

(Published in the *Colby Free Press* on September 10, 2021)

ORDINANCE NO. 1637

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF COLBY, KANSAS; AUTHORIZING CERTAIN IMPROVEMENT PROJECT THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH IMPROVEMENT PROJECT; CONTAINING THE LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES OF THE DISTRICT; LEVYING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX; AND APPROVING THE METHOD OF FINANCING THE IMPROVEMENT PROJECT.

WHEREAS, the governing body of the City of Colby, Kansas (the “City”), has heretofore received a Petition pursuant to K.S.A. 12-6a26 *et seq.* (the “Act”) and adopted Resolution No. 1168 of the City, containing the time and place of a public hearing on the advisability of creating a community improvement district (the “Community Improvement District”), the general nature of proposed improvement project within the Community Improvement District (the “Project”), the estimated costs of the Project, the proposed method of financing the Project, the proposed amount a sales tax within the Community Improvement District, the proposed method of assessment, if any, and a map and legal description of the proposed Community Improvement District; and

WHEREAS, Resolution No. 1168 was published twice in the *Colby Free Press*, the official City newspaper, on August 20, 2011 and August 27, 2021; and

WHEREAS, the governing body has heretofore on this date conducted a public hearing on advisability of creating the Community Improvement District; and

WHEREAS, the governing body hereby finds and determines it to be advisable to adopt this Ordinance to create the Community Improvement District, authorize the Project therein, approve the estimated costs of such improvement Project, contain the legal description and map of the boundaries of the Community Improvement District, levy a community improvement district sales tax and approve the method of financing the improvement Project, all in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS:

SECTION 1. Creation of Community Improvement District; Legal Description and Map.

The governing body hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the Community Improvement District. The legal description of the Community Improvement District is as follows:

1980 South Range:

A tract of Land located in the Southeast Quarter (SE/4) of Section Twelve (12), Township Eight (8) South, Range Thirty-four (34) West of the 6th Principal Meridian in Thomas County, Kansas, more particularly described as follows:

Beginning at a point Seven Hundred Twenty feet (720') North of the Southeast Quarter (SE) corner of the Southeast Quarter (SE/4) of Section Twelve (12), One Hundred Ten Feet (110') West of the centerline of Kansas Highway 25; thence North Two Hundred feet (200') thence West Three Hundred feet (300'); thence South Two Hundred feet (200'); thence East Three hundred feet (300') to the point of beginning; plus a triangle beginning at the above stated point of beginning, thence S53°53'16"W for a distance of One Hundred Forty-six feet (146'); thence N 01°59' 00" E for a distance of Ninety and one hundredth feet (90.01'); thence S88°01'00"E for a distance of One Hundred Fourteen and Ninety-five hundredths feet (144.95') to the point of beginning;

1990 South Range:

A tract of land located in the Southeast Quarter (SE/4) of Section Twelve (12), Township Eight (8) South, Range Thirty-four (34) West of the Sixth Principal Meridian, in Thomas County, Kansas, being more particularly described as follows:

Beginning at a point 720.00 feet North of the Southeast corner of said Section 12 and 225.0 feet West of the centerline of Kansas Highway #25; thence S1°59'W 349.81 feet, more or less, along the Westerly Highway right-of-way line. to a right-of-way marker; thence S43°35'W 167.1 feet along the Northwesterly highway right-of-way line (measured S43°40'W 166.76 feet); thence S81°10'W 192.27 feet; thence N1°55'E 520.55 feet; thence S88°01'E 115.04 feet; thence S1°59'W 10.00 feet; thence S88°01'E 185.05 feet to the point of beginning, EXCEPTING THEREFROM all that part of the SE/4 of Section 12, Township 8 South, Range 34 West, Thomas County, Kansas, more particularly described as follows:

Beginning at a point 720.0 feet North of the Southeast corner of Section 12, Township 8 South, Range 34 West, Thomas County, Kansas, and 225.0 feet West of the centerline of Kansas Highway 25; thence S01°59' W for a distance of 200.00 feet, for the true point of beginning; thence N88°10'W for a distance of 300.09 feet to a point; thence S01°55'W for a distance of 303.55 feet, more or less, to a point at the intersection of this property line with the centerline of the Rural Electric Association overhead power line right-of-way; thence Northeasterly along said centerline for a distance of 332 feet, more or less, to a right-of-way marker located on Kansas Highway 25 right-of-way; thence North 01°59'E for a distance of 149.81 feet to the true point of beginning.

A map of the property contained in the Community Improvement District is set forth on *Schedule I* attached hereto and incorporated by reference herein.

SECTION 2. Authorization of Community Improvement District Project; Estimated Costs.

The governing body hereby authorizes the improvement Project within the Community Improvement District, as more fully described below: Raze and rebuild of an existing travel store facility, to include:

Raze and Rebuild of 1980 and 1990 South Range Properties.

