

(Published in the *Morning Sun* on December 2, 2022)

**ORDINANCE NO. S-1091**

**AN ORDINANCE OF THE CITY OF PITTSBURG ESTABLISHING THE PITTSBURG TOWN CENTER COMMUNITY IMPROVEMENT DISTRICT; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; LEVYING A CID SALES TAX; PROVIDING FOR THE METHOD OF FINANCING THE SAME; AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT RELATING THERETO.**

**WHEREAS**, the City of Pittsburg, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas (the “State”); and

**WHEREAS**, the provisions of K.S.A. 12-6a26 *et seq.*, as amended, (the “CID Act”) set forth the procedure for the establishment of a community improvement district (“CID”); and

**WHEREAS**, pursuant to Ordinance No. S-907, the City has previously created a transportation development district and imposed a transportation district sales tax in the amount of 0.3% (the “TDD Sales Tax”) which is collected on property within the proposed boundaries of the District (defined below); and

**WHEREAS**, a petition (the “Petition”) was filed with the City Clerk of the City proposing the creation of a community improvement district pursuant to the Act to be known as the Pittsburg Town Center Community Improvement District (the “District”), the completion of a project relating thereto as more particularly described herein (the “Project”) and the imposition of a CID Sales Tax initially in the amount of 0.7% and increasing to 1.0% upon the expiration of the existing TDD Sales Tax (the “CID Sales Tax”) in order to pay the costs of the Project; and

**WHEREAS**, the Petition was signed by the owners of (i) more than 55% of the land area and (ii) more than 55% of the assessed value within the proposed District; and

**WHEREAS**, the CID Act provides that prior to creating any CID, the Governing Body shall, by resolution, direct and order a public hearing on the advisability of creation of such CID and the construction and expenditure of costs of community improvement district projects relating thereto, and give notice of the hearing by publication once each week for two consecutive weeks in the official City newspaper, the second publication to be at least seven days prior to the hearing, and by the mailing of notice to the owners of property within the proposed CID; and

**WHEREAS**, the Governing Body adopted Resolution No. 1257 (the “Resolution”) on October 25, 2022, directing that a public hearing on the proposed District be held November 22, 2022, and requiring that the City Clerk provide for notice of such public hearing as set forth in the Act; and

**WHEREAS**, the Resolution was published once each week for two consecutive weeks in the official City newspaper and mailed by United States certified mail, return receipt requested, to each owner or owners of record, whether resident or not, of real property within the proposed District; and

**WHEREAS**, the CID Act further authorizes the City, in order to pay the costs of such projects, 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 CID in any increment of .10% or .25% not to exceed 2.0% and to reimburse the costs of community improvement district projects from community improvement district sales tax; and

**WHEREAS**, on November 22, 2022, the Governing Body conducted a public hearing on the proposed District, the proposed Project related thereto, the method of financing the same and the imposition of the CID Sales Tax; and

**WHEREAS**, the Governing Body hereby finds and determines it to be advisable to create the District and set forth the boundaries thereof, authorize the Project relating thereto, approve the estimated costs of such community improvement district projects, approve the method of financing the same and impose the CID Sales Tax, all in accordance with the provisions of the CID Act; and

**WHEREAS**, the City and Pittsburg Partners LLC, Pittsburg Northridge LLC, Pittsburg Investors LLC, and Pittsburg Development Associates LLC (collectively, the “Developer”) have negotiated the terms of a Development Agreement (the “Development Agreement”) relating to the development of the proposed Project, the distribution of the CID Sales Tax and related matters; and

**WHEREAS**, the Governing Body hereby further finds and determines that it is necessary and advisable and in the interest of the public health, safety and welfare, including economic development, of the City, to authorize the execution of the Development Agreement and related documents.

