



# Staff Request for Commission Action

Tracking No. 090053

- Revised  
 On Going

Type: Standard

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain): on going redevelopment project

Proposed for the following Full Commission Meeting Date:

Confirmed Date: 2/19/2009

2/19/2009

Changes Recommended By Standing Committee (New Action Form required with signatures)

Date:	Contact Name:	Contact Phone:	Contact Email:	Ref:	Department / Division:
2/12/2009	Doug Bach/Delia M. York	573-5084	dyork@wycokck.org		Legal

Item Description:

Plaza at the Speedway is a redevelopment project under construction at 104th & Parallel Parkway in Kansas City, Kansas. The UG duly adopted and established a Redevelopment district in accordance with the Tax Incremental Redevelopment Act on August 31, 2006 and approved and adopted the Redevelopment Plan on December 21, 2006. In order to assist with the financing of the Redevelopment plan, the Developer, Plaza Speedway LLC, filed a petition for the creation of a Transportation Development District in an amount not to exceed .6%. The maximum cost of improvements attributable to the proposed district is \$15,304,199.00. To finalize the due diligence procedures related to the TDD a public hearing is required specifically related to the TDD. The public hearing date proposed for this action is March 19, 2009.

Action Requested:

Adopt the Resolution establishing March 19, 2009 as the date to hold a public hearing to consider the establishment of a TDD to assist with the Plaza at the Speedway project.

Publication Required

Budget Impact: (if applicable)

Amount: \$

Source:

- Included In Budget  
 Other (explain)

			<input type="button" value="File Attachment"/>

RESOLUTION NO. R-\_\_\_\_\_-09

**A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A TRANSPORTATION DEVELOPMENT DISTRICT IN THE CITY OF KANSAS CITY, KANSAS TO BE KNOWN AS THE PLAZA SPEEDWAY TDD AND MAKING CERTAIN TRANSPORTATION PROJECT IMPROVEMENTS THEREIN; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID HEARING.**

WHEREAS, K.S.A. 12-17,140 *et. seq.* (the "Act") authorizes the governing body of any city or county to create transportation development districts ("Transportation Districts") within such jurisdiction, to acquire interests in property and to construct any project or undertaking therein to improve any bridge, street, road, highway access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail or other mass transit facility and any similar or related project or infrastructure including, but not limited to, utility relocation; sanitary and storm sewers and lift stations; drainage conduits, channels and levees; streetlight fixtures, connection and facilities; underground gas, water, heating and electrical services and connections located within or without the public-right-of-way; sidewalks and pedestrian underpasses or overpasses; water main and extensions and including a building facade but only when part of remodeling, repairing, enlarging or reconstructing an existing building (collectively, "Transportation Projects"); and

WHEREAS, the Act further authorizes said governing body, in order to pay the costs of such Transportation Projects, to levy a transportation district sales tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the Kansas retailer's sales tax act within Transportation Districts in any increment of .10% or .25% not to exceed 1.0% and/or the levy of special assessments upon property within such Transportation Districts, and to issue revenue bonds payable from such sales taxes and/or special assessments; and

WHEREAS, a petition (the "TDD Petition") was filed with the Unified Government Clerk on April 17, 2008, proposing the creation of the Plaza @ the Speedway TDD as a Transportation District (the "Plaza @ the Speedway TDD"), the making of Transportation Projects therein and the imposition of a transportation district sales tax in order to pay the costs of such Transportation Projects; and

WHEREAS, the TDD Petition was signed by the owners of record, whether resident or not, of all of the land area within the proposed Plaza Speedway TDD; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") intends to create the Plaza Speedway TDD and to levy a Transportation Development District Sales Tax in an amount not to exceed 0.6% as requested in the TDD Petition (the "TDD Sales Tax"); and

WHEREAS, the Act provides that prior to creating any Transportation District, the governing body shall, by resolution, direct and order a public hearing on the advisability of creating such Transportation District and the construction of such Transportation Projects therein, and to give notice of the hearing by at least two publications in the official newspaper and by certified mail to all property owners within the

proposed Transportation District, such publication to be at least seven days prior to the hearing and such certified mail sent at least ten days prior to such hearing; and

WHEREAS, such published and mailed notices shall contain the following information: (a) the time and place of the hearing; (b) the general nature of the proposed Transportation Projects; (c) the maximum cost of the proposed Transportation Projects; (d) the proposed amount of the transportation development district sales tax; (e) the proposed amount of any special assessments and the method of assessment; and (f) the map or boundary description of the proposed Transportation District; and

WHEREAS, the Governing Body hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of creating the Plaza Speedway TDD, the making of Transportation Projects therein as set forth in the TDD Petition and levying the TDD Sales Tax, pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

**SECTION 1. Petition.** The Governing Body hereby finds that the TDD Petition meets the requirements of the Act. The Governing Body further finds that Lot 26 was included both in the map and metes and bounds description attached to the TDD Petition and therefore is properly part of the proposed Transportation District.

**SECTION 2. Public Hearing.** It is hereby authorized, ordered and directed that the Governing Body shall hold a public hearing, in accordance the provisions of the Act, on the advisability of creating the Plaza Speedway TDD and the making of Transportation Projects therein as set forth in TDD Petition, and whether to impose a Transportation Development District Sales Tax in an amount not to exceed .6%, such public hearing to be held on **March 19, 2009 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at in the Commission Chambers, lobby level of the Municipal Office Building, 701 North 7<sup>th</sup> Street, Kansas City, Kansas, under the authority of the Act.

**SECTION 3. Notice of Hearing.** The Unified Government Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of a Notice of Public Hearing substantially in the form attached hereto as *Exhibit A* in the official newspaper. Such notice shall be published at least once each week for two consecutive weeks. The second notice shall be published at least seven days prior to the date of the hearing. The Unified Government Clerk is hereby further ordered and directed to mail a copy of such Notice of Public Hearing, via certified mail, to all property owners within such proposed Transportation District at least ten days prior to the date of the hearing.

**SECTION 4. Reimbursement.** The Unified Government expects to make capital expenditures after the date of this Resolution in connection with the Transportation Projects, and the City intends to reimburse itself for such expenditures with the proceeds of obligations in the maximum principal amount of \$15,300,000.

**SECTION 5. Effective Date.** This Resolution shall be effective upon adoption by the Governing Body.

**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 19TH DAY OF FEBRUARY, 2009.**

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Unified Government Clerk

Approved as to From: \_\_\_\_\_  
Deputy Chief Counsel