

(Published in the *Colby Free Press* on September 17, 2025 and September 24, 2025)

RESOLUTION NO. 1234

A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF COLBY, KANSAS AND THE PROPOSED LEVY OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX THEREIN (ARENA COMMUNITY IMPROVEMENT DISTRICT).

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the “Act”), the City of Colby, Kansas (the “City”) is authorized to create community improvement districts as a method of financing projects in a defined area within the city; and

WHEREAS, the Act further authorizes the City, in order to pay the costs of eligible projects within a community improvement district, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing of taxable services within a community improvement district in any increment of .10% or .25% not to exceed 2% and to reimburse the costs of the such project pursuant to pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such community improvement district sales tax; and

WHEREAS, a petition (the “Petition”) was filed with the City Clerk proposing the creation of a community improvement district as more particularly described herein (the “District”), the undertaking of a community improvement district project, and the imposition of a community improvement district sales tax in the amount of 2.0% (the “CID Sales Tax”), to finance a portion of the costs of such community improvement district project; and

WHEREAS, the Petition was signed by the owners of one hundred percent (100%) of the land area and assessed value within the proposed District (other than land owned by the City for infrastructure purposes, if any); and

WHEREAS, the City Council of the City (the “Governing Body”) hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of creating the District, levying the CID Sales Tax, approving the proposed community improvement district project, and the financing thereof, and to provide for giving of notice of said hearing in the manner required by the Act.

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

Section 1. Petition. The Governing Body hereby finds and determines that the Petition meets the requirements of the Act.

Section 2. General Nature of Project. The general nature of the project is the development of a major multi-sport athletic complex as well as a major commercial entertainment and tourism area with the District, consisting of an approximately 180,000 square foot multipurpose arena and equestrian center, featuring two indoor arenas, an outdoor arena, horse stall barn, livestock barn, and warmup area, as well as additional planned project components including some or all of the following uses, without limitation: retail uses, restaurant uses, hotel, lodging, and recreational vehicle resort uses, commercial amusement, recreation, and museum uses, and other general commercial development, and associated public and private

infrastructure, and any other items permitted to be financed within the District pursuant to the Act (the “Project”).

Section 3. Estimated Cost. The estimated cost of the Project is approximately \$113,330,000.

Section 4. Boundaries of the Proposed District. The legal description of the real property in the proposed District is set forth in *Exhibit A* attached hereto and incorporated herein. A map generally outlining the boundaries of the proposed District is set forth on *Exhibit B* attached hereto and incorporated herein.

Section 5. Proposed Method of Financing. The proposed method of financing the CID Portion is through the imposition of a 2.0% CID sales tax imposed in accordance with the Act and use of the CID sales tax revenues expended on the Project on a pay-as-you-go basis. No special assessments are proposed as part of the District.

Section 6. Public Hearing. It is hereby ordered and directed that a public hearing on the creation of the District and imposition of the CID Sales Tax in the amount of 2.0% shall be conducted by the Governing Body on *October 7, 2025 at 5:30 p.m.*, or as soon thereafter as the matter can be heard, in the Council Chambers, 585 N. Franklin Avenue, Colby, Kansas at which written or oral objections to the Project shall be considered. The City Clerk shall provide notice of such public hearing by publication of this resolution in the official newspaper of the City at least once per week for two consecutive weeks, the second publication occurring at least 10 days prior to the public hearing. The City Clerk is hereby further ordered and directed to provide for the giving of notice of such hearing in accordance with the Act.

Section 7. Effective Date. This Resolution shall be effective upon adoption by the Governing Body.

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ADOPTED by the City Council of the City of Colby, Kansas on September 2, 2025 and signed by the Mayor.

(SEAL)

Lee Leiker, Mayor

ATTEST:

Joni L Ketchum, City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the foregoing resolution of the City of Colby, Kansas, adopted by the City Council on September 2, 2025, as the same appears of record in my office.

DATED: September 2, 2025.

Joni L Ketchum, City Clerk

EXHIBIT A

Legal Description of Proposed District

AREA "A"

COMMENCING at the Southwest corner of Section 7, Township 08 South, Range 33 West of the Sixth Principal Meridian in Colby, Thomas County, Kansas; Thence North 02°07'45" East along the West line of said Section 7, a distance of 322.29 feet; Thence leaving said West line South 87°52'15" East, a distance of 269.15 feet to the POINT OF BEGINNING; Thence North 02°07'40" East, a distance of 309.67 feet; Thence North 58°55'55" West, a distance of 44.87 feet; Thence South 87°52'20" East, a distance of 245.85 feet; Thence North 02°11'39" East, a distance of 298.07 feet; Thence South 87°54'09" East, a distance of 280.42 feet; Thence South 02°12'37" West, a distance of 398.26 feet; Thence South 02°03'01" West, distance of 383.54 feet; Thence North 70°31'34" West, a distance of 510.51 feet to the POINT OF BEGINNING. Containing 6.48 acres more or less.

AREA "B"

COMMENCING at the Northwest corner of Section 18, Township 08 South, Range 33 West of the Sixth Principal Meridian in Colby, Thomas County, Kansas; Thence South 02°21'16" West along the West line of said Section 18, a distance of 505.48 feet; Thence leaving said West line South 87°38'44" East, a distance of 124.99 feet to the East right-of-way line of K-25 Highway and the POINT OF BEGINNING; Thence North 75°34'07" East along the South right-of-way line of Interstate 70, a distance of 798.81 feet; Thence South 88°01'19" East along said South right-of-way line, a distance of 192.26 feet; Thence leaving said South right-of-way line South 02°39'15" West, a distance of 706.73 feet to the North right-of-way line of West Horton Avenue; Thence North 87°58'42" West along said North right-of-way line, a distance of 682.65 feet; Thence North 77°34'12" West along said North right-of-way line, a distance of 274.54 feet to a point on the East right-of-way line of K-25 Highway; Thence North 02°18'11" East along said East right-of-way line, a distance of 430.70 feet to the POINT OF BEGINNING. Containing 13.35 acres more or less.

AREA "C"

COMMENCING at the Northwest corner of Section 18, Township 08 South, Range 33 West of the Sixth Principal Meridian in Colby, Thomas County, Kansas; Thence South 02°21'16" West along the West line of said Section 18, a distance of 1418.80 feet; Thence leaving said West line South 87°38'44" East, a distance of 46.21 feet to the East right-of-way line of K-25 Highway and the POINT OF BEGINNING; Thence North 28°50'31" East along said East right-of-way line of K-25 Highway, a distance of 8.51 feet; Thence North 05°36'46" East along said East right-of-way line, a distance of 351.81 feet to a point on the South right-of-way line of West Horton Avenue; Thence North 72°22'16" East along said South right-of-way line, a distance of 102.95 feet; Thence South 77°34'02" East along said South right-of-way line, a distance of 226.55 feet; Thence South 87°58'50" East along said South right-of-way line, a distance of 935.13 feet; Thence leaving said South right-of-way line South 02°39'21" West, a distance of 502.40 feet; Thence 938.00 feet along a 1556.88 foot radius curve to the left whose chord bears South 56°11'45" West, a distance of

923.88 feet; Thence North 02°19'14" East, a distance of 690.73 feet; Thence North 87°58'52" West, a distance of 529.74 to the East right-of-way line of K-25 Highway and the POINT OF BEGINNING. Containing 16.59 acres more or less.

AREA "D"

COMMENCING at the Northeast corner of Section 13, Township 08 South, Range 34 West of the Sixth Principal Meridian in Colby, Thomas County, Kansas; Thence South 02°21'16" West along the East line of said Section 13, a distance of 1737.73 feet; Thence leaving said East line North 86°32'47" West, a distance of 60.00 feet to the West right-of-way line of K-25 Highway and the POINT OF BEGINNING: Thence continuing North 86°32'47" West, a distance of 2615.00 feet to the West line of the Northeast Quarter of said Section 13; Thence North 01°54'47" East along said West line, a distance of 1388.90 feet to the South right-of-way line of Interstate 70; Thence South 87°59'42" East along said South right-of-way line, a distance of 453.30 feet; Thence South 88°02'10" East along said South right-of-way line, a distance of 670.20 feet; Thence South 88°00'08" East along said South right-of-way line, a distance of 150.40 feet; Thence South 84°33'41" East along said South right-of-way line, a distance of 333.91 feet to the Northwest corner of White Outlet Addition; Thence leaving said South right-of-way line South 02°26'09" West along the West line of White Outlet Addition, a distance of 697.57 feet to the Southwest corner of White Outlet Addition; Thence South 87°34'33" East along the South line of White Outlet Addition, a distance of 971.28 feet to the West right-of-way line of K-25 Highway; Thence South 02°21'19" West along said West right-of-way line, a distance of 299.11 feet; Thence South 03°56'44" East along said West right-of-way line, a distance of 434.09 feet to the POINT OF BEGINNING. Containing 68.04 acres more or less.

TOGETHER WITH ALL CITY OR OTHER PUBLIC RIGHT-OF-WAY ADJACENT TO THE ABOVE-DESCRIBED PROPERTY.

EXHIBIT B

Map of Proposed District Boundaries

