

(Published in the Dodge City Daily Globe on February \_\_, 2017)

**ORDINANCE NO. 3650**

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS ADDING ADDITIONAL PROPERTY TO THE EXISTING STAR BOND PROJECT DISTRICT WITHIN THE CITY AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH AND APPROVING AN AMENDED STAR BOND DISTRICT PLAN**

**WHEREAS**, the City of Dodge City, Kansas (the "City") desires to promote, stimulate and develop the general and economic welfare of the City and the state of Kansas the "State") and to assist in the development and redevelopment of eligible areas within the City, thereby promoting the general welfare of the citizens of the State and the City, 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, on March 19, 2012 the City adopted Ordinance No. 3527 establishing a STAR bond project district within certain eligible areas of the City, as said terms are defined in the Act, and

**WHEREAS**, pursuant to the Act, on October 23, 2014, the City adopted Ordinance No. 3594 expanding the Heritage Area of the existing STAR bond project district within the City and making certain findings in connection therewith; and a map showing the boundaries of the current STAR bond project district is attached hereto as Exhibit A, and

**WHEREAS**, pursuant to the Act, the City is authorized to add property to an existing STAR bond project district within eligible areas of the City, as said terms are defined in the Act, and to approve STAR bond project district plans for the completion of STAR bond projects within such expanded STAR bond project district, and to finance all or a portion of STAR bond project costs from state and local sales tax 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 inclusion of additional property within the existing STAR bond project district, the governing body of the City must adopt a resolution stating that the City is considering the inclusion of additional property to the existing STAR bond project district, which resolution shall: (1) Give notice that a public hearing will be held to consider the inclusion of additional property to the existing STAR bond project district and fix the date, hour and place of such public hearing, (2) describe the proposed boundaries of the amended STAR bond project district, (3) state the proposed STAR bond project district plan, (4) state that a description and map of the proposed amended STAR bond project district are available for inspection at a time and place designated, and (5) state the governing body will consider findings necessary for the establishment of the proposed amended 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 existing STAR bond project area; and

**WHEREAS**, upon the conclusion of such public hearing and a finding by the Secretary of Commerce that the existing STAR bond project district as modified and amended to include the additional property, is an "eligible area" the governing body may pass an ordinance which shall: (1) make findings that the existing STAR bond project district may be expanded under the Act, (2) contain the STAR bond project district plan as approved, (3) contain the legal description of the expanded STAR bond project district, and (4) may establish the amended and expanded 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 expanded STAR bond project district that the proposed expanded STAR bond project district will have an adverse effect on such county or school district; and

**WHEREAS**, upon the modification and amendment 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 governing body of the City has heretofore adopted Resolution No. 2016-30 on December 5, 2016, which set a public hearing for January 5, 2017 for the consideration of adding certain property to the existing STAR bond project district within an area of the City which meets the standards of an eligible area required by the Act for the purpose of calling and conducting a public hearing under the provisions of the Act in order to determine whether it is advisable to amend the STAR bond project district and to adopt the amended STAR bond project district plan with additional real property pursuant to the Act; and

**WHEREAS**, a public hearing was held on January 5, 2017 after due publication, delivery and mailed notices in accordance with the provisions of the Act, and after the conclusion of said public hearing, the City elected not to take action on the amendments to the STAR bond project district, and set the matter over until the Commission meeting on February 3, 2017; and

**WHEREAS**, on January 27, 2017, the Secretary of Commerce made a finding that the proposed STAR bond project district, as amended, is an "eligible area" under the Act; and

**WHEREAS**, upon consideration of the information and public comments received at the public hearing conducted on January 5, 2017, and upon deliberations at the February 3, 2017 Commission meeting, the governing body hereby deems it advisable to make certain findings and to amend the STAR bond project district and to adopt the amended STAR bond project district with additional real property pursuant to the Act.

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

**Section 1. Findings.** The governing body of the city hereby finds that due notice of the public hearing conducted on January 5, 2017 was made in accordance with the provisions of the Act.

**Section 2. Amendment to STAR Bond Project District.** The STAR bond project district is hereby amended to add approximately 219 acres of real property which is generally located along 14<sup>th</sup> Avenue, starting at U.S. Highway 50 on the northern end to certain property located to the south of Comanche Street on the southern boundary the ("Power Center Area"). A map depicting the boundaries of the Power Center Area proposed to be added to the existing STAR bond project district is hereby attached hereto as **Exhibit B**, which is incorporated herein by reference and legally described on **Exhibit C**. The boundaries of the Power Center Area do not contain any property not referenced in Resolution No. 2016-30, which provided notice of the public hearing on the addition of this Power Center Area to the existing STAR bond project district.

**Section 3. Amended STAR Bond Project District Plan.** The district plan for the STAR bond project district, as amended by the addition of the Power Center Area, provides for a single STAR bond project within the Power Center Area. The buildings and facilities to be constructed or improved in the Power Center Area of the STAR bond project district shall be described in a general manner as follows and is hereby approved:

The amended plan within the proposed New Entertainment Area of the existing STAR bond project district would provide for: (1) a 50,000 to 75,000 square foot home improvement store, (2) big box and anchor retail concepts that do not currently exist within the City; (3) new national restaurant chains and other high-volume restaurants; (4) other retail, including the following: specialty shops, junior anchor tenants and specialty and boutique shops; and (5) construction, renovation and expansion of infrastructure and other aesthetic improvements to 14<sup>th</sup> Street and the New Entertainment Area to enhance this portion of the community as a super-regional draw.

The district plan for the STAR bond project district, including the new Power Center Area and the other project areas, shall otherwise remain unmodified or amended.

**Section 4. Further Action.** The Mayor, City Manager, City Clerk and other officials and employees of the City, including 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 resolution.

**Section 5. Effective Date.** This Ordinance shall be effective upon its passage by the City Commission of the City and publication one time in the official newspaper of the City.

THIS ORDINANCE IS ADOPTED by the Governing Body of the City of Dodge City, Kansas, this 3rd day of February, 2017.

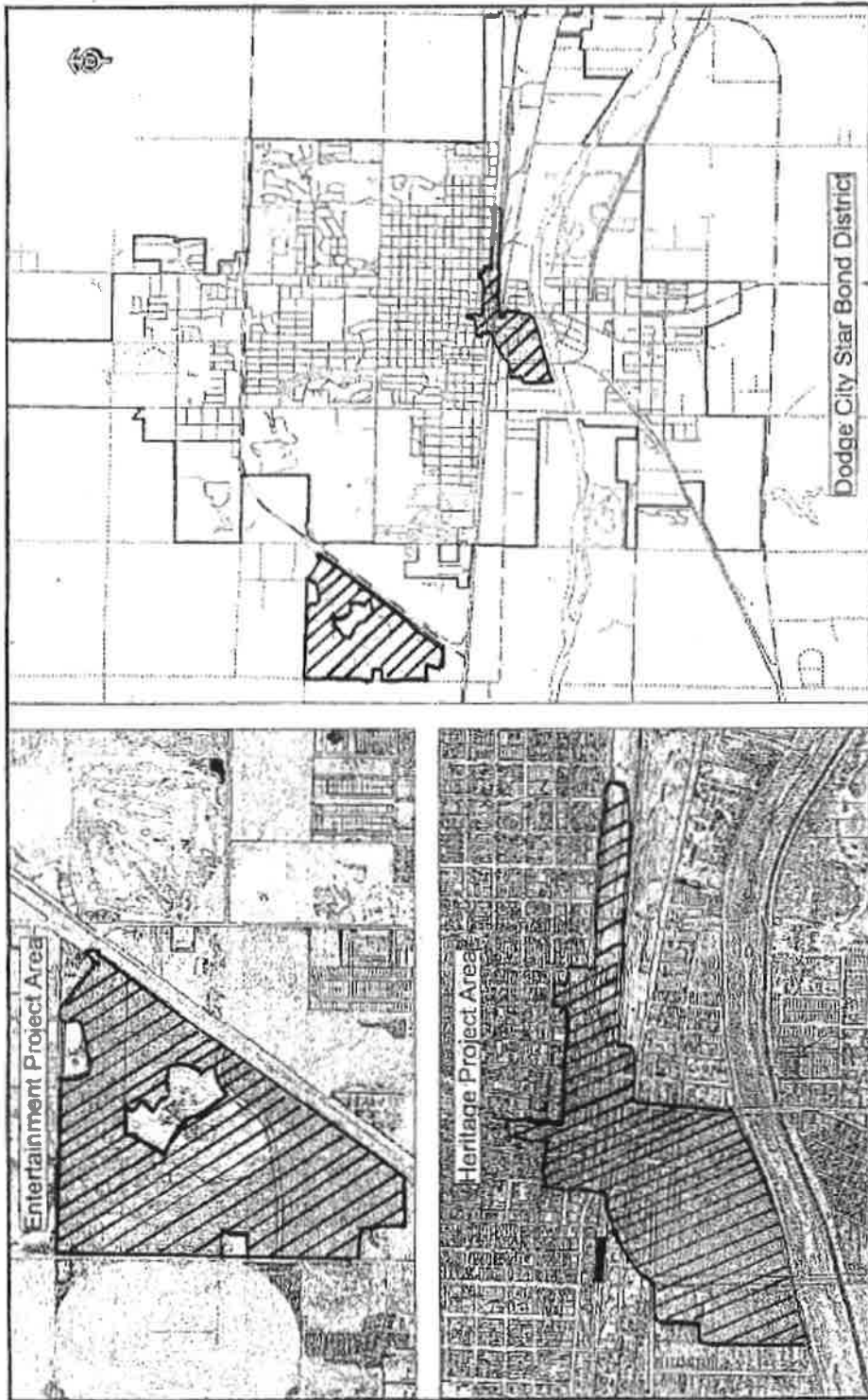
**CITY OF DODGE CITY, KANSAS**

By: *Bob Sams*  
Mayor



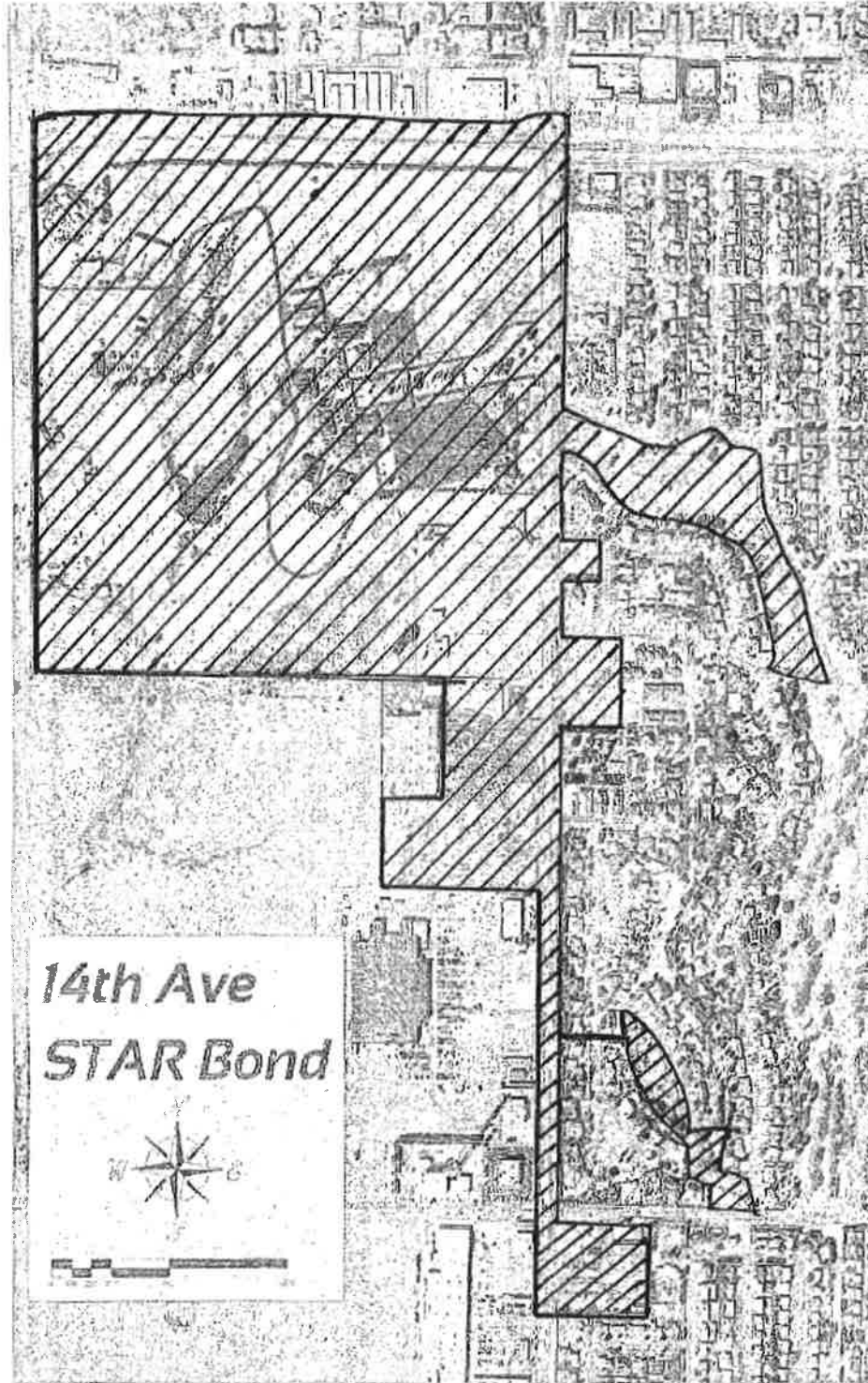
By: *Kenneth Papp*  
City Clerk

**EXHIBIT A**  
**Map of the Current STAR Bond District**



**EXHIBIT B**

**Map of Additional Power Center Area**



## EXHIBIT C

### Legal Description of Power Center Area

#### DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTHEAST ¼ OF SECTION 15, THE EAST ½ OF SECTION 22, THE WEST ½ OF SECTION 23 AND THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 26 SOUTH, RANGE 25 WEST OF THE 6<sup>TH</sup> PRINCIPLE MERIDIAN FORD COUNTY, KANSAS FOR THE USE OF STAR BOND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15;  
THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER TO THE NORTH RIGHT OF WAY LINE OF FRONTVIEW ROAD;  
THENCE EASTERLY ALONG THE NORTH LINE OF SAID RIGHT OF WAY TO THE WEST RIGHT OF WAY LINE OF CENTER AVENUE;  
THENCE NORTH ALONG THE SAID WEST LINE TO THE SOUTH RIGHT OF WAY LINE OF COUNTRY ACRES STREET;  
THENCE EAST ALONG SAID SOUTH LINE TO THE EAST RIGHT OF WAY LINE OF CENTER AVENUE;  
THENCE SOUTH ALONG SAID EAST LINE TO THE NORTH RIGHT OF WAY LINE OF FRONTVIEW ROAD;  
THENCE EAST ALONG SAID NORTH LINE TO THE EAST RIGHT OF WAY LINE OF FOURTEENTH AVENUE;  
THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE TO THE INTERSECTION OF THE EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF SPEIRS STREET TO NORTHERN STREET TO MANOR DRIVE;  
THENCE EASTERLY AND SOUTHERLY ALONG SAID SOUTH RIGHT OF WAY AND EXTENSION THEREOF TO THE NORTHERLY RIGHT OF WAY LINE OF SOULE STREET;  
THENCE WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF LOT 1 BLOCK 1 OF THE REPLAT OF ROSTINE HILLS;  
THENCE NORTHERLY AND WESTERLY ALONG THE EASTERN BOUNDARY OF THE REPLAT OF ROSTINE HILLS TO THE EAST RIGHT OF WAY LINE OF FORTEENTH AVENUE;  
THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 2, BLOCK 3, ROSTINE HILLS ADDITION;  
THENCE EAST ALONG THE NORTH LINE OF SAID LOT 2 TO THE WEST RIGHT OF WAY LINE OF THIRTEENTH AVENUE;  
THENCE SOUTH ALONG SAID WEST RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF LOT 3, BLOCK 3, ROSTINE HILLS ADDITION;  
THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 3 TO THE EAST RIGHT OF WAY LINE OF FOURTEENTH AVENUE;  
THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 1, GREEN HILLS O'FORD NO. 2;  
THENCE EAST ALONG THE NORTH LINE OF SAID LOT 1 TO THE NORTHEAST CORNER THEREOF;  
THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1 TO THE SOUTHEAST CORNER THEREOF;  
THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 1 TO THE EAST RIGHT OF WAY OF FOURTEENTH AVENUE;  
THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF HI STREET;  
THENCE EAST ON SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 25 FEET TO THE NORTHWEST CORNER OF LOT 23, BLOCK 10 OF GREEN HILLS O'FORD ADDITION, SAID POINT ALSO BEING ON THE EAST LINE OF A WATER WAY AND UTILITY EASEMENT;  
THENCE SOUTH ALONG THE EAST LINE OF SAID EASEMENT TO THE SOUTHWEST CORNER OF LOT 14, BLOCK 10 OF SAID GREEN HILLS O'FORD ADDITION;  
THENCE EAST ON THE SOUTH LINE OF SAID LOT 14 AND EXTENSION THEREOF TO THE SOUTHEAST CORNER OF LOT 8, BLOCK 9 OF SAID GREEN HILLS O'FORD ADDITION;



THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 8 TO THE NORTHEAST CORNER THEREOF,  
POINT ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF DEBRAY DRIVE;  
THENCE SOUTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE TO A POINT WHERE THE EXTENSION  
OF THE SOUTH LINE OF LOT 1, BLOCK 8 AND RIGHT OF WAY INTERSECT;  
THENCE EAST ALONG SAID SOUTH LINE AND EXTENSION OF TO A POINT ON THE WEST LINE OF BLOCK 6  
GREEN HILLS O'FORD ADDITION;  
THENCE SOUTHERLY ALONG SAID WEST LINE TO THE NORTH RIGHT OF WAY LINE OF BARHAM  
BOULEVARD;  
THENCE EASTERLY ALONG SAID NORTH RIGHT OF WAY LINE TO THE EXTENSION OF THE EAST LINE OF  
LOT 24, BLOCK 10 GREEN HILLS O'FORD ADDITION;  
THENCE SOUTHERLY ALONG SAID EAST LINE AND EXTENSION THEREOF TO THE SOUTHEAST CORNER OF  
SAID LOT 24;  
THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 24 TO THE SOUTHWEST CORNER OF LOT 1 BLOCK  
10 GREEN HILLS O'FORD ADDITION;  
THENCE NORTH ALONG THE WEST LINE OF SAID LOT 1 TO THE NORTHWEST CORNER, POINT ALSO  
BEING ON THE SOUTH RIGHT OF WAY LINE OF BARHAM BOULEVARD;  
THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE TO THE EXTENSION OF THE WESTERLY  
RIGHT OF WAY LINE OF DEBRAY DRIVE;  
THENCE NORTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND EXTENSION THEREOF TO THE  
NORTHEAST CORNER OF LOT 1 BLOCK 11 GREEN HILLS O'FORD ADDITION;  
THENCE NORTHERLY ALONG THE EAST LINE OF SAID BLOCK 11 TO THE NORTHEAST CORNER OF LOT 7 OF  
SAID BLOCK 11;  
THENCE WEST ALONG THE NORTH LINE OF SAID LOT 7 AND EXTENSION THEREOF TO THE NORTHWEST  
CORNER OF LOT 13, BLOCK 10 GREEN HILLS O'FORD ADDITION, SAID POINT ALSO BEING ON THE EAST  
RIGHT OF WAY LINE OF FOURTEENTH AVENUE;  
THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF WEST  
COMANCHE STREET;  
THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 470 FEET;  
THENCE SOUTH AND PARALLEL TO THE EAST RIGHT OF WAY LINE OF FOURTEENTH AVENUE, A DISTANCE  
OF 460 FEET TO THE NORTH LINE OF BLOCK 10, REPLAT OF WESTERN HILLS ADDITION PART TWO;  
THENCE WEST ALONG THE NORTH LINE OF SAID BLOCK 10, A DISTANCE OF 570 FEET TO THE WEST  
RIGHT OF WAY LINE OF FOURTEENTH AVENUE;  
THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF HY-PLAINS  
SHOPPING CENTER PLAT;  
THENCE WEST ALONG THE SOUTH LINE OF SAID PLAT AND EXTENSION THEREOF, A DISTANCE OF 826.21  
FEET TO A POINT 115 FEET WEST OF THE SOUTHWEST CORNER OF SAID PLAT;  
THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID PLAT, A DISTANCE OF 430 FEET;  
THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID PLAT, A DISTANCE OF 325 FEET;  
THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID PLAT, A DISTANCE OF 613.51 FEET TO A  
POINT ON THE NORTH LINE AND 325 FEET EAST OF THE NORTHWEST CORNER OF SAID PLAT, SAID  
POINT ALSO BEING ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 22;  
THENCE WEST ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF  
SAID SECTION 22;  
THENCE NORTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER TO THE NORTHWEST CORNER  
OF SAID QUARTER, SAID POINT ALSO BEING THE POINT OF BEGINNING.  
**END OF DESCRIPTION**