- New 8,200 square feet 24-7 travel store incorporating:
 - 2,100 square feet dedicated to a Nationally recognized food concept
 - 6,100 square feet Travel Store with the following amenities:
 - Large Men's and Women's restroom accommodating eleven travelers with automatic flush valves, touch-less faucet's and door-less entry.
 - Safe Room serving as an alternate restroom to allow cleaning of main restrooms
 - State of the art fuel desk with self-service check out

- Modern Coffee and Fountain service
 - Minimum of two private showers
 - Overflow seating area for truckers/travelers to enjoy television or accessing free Wi-Fi
 - Great Plains Gift Co featuring Kansas made products
- 16 new gasoline fueling positions offering higher grades of ethanol
 - 4 electric vehicle charging stations under the canopy
 - 4 new diesel fueling positions with payment at the pump and bio diesel blender
 - Diesel Exhaust Fluid available at the diesel islands
 - 35 paved truck parking positions
 - New tank field
 - Free Air and Water Service
 - Dog Park south of McDonalds

The *estimated* acquisition and construction costs of the proposed Project are \$8,000,000.

SECTION 3. Method of Financing.

(a) The costs of the proposed Project are proposed to be financed by “Pay-as-you-go financing,” as defined in K.S.A. 12-6a27, and paid from the fund of the City identified in K.S.A. 12-6a34. It is estimated that the City will pay \$1,500,000 to the petitioner/property owner, or its successor(s) or a related business entity, which amount shall not be limited in amount by this Ordinance authorizing the Project.

(b) There will be no special assessments levied on property within the boundaries of the Community Improvement District.

SECTION 4. Levy of Sales Tax. In order to provide funds to finance the costs of the Project, the levy, in accordance the provisions of the Act, of a community improvement district sales tax within the Community Improvement District, in an amount of 2% on the selling of tangible personal property at retail or rendering or furnishing services within the Community Improvement District (the “Sales Tax”), is authorized and directed. The collection of the Sales Tax shall commence on October 1, 2022, or as soon as possible thereafter, and shall expire 22 years from such commencement date. The Sales Tax shall be administered, collected and subject to the provisions of K.S.A. 12-187 *et seq.* The City Clerk, upon adoption of this Ordinance, shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City and publication in the official City newspaper.

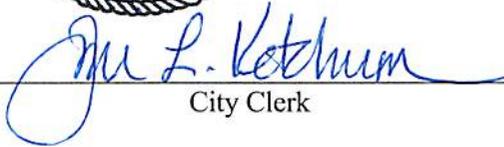
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PASSED by the governing body of the City of Colby, Kansas, on September 7, 2021 and SIGNED by the Mayor.





Mayor



City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1637 of the City of Colby, Kansas adopted by the governing body on September 7, 2021, as the same appears of record in my office, and that it was published in *The Colby Free Press* on September 10, 2021.

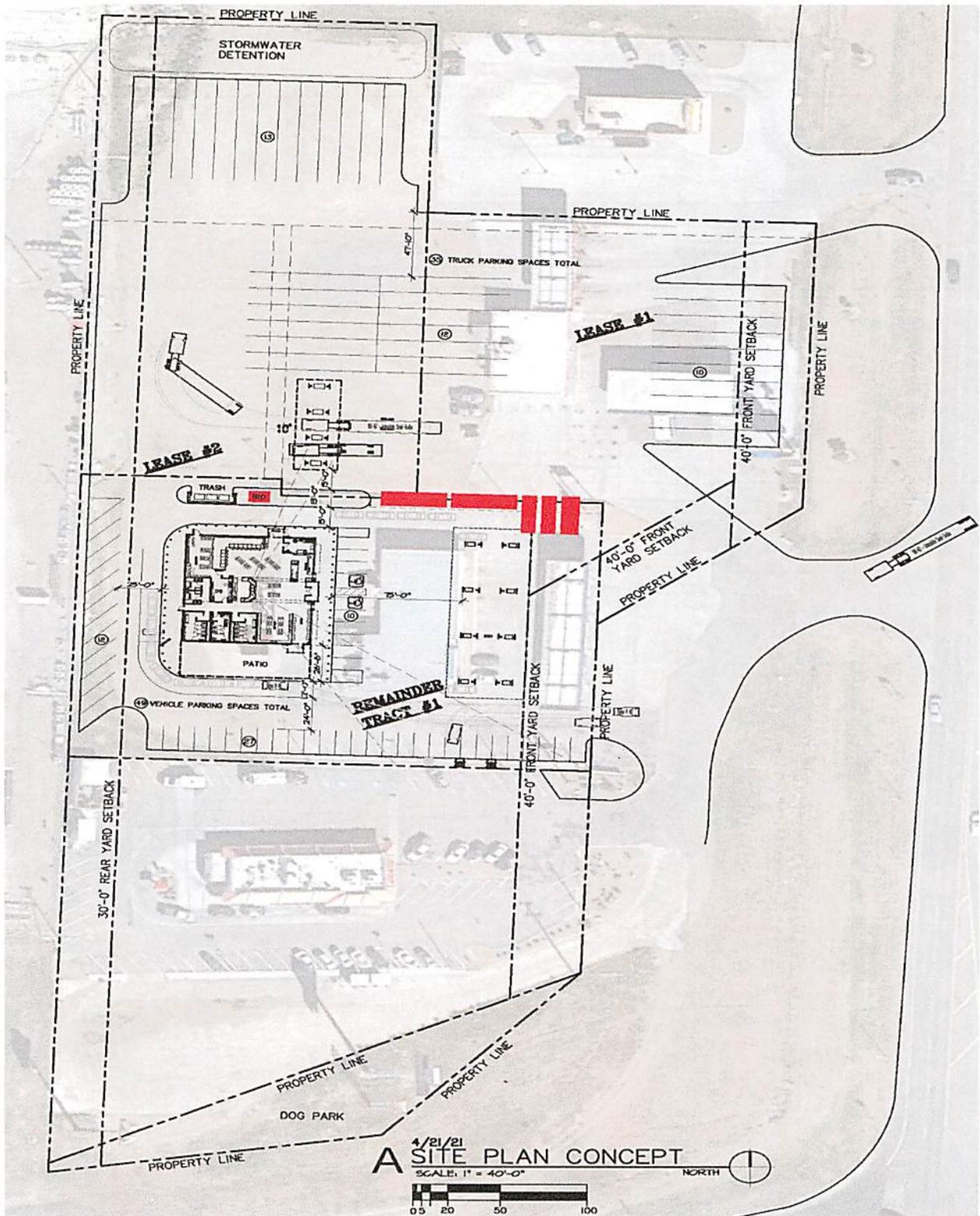
DATED: September 7, 2021.



