District may be described in a general manner as follows:

***Heritage Area.***

Within the Heritage Area, the District Plan provides for: (1) the renovation and expansion of the Boot Hill Museum, including modernizing the exhibits and attractions; (2) infrastructure and themed aesthetic improvements to Front Street and other portions of Dodge City along and south of Wyatt Earp and throughout the Heritage Area; (3) a themed attraction, like a water park; and (4) construction, renovation and expansion of regional, specialty-themed retail and restaurants to enhance this portion of the community as a regional, national and international tourist destination.

***Entertainment Area.***

Within the Entertainment Area, the District Plan provides for: (1) the construction of approximately 200,000 to 220,000 square feet of big box and junior anchor stores in one or more buildings; (2) construction of approximately 50,000 to 70,000 square feet of restaurants and other pad sites in multiple buildings; (3) approximately 220,000 to 240,000 square feet of in-line soft goods retail in multiple buildings; and (4) construction of one or more hotels.

**Section 4. Approval of Other Governmental Units.** No privately owned property subject to ad valorem taxation within the STAR Bond Project District shall be acquired and redeveloped pursuant to the Act, if the Board of County Commissioners of Ford County, Kansas or the Board of Education of Unified School District No. 443 determines by resolution adopted within thirty days following the public hearing held this date, that the STAR Bond Project District will have an adverse effect on Ford County or Unified School District No. 443, respectively. As of this date, the City has not received a copy of any such resolution and is not aware of the adoption of any such resolution by the governing body of Ford County or Unified School District No. 443.

**Section 5. Reimbursement.** The Act authorizes the City to issue special obligation bonds (the "Bonds") to finance all or a portion of the costs of implementing the District Plan. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of passage of this Ordinance, pursuant to Treasury Regulation §1.150-2. The maximum principal amount of Bonds that would be issued to reimburse for expenditures made prior to the issuance of the Bonds is limited to \$500,000.

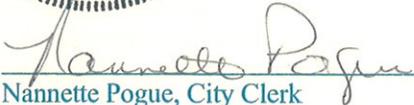
**Section 6. Further Action.** The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney, City consultants, and Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall be effective upon its passage by the City Commission and publication one time in the official City newspaper.

PASSED by the City Commission of the City of Dodge City, Kansas on March 19, 2012.



  
Rick Sowers, Mayor

  
Nannette Pogue, City Clerk

Approved As To Form Only:

  
Bradley C. Ralph, City Attorney

**CERTIFICATE**

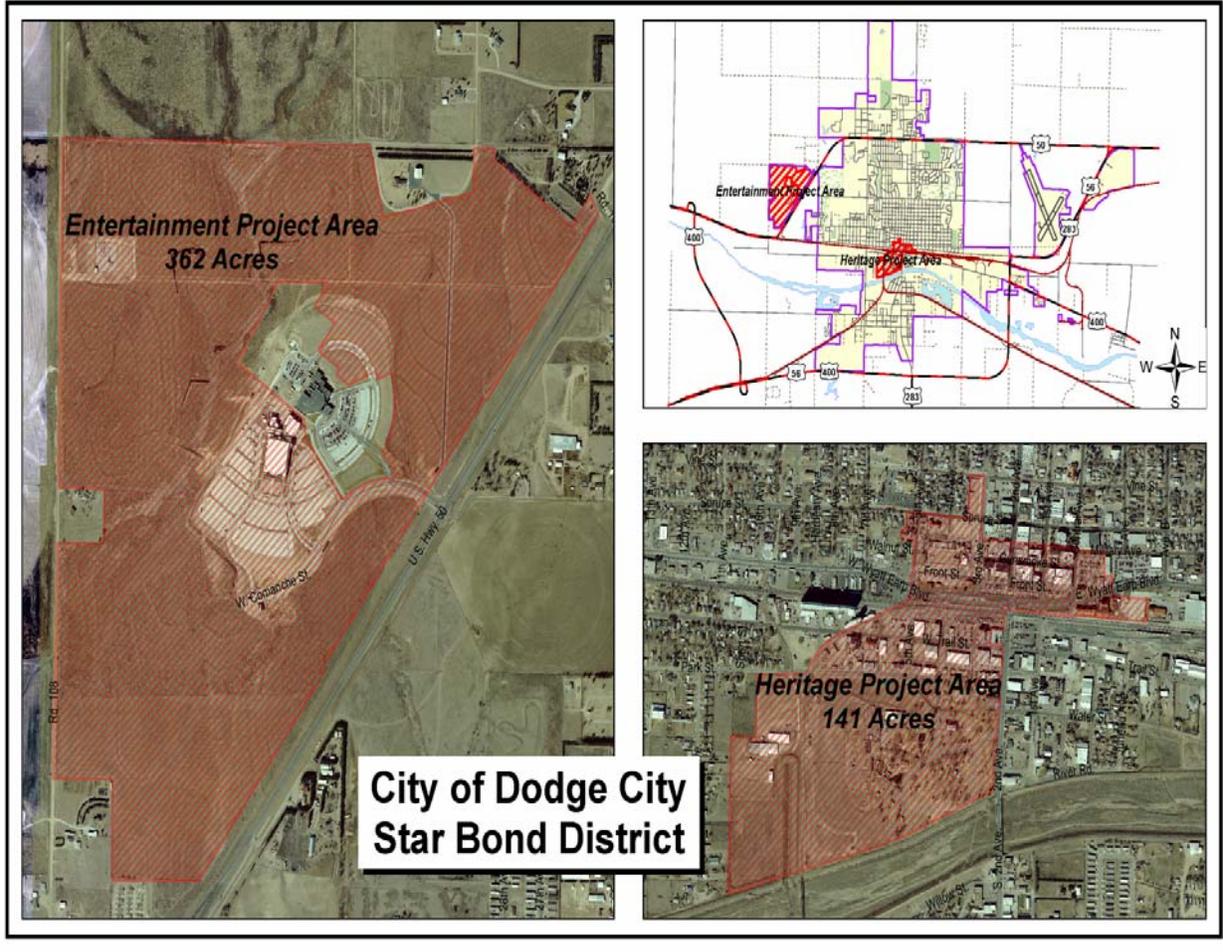
I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 3527 (the "Ordinance") of the City of Dodge City, Kansas (the "City"); that said Ordinance was passed by the City Commission on March 19, 2012; that the record of the final vote on its passage is found on page \_\_\_ of journal \_\_\_; that it was published in the official newspaper of the City on March \_\_, 2012; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