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

**Section 1. Creation of the District.** The Governing Body hereby finds and determines that the Petition is sufficient and that all notices required to be given under the CID Act were given in accordance with the CID Act. The Governing Body hereby creates the Pittsburg Town Center Community Improvement District within the City and approve the boundaries thereof (the “District”). A legal description of the property within the District is set forth in *Exhibit A* attached hereto and incorporated by reference. A map generally outlining the boundaries of the District is attached hereto as *Exhibit B* and incorporated herein by reference.

**Section 2. Authorization of Project.** The Project described in the Petition consists of the construction, redevelopment, renovation, and procurement of certain improvements within the District, including but not limited to: infrastructure related improvements, sidewalks, parking lots, drainage improvements, buildings, tenant improvements, utilities, landscaping, lighting, signage, financing costs, soft costs, the City’s administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act. The Governing Body hereby approves the Project.

**Section 3. Estimated Cost.** The total estimated cost of the Project is \$8,201,921, of which \$7,671,921 is expected to be eligible for reimbursement under the Act.

**Section 4. Method of Financing.** The Project will be financed on a pay-as-you-go basis from revenues received from the imposition the CID Sales Tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailers’ sales tax act within the District. There will be no special assessments levied pursuant to the CID Act and there will be no bonds issued pursuant to the CID Act.

**Section 5. Imposition of the Community Improvement District Sales Tax.** In order to provide for the payment of a portion of the costs of the Project on a pay-as-you-go basis, the Governing



Body hereby imposes the CID Sales Tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the Kansas retailers' sales tax act within the District initially in the amount of 0.7% and increasing to 1.0% upon the expiration of the existing TDD Sales Tax. The City Clerk shall cause all notices required by the CID Act to be given following passage of this ordinance, specifically including the submittal by the City of a certified copy of this ordinance to the Kansas Department of Revenue ("KDOR") following publication hereof. Such CID Sales Tax shall commence on the first day of the calendar quarter next following the 90<sup>th</sup> day after receipt by the KDOR of the certified copy of this Ordinance sent by the City, and remain in effect for 22 years, or such lesser period as may be required for payment from CID Sales Tax revenues of the costs approved for the Project in the Development Agreement, whichever is the lesser period.

**Section 6. Collection of the Sales Tax.** The collection of the CID Sales Tax shall be made in the manner presented in the CID Act

**Section 7. Segregation of the Sales Tax Revenues.** All revenues derived from the collection of the CID Sales Tax shall be deposited into a special fund of the City to be designated as the Pittsburg Town Center CID Sales Tax Revenue Fund. Such revenues shall be used to pay the costs of the Project on a pay-as-you-go basis and related expenses described in the Development Agreement.

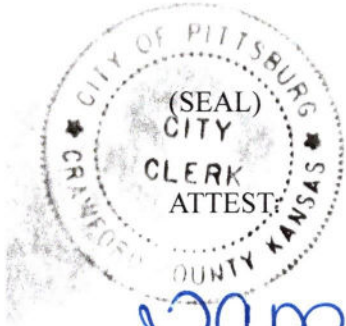
**Section 8. Development Agreement.** The Development Agreement, is hereby approved in substantially the form presented to the Governing Body with such alterations, changes or additions as may be approved by the City Manager and as to form by the City Attorney. The Mayor or Vice Mayor of the City is hereby authorized and directed to execute the Development Agreement and such other documents, statements, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance in such final form as are approved by the City Manager, or designate, and the City Attorney, and the execution or taking of such actions shall be conclusive evidence of such form, necessity or advisability. The City Clerk or any Deputy City Clerk is hereby authorized to attest to and affix the seal of the City to the Development Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**Section 9. Further Authority.** The City shall, and the officers, employees and agents of the City, including Gilmore & Bell, P.C., the City's bond counsel, are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments, as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect thereto.

**Section 10. Effective Date.** This Ordinance shall take effect from and after its passage by the Governing Body, and its publication once in the official newspaper of the City. This Ordinance shall be recorded with the Crawford County Register of Deeds.

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**PASSED** by the City Commission of the City of Pittsburg, Kansas on November 22, 2022, and  
**SIGNED** by the Mayor.



