

(Published in *The Ninescah Valley News* on July [22], 2022)

ORDINANCE NO. 22-03

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF SOUTH HUTCHINSON, KANSAS; AUTHORIZING A CERTAIN PROJECT THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT; CONTAINING THE LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES OF THE DISTRICT; APPROVING THE MAXIMUM AMOUNT AND METHOD OF ASSESSMENT; AND APPROVING THE METHOD OF FINANCING THE PROJECT.

WHEREAS, the city council (the “Governing Body”) of the City of South Hutchinson, Kansas (the “City”), has heretofore received a Petition pursuant to K.S.A. 12-6a26 *et seq.* (the “Act”) and adopted Resolution No. 22-590 of the City, containing the time and place of a public hearing on the advisability of creating a community improvement district in the City (the “District”), the general nature of proposed project within the District (the “Project”), the estimated costs of the Project, the proposed method of financing the Project, the proposed amount and method of assessment, if any, and a map and legal description of the proposed District; and

WHEREAS, Resolution No. 22-590 was published once a week for two consecutive weeks in *The Ninescah Valley News*, the official City newspaper, on July 1, 2022 and July 8, 2022; and

WHEREAS, the Governing Body, on July 18, 2022, conducted a public hearing on advisability of creating the District; and

WHEREAS, the Governing Body hereby finds and determines it to be advisable to pass this Ordinance to create the District, authorize the Project therein, approve the estimated costs of such Project, contain the legal description and map of the boundaries of the District, approve the maximum amount and method of assessment for the Project and approve the method of financing the Project, all in accordance with the provisions of the Act.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SOUTH HUTCHINSON, KANSAS:

SECTION 1. Creation of the 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 City of South Hutchinson Fiber Optic Project Community Improvement District (the “District”). The legal description of the District is as follows:

The South 35.00 feet of Lot 14, West Avenue “C”, Original Town of South Hutchinson, Reno County, Kansas TOGETHER WITH the North 15.00 feet of West Avenue “C” and the West 10.00 feet of South Washington Street, both reverting thereto by reason of vacation.

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

SECTION 2. Authorization of Project; Estimated Costs.

(a) The Governing Body hereby authorizes the Project to be constructed and undertaken within the District, as follows:

Construction of a new facility to house certain improvements necessary in the creation of a fiber optic communication network for the benefit of the City of South Hutchinson, Kansas and its environs, including costs for infrastructure located outside the District but contiguous to any portion of the District and such infrastructure is related to a project within the District or substantially for the benefit of the District.

(b) The estimated costs of the proposed Project is \$1,500,000, to be increased at the pro rata rate of 1 percent per month from and after the date of passage of this ordinance creating the District.

SECTION 3. Method of Financing; Protest Period; No Sales Tax.

(a) The costs of the Project are proposed to be financed by full faith and credit general obligation bonds of the City as authorized by K.S.A. 12-6a36, such bonds payable by special assessments levied as set forth in *Section 4* hereof, and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City.

(b) There will be **no** community improvement district sales tax levied on property within the boundaries of the District.

SECTION 4. Special Assessments

There are hereby approved special assessments on property within the boundaries of the District, with the properties to be assessed, maximum amount, method of assessment and apportionment of cost for such Project approved to be as follows:

100% of the costs of the Project shall be assessed on all real property within the boundaries of the District. The proposed method of assessment is equally per square foot. Where the ownership of any parcel within the District is or may be divided into two or more parcels, the assessment to the parcel so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City newspaper.

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PASSED by a majority vote of the City Council of the City of South Hutchinson, Kansas, on
July 18, 2022.



Mark W. ...

Mayor

Dennis McCue

City Clerk

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SCHEDULE I

MAP OF PROPOSED COMMUNITY IMPROVEMENT DISTRICT
(CID PROJECT AREA IS DESCRIBED AS "PHASE I LOT")

