

(Published in the *Colby Free Press* on December 20, 2024)

ORDINANCE NO. 1679

AN ORDINANCE OF THE CITY OF COLBY, KANSAS, ESTABLISHING A STAR BOND PROJECT DISTRICT PURSUANT TO K.S.A. 12-17,160 *ET SEQ.* AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (COLBY STAR BOND PROJECT DISTRICT).

WHEREAS, pursuant to K.S.A. 12-17,160 *et seq.*, as amended (the “Act”), the City Council (the “Governing Body”) of the City of Colby, Kansas (the “City”) is authorized to create a STAR bond project district within an eligible area of the City for certain purposes set forth in the Act; and

WHEREAS, the Governing Body has heretofore adopted Resolution No. 1217 (the “Resolution”) which provided that: (a) the City is considering establishment of a STAR bond project district to be known as the “Colby STAR Bond Project District” to promote, stimulate and develop the general and economic welfare of the state of Kansas and the City as a major commercial entertainment and tourism area; (b) described the proposed boundaries of the Colby STAR Bond Project District; (c) described the Colby STAR Bond Project District plan; (d) stated that a description and map of the proposed Colby STAR Bond Project District is available for inspection at Colby City Hall during regular business hours; (e) called a public hearing on the establishment of the Colby STAR Bond Project District to be held on December 17, 2024 at 5:30 p.m. or as soon thereafter as possible, in the Council Chambers, 585 N. Franklin Avenue, Colby, Kansas; and (f) stated that the Governing Body will consider findings necessary for establishment of the Colby STAR Bond Project District; and

WHEREAS, the proposed Colby STAR Bond Project District generally located south of Walking Trail Lane, west of Sewell Avenue, north of and including the Oasis Travel Center, and east of the western City limit, and also including the property within City limits and east of Sewell Avenue, South of Davis Avenue, west of Franklin Avenue and north of Interstate 70, all within the City; and

WHEREAS, notice of the public hearing was provided in accordance with the provisions of the Act, by: (a) providing a copy of the Resolution via certified mail, return receipt requested, to the Board of County Commissioners of Thomas County, Kansas and the Board of Education of USD 315, Thomas County, Kansas (Colby); (b) providing a copy of the Resolution via certified mail, return receipt requested, to each owner and occupant of land within the proposed Colby STAR Bond Project District not more than 10 days following the date of adoption of the Resolution; (c) publishing a copy of the Resolution once in the official City newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing; and (d) posting a copy of the Resolution at a prominent location on the first page of the website of the City; and

WHEREAS, pursuant to such notice the public hearing was conducted by the Governing Body on December 17, 2024; and

WHEREAS, the City has received from the Secretary of Commerce of the State of Kansas (the “Secretary”) a determination that the proposed Colby STAR Bond Project District is an “eligible area” as said term is defined in the Act; and

WHEREAS, the Governing Body desires to establish the Colby STAR Bond Project District in accordance with the provisions of the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS, AS FOLLOWS:

Section 1. Findings. The Governing Body hereby finds that notice of the public hearing conducted December 17, 2024, was made in accordance with the provisions of the Act. The Governing Body hereby further finds and determines that the proposed Colby STAR Bond Project District described in the Resolution constitutes a “major commercial entertainment and tourism area,” an “eligible area” and therefore a “STAR bond project district” as said terms are 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, which shall consist of the real estate legally described on *Exhibit A* attached hereto, which is incorporated herein by reference, and shall be known as the “Colby STAR Bond Project District.” A map depicting the boundaries of the Colby STAR Bond Project District is attached hereto as *Exhibit B*, which is incorporated herein by reference. The boundaries of the Colby STAR Bond Project District do not contain any property not referenced in the Resolution, which provided notice of the public hearing on the creation of the Colby STAR Bond Project District.

Section 3. District Plan. Within the Colby STAR Bond Project District, it is anticipated that a unique mixed-use and entertainment project (the “Project”) will be developed by Colby Investment Group, LLC, a Kansas limited liability company (“Developer,”) that will feature distinct tourism, entertainment, and retail opportunities not already available in the City. The following preliminary plan for the proposed Colby STAR Bond Project District (the “District Plan”), as presented to the Governing Body this date is hereby approved:

The buildings and facilities to be constructed or improved in the Colby STAR Bond Project District generally include a mixed-use development consisting of some or all of the following uses: exhibition uses; amusement uses; entertainment uses; museum uses; retail uses; restaurant uses; other general commercial development; hotel uses; visitor amenities; and associated public and private infrastructure. The Colby STAR Bond Project District may consist of multiple STAR bond project areas as delineated in one or more STAR bond project plans to be approved for property within the STAR bond project district.