City Clerk

SCHEDULE I

MAP OF COMMUNITY IMPROVEMENT DISTRICT



**EXCERPT OF MINUTES OF A MEETING
OF THE CITY COUNCIL OF
CITY OF COLBY, KANSAS
HELD ON SEPTEMBER 7, 2021**

The governing body met in regular session at the usual meeting place in the city, at 5:30 p.m., the following Commissioners being present and participating, to-wit:

Lee Leiker, Shari Oren, Sally Jones, Stan Schmidt, Bruce Hansen, Dan Jennings and Jerad Johnson.
Absent: Bill Mariman

The Mayor declared that a quorum was present and called the meeting to order.

(Other Proceedings)

Thereupon, there was a presentation outlining certain information regarding the creation of a Community Improvement District in the City pursuant to a petition received by the City in accordance with K.S.A. 12-6a26 *et seq.* (the "Act"). Thereafter, pursuant to a Resolution of the City, duly published in the *Colby Free Press*, the Mayor announced that anyone desiring to be heard in connection with the advisability of creating the proposed Community Improvement District, as described in the published Resolution, would now be heard.

Thereupon, after hearing the comments of persons desiring to speak with respect to the above matters, the Mayor adjourned the public hearing.

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF COLBY, KANSAS; AUTHORIZING CERTAIN IMPROVEMENT PROJECT THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH IMPROVEMENT PROJECT; CONTAINING THE LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES OF THE DISTRICT; LEVYING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX; AND APPROVING THE METHOD OF FINANCING THE IMPROVEMENT PROJECT.

The Ordinance was considered and discussed; and thereupon on motion of Councilmember Dan Jennings seconded by Councilmember Bruce Hansen, the Ordinance was adopted by the following roll call vote:

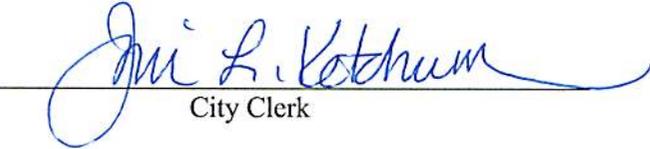
Yes: Shari Oren, Sally Jones, Bruce Hansen, Dan Jennings and Jerad Johnson.

No: Lee Leiker and Stan Schmidt.

(Other Proceedings)

Thereupon, the Ordinance having been adopted by majority vote of the members of the governing body, it was given No. 1637, was directed to be published one time in the official City newspaper and recorded with the County register of deeds.




City Clerk

(PUBLISHED IN THE *COLBY FREE PRESS* ON SEPTEMBER 10, 2021)

SUMMARY OF ORDINANCE NO. 1637

On September 7, 2021, the governing body of the City of Colby, Kansas passed an ordinance entitled:

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF COLBY, KANSAS; AUTHORIZING CERTAIN IMPROVEMENT PROJECT THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH IMPROVEMENT PROJECT; CONTAINING THE LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES OF THE DISTRICT; LEVYING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX; AND APPROVING THE METHOD OF FINANCING THE IMPROVEMENT PROJECT.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 585 N. Franklin Avenue, Colby, Kansas 67701. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.cityofcolby.com.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: September 7, 2021.



City Attorney