Cheyl L. Brooks  
Mayor

Dammy Nagel  
City Clerk

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**EXHIBIT A**

**LEGAL DESCRIPTION OF DISTRICT**

The following real property located within the City of Pittsburg, Crawford County, Kansas:

<b><u>Common Address</u></b>	<b><u>Legal Description</u></b>
2905 N. Broadway	Lot 1, Block 8, Pittsburg Town Center
101 W. 29 <sup>th</sup> Street	Lot 1, Block 2, Pittsburg Town Center
2909 N. Broadway	Beginning at the SE corner of Lot 1, Block 7, then West 240.11', then North 172.82', then East 240.16', then South 172.82' to point of beginning, Pittsburg Town Center
104 W. 29 <sup>th</sup> Street	Beginning 240.11' West of the SE corner of Lot 1, Block 7, then West 52.87', then Northwesterly 140.45', then Northeasterly 124.02', then East 125.2', then South 172.82' to the point of beginning, Pittsburg Town Center
2911 N. Broadway	Beginning at the Northeast corner of Lot 6 Pittsburg Town Center, then South 204.67', then West 248', then North 160.67', then Northeasterly 54.14', then Southeasterly 10.63', then East 214.71' to the point of beginning
N/A	Beginning at the Southwest corner of Lot 6, Pittsburg Town Center, then Northeasterly 250', then Southeasterly 35.79', then Southwesterly 54.14', then South 160.67', then West 117.36' to the point of beginning
3015 N. Broadway	Pittsburg Town Center Block 1, Lot 4
3103 N. Broadway	Pittsburg Town Center Block 1, Lot 3
N/A	Lot 4, less the East 3 feet of the South 240 feet and Lot 3, less the South 210' of the East 330' in North Plaza Center, 1 <sup>st</sup> addition to the City of Pittsburg



EXHIBIT B  
MAP OF DISTRICT







**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF PITTSBURG, KANSAS  
HELD ON NOVEMBER 22, 2022**

The City Commission (the "Governing Body") of the City of Pittsburg, Kansas (the "City") met in regular session at the usual meeting place in the City, at 5:30 p.m., the following members being present and participating, to-wit: Mayor Cheryl L. Brooks, Commissioner Stu Hite, Commissioner Dawn McNay, Commissioner Chuck Munsell, and President of the Board Ron Seglie.

Absent: None

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

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(Other Proceedings)

A City representative outlined certain information regarding the creation of a proposed community improvement district in accordance with K.S.A. 12-6a26 *et seq.*, as amended (the "CID Act"). Thereafter, pursuant to notice published and mailed in accordance with the requirements of the CID Act, the Mayor opened the public hearing regarding the creation of the proposed community improvement district. After hearing the comments of persons desiring to speak with respect to the above matter, the Mayor closed the public hearing.

There was presented to the Governing Body an Ordinance entitled:

**AN ORDINANCE OF THE CITY OF PITTSBURG ESTABLISHING THE  
PITTSBURG TOWN CENTER COMMUNITY IMPROVEMENT DISTRICT;  
AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS  
RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH  
PROJECT IMPROVEMENTS; LEVYING A CID SALES TAX; PROVIDING  
FOR THE METHOD OF FINANCING THE SAME; AND AUTHORIZING THE  
EXECUTION OF A DEVELOPMENT AGREEMENT RELATING THERETO.**

Commissioner Munsell moved that the Ordinance be passed. The motion was seconded by Commissioner McNay. The motion was carried by a vote of the Governing Body as follows:

Aye: Brooks, Hite, McNay, Munsell, and Seglie.

Nay: None.

The Ordinance was then duly numbered Ordinance No. S-1091, was signed by the Mayor and attested by the Clerk, and the Ordinance was directed to be published one time in the official newspaper of the City and recorded with the Crawford County Register of Deeds.

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(Other Proceedings)



## CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the City Commission of the City of Pittsburg, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)



Sammy Nagel  
City Clerk