Section 4. Applicable Incentives. The following state, federal, and local tax incentives apply, or are anticipated to apply, within the Colby STAR Bond Project District, or to a business located or to be located within the Colby STAR Bond Project District:

STAR bond financing; tax exempt financing; community improvement district financing; general improvement and assessment financing; and/or economic development revenue bond financing and related tax abatements and exemptions.

Section 5. Further Action. The Mayor, City Manager 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 Ordinance.

Section 6. Effective Date. This Ordinance shall be effective upon its passage by the Governing Body, approval by the Mayor, and publication one time in the official City newspaper.

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PASSED by the City Council of the City of Colby, Kansas on December 17, 2024, and APPROVED AND SIGNED by the Mayor.



Lee Leiker
Lee Leiker, Mayor

Joni Ketchum
Joni Ketchum, Clerk

APPROVED AS TO FORM ONLY.

John Gatz
John Gatz, City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED COLBY STAR BOND PROJECT DISTRICT

An area of land in the Southeast and Northeast Quarters of Section 12, Township 8 South, Range 34 West; the Northwest and Southwest Quarters of Section 7, Township 8 South, Range 33 West; the Northwest and Northeast Quarters of Section 18, Township 8 South, Range 33 West, and Northeast Quarter of Section 13, Township 8 South, Range 34 West of the Sixth Principal Meridian, in the City of Colby, Thomas County, Kansas described as follows:

Beginning at the Southwest Corner of the Southeast Quarter of Section 12, Township 8 South, Range 34 West, said corner being the Southwest corner of I-70 Industrial Park;

thence North along the West line of the Southeast Quarter of said Section 12, 2646.6 feet, more or less to the Northwest corner of said Quarter Section, said corner being the Northwest corner of I-70 Industrial Park;

thence East along the North line of the Southeast Quarter of said Section 12, 2154.8 feet, more or less to the Southwest corner of a tract of land recorded as The Western State Bank, Book 249, page 787;

thence North along the West line of said tract to the Southwest corner of Saddler Family Grounds Addition, 235.2 feet, more or less;

thence East along the South line of said addition to the Southwest corner of Lot 1 in said addition 213.5 feet, more or less;

thence North along the West line of said Lot 1 to the Northwest corner of said Lot 1, 125.0 feet, more or less;

thence East 286.5 feet, more or less along the North line of said lot 1 extended to the east line of said Section 12;

thence continuing east in the Northwest Quarter of Section 7, Township 8 South, Range 33 West 159 feet, more or less to the east line of Frontage Road in Lot 1, Block 1, Davis Addition No. II;

thence North along the West line of said Lot 1 525.0 feet, more or less to the Northwest corner of said Lot 1;

thence East along the North line of said Lot 1 489.6 feet, more or less to the Northeast corner of said Lot 1;

thence South along the East line of said lot 1 620.9 feet, more or less to the North line of Williams Avenue;

thence West along the North line of Williams Avenue 130.0 feet, more or less to the extended East line of the North-South Alley of Block 1, Replat of Block 1, Davis Addition No. 1;

thence South along the East line of said alley, 736.8 feet, more or less to the Southwest corner of Lot 15 of Block 1 of said addition;

thence East along the South line of said Lot 15, 62.1 feet more or less to the West line of Lot 16, Block 1, of said addition;

thence South along the West line of said Lot 16, 110.0 feet more or less, to the North line of the East-West Alley of Block 1 of said addition;

thence East along the North line of said alley extended 407.9 feet, more or less to the West line of Sewell Avenue;

thence South along the West line of Sewell Avenue 1340.0 feet, more or less to the extended North line of a tract of land recorded as Book 173, Page 482, said point being 60.0' west of the Northwest corner of Block 1, Dornoch Addition;

thence East along the North line of said tract, 705.2 feet, more or less to the West line of a tract of land recorded as WAL-MART, Book 167, Page 35;

thence North along the West line of said tract 203.4 feet, more or less to the Northwest corner of said tract;

thence East along the North line of said tract 782.0 feet, more or less to the West line of South Franklin Avenue;

thence South along the extended West line of South Franklin Avenue 921.5 feet, more or less to the North line of Section 18, Township 8 South, Range 33 West;

thence continuing South in the Northwest Quarter of Section 18, Township 8 South, Range 33 West 280.0 feet, more or less to the South line of Interstate 70 and the north line of Block 1, Rodenbeck Industrial Park;

thence West along said line 1394.6 feet, more or less to the Northeast Corner of Woofter 3rd Addition;

thence South along the East line of Woofter 3rd Addition 706.7 feet, more or less to the Southeast corner or Woofter 3rd Addition and the North right-of-way line of Horton Avenue;

thence East along said right-of-way line 246.5 feet, more or less to the Northeast corner of Dell Addition;

thence South along the east line of said addition 580.5 feet, more or less to the Southeast corner of Petro Lube Addition;

thence Southwesterly along a curve of said addition 938.0 feet, more or less to the Southwest corner of Petro Lube Addition;

thence North along the West line of said addition 690.7 feet, more or less to the South line of Dell Addition;

thence West along the extended said South line 575.4 feet, more or less to the East line of Section 13, Township 8 South, Range 34 West;

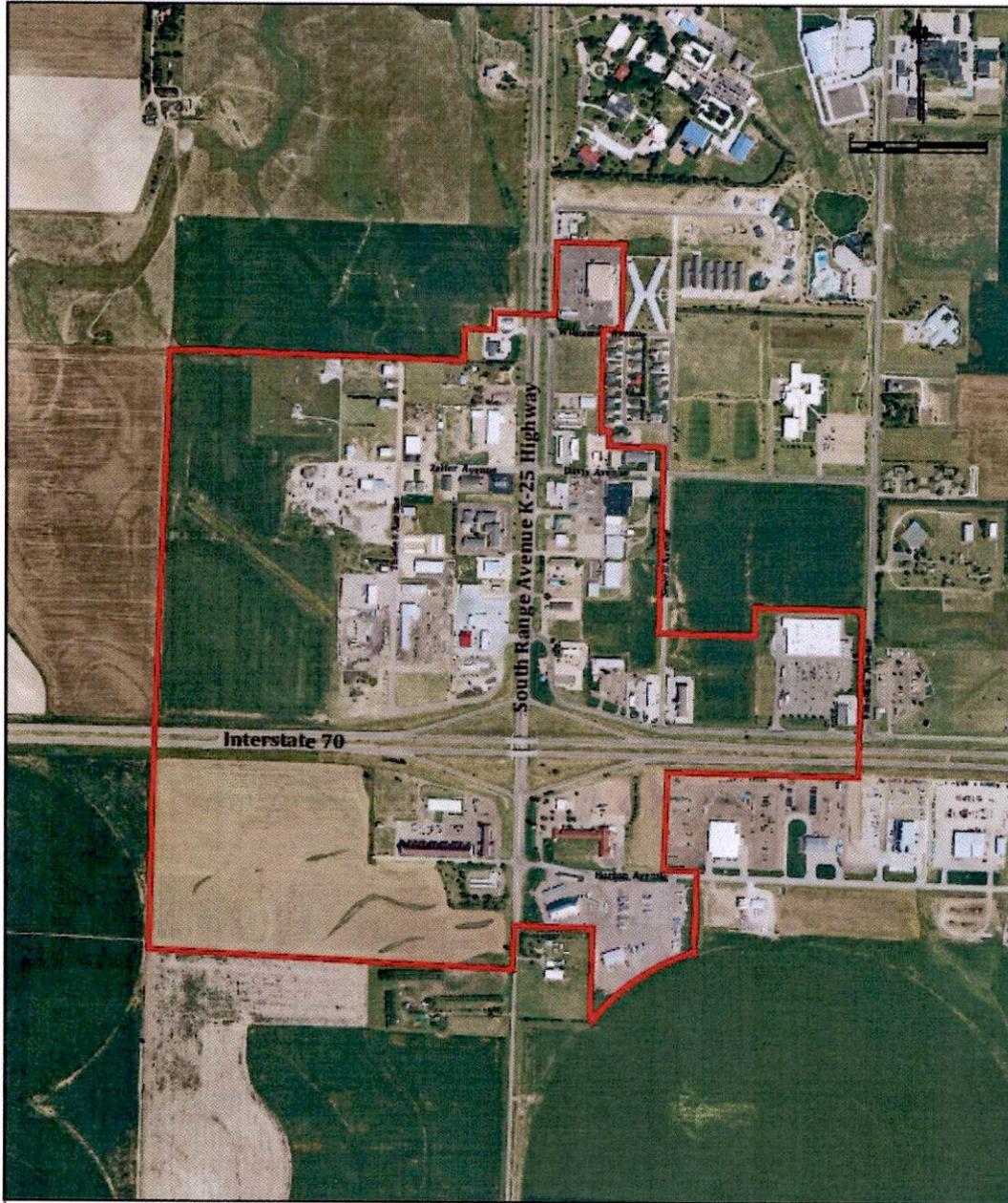
thence South along the East line of the Northeast Quarter of said Section 13, 318.0 feet, more or less to the extended South line of a tract of land owned by Wooden, Inc.;

thence West along said extended south line 2671.0 feet, more or less to the West line of said Northeast quarter;

thence North along the West line of said quarter, 1687.4 feet, more or less to the Northwest Corner of said Northeast Quarter of Section 13 and the Southwest Corner of 1-70 Industrial Park and the Point of Beginning.

EXHIBIT B

MAP OF COLBY STAR BOND PROJECT DISTRICT



Proposed STAR District
Boundary Sketch
City of Colby, Thomas County, Kansas
October 2024