**DATED:** March 19, 2012.

  
City Clerk

**EXHIBIT A**

**MAP OF STAR BOND PROJECT DISTRICT**



**EXHIBIT B**

**LEGAL DESCRIPTION OF STAR BOND PROJECT DISTRICT**

**HERITAGE AREA LEGAL DESCRIPTION:**

Beginning at the intersection of the east r/w line of Fifth Ave. and the south r/w line of Wyatt Earp Blvd. as the point of beginning; thence north along the east r/w line of Fifth Ave. to the extended south line of the north 60 feet of Lots 41,42,43 and 44 of Walnut Street, Original Town; thence west along the said extended line to the west line of Lot 44, Walnut Street, Original Town; thence north along the west line of said Lott 44 to the south line of the platted alley; thence east along the south line of said alley to a point that is 82 feet west of the west r/w line of Fifth Ave.; thence north and parallel with a line that is 82 feet west of the west r/w line of Fifth Ave. to the south r/w line of West Spruce Street; thence east along the south r/w line of said West Spruce Street to the extended east line of the n-s alley in Block 20, Original Town; thence north along the said n-s alley to the south r/w line of West Vine Street; thence east along the south r/w line of said West Vine Street to the west r/w line of Third Ave.; thence south along the west r/w line of said Third Ave. to the extended south line of the e-w alley along Lots 17 thru 24, Gunsmoke Street, Original Town; thence east along the south line of said alley and continuing east extending thru the vacated alley along Lots 9 thru 16, Gunsmoke Street, Original Town; thence continuing along the south line of the e-w alley along Lots 1 thru 8, Gunsmoke Street, Original Town to the west r/w line of Central Ave.; thence south along the west r/w line of said Central Ave. to the projected south r/w line of Military Ave.; thence east along the projected south r/w line of said Military Ave. to the east line of Lot 11, Block 1, F.W. Boyd's Addition; thence south along the east line of said Lot 11 for a distance of 170 feet to the north line of an e-w alley; thence east along the north line of said e-w alley to the projected west line of Lot 1, Block 9, Centennial Addition; thence south along the projected west line of said Lot 1 to a point that intersects the south r/w line of Wyatt Earp Blvd.; thence east for a distance of 387.07 feet; thence south for a distance of 187.9 feet to the north r/w line of the B.N.&S.F. Railroad; thence west along the north r/w line of said B.N.&S.F. Railroad to the extended east r/w line of Central Ave.; thence south along the extended east r/w line of said Central Ave. to the north r/w line of the BN&SF Railroad; thence west along the north r/w of said BN&SF Railroad which is also the south r/w line of Wyatt Earp Blvd. to extended west line of Lot 49, West Trail Street, Original Town; thence south along the extended west line of said Lot 49 to the north r/w line of West Trail Street; thence east along the north r/w line of said West Trail Street to the west r/w line of South Second Ave.; thence south along the west r/w line of said South Second Ave. to the north line of the Arkansas River; thence in a southwesterly direction along the north line of said Arkansas River to the east line of Young's Place; thence north along the east line of said Young's Place to a point that is 528 feet south of the south r/w line of Park Street; thence east for a distance of 245 feet; thence north for a distance of 528 feet to the south line of Park Street; thence east along the south r/w line of said Park Street to the west/north line of the Burlington Northern/Cimarron Valley Railroad; thence northeasterly along the north line of said Burlington Northern/Cimarron Valley Railroad and extending to the point of beginning.

**ENTERTAINMENT AREA LEGAL DESCRIPTION:**

All of the Replat of Mariah Center Lot 1, Block 1, a subdivision of land in Dodge City, Ford County, Kansas excluding Lot 6 and a tract of land described as follows: Commencing at a point that intersects northerly r/w line of Comanche Street with the westerly r/w line of U.S. Highway 50; thence northeasterly along the westerly r/w line of said U.S. Highway 50 for a distance 104 feet to the point of beginning; thence northwesterly and perpendicular with the westerly r/w line of said U.S. Highway 50 for a distance of 50 feet; thence northeasterly and parallel with the westerly r/w line of said U.S. Highway 50 for a distance of 30 feet; thence southeasterly and perpendicular with the westerly r/w line of said U.S. Highway 50 for a distance of 50 feet; thence southwesterly along the westerly r/w line of said U.S. Highway 50 for a distance of 30 feet to the point of beginning.

And all of BHC Resort Subdivision, a subdivision of land in Dodge City, Ford County, Kansas excluding Lot 1A.