

RESOLUTION NO. 3417

A RESOLUTION ESTABLISHING A POLICY ON THE CRITERIA FOR APPROVING ESTABLISHMENT OF A TRANSPORTATION DEVELOPMENT DISTRICT AND ESTABLISHING A PROCESS FOR CONSIDERING CREATION OF SUCH A DISTRICT.

WHEREAS, the Governing Body is responsible for encouraging and promoting the economic health of the City; and

WHEREAS, the Governing Body is authorized by K.S.A. 12-17, 140 et seq., as amended, to create a district for the purpose of financing transportation related projects or infrastructure from certain revenues generated within the district; and

WHEREAS, these revenues can be special assessments and/or a transportation development district sales tax up to 1% that are assessed or charged only within the district; and

WHEREAS, the law permits the City to issue special obligation bonds that are not general obligations of the City and are not payable from any general City revenues; and

WHEREAS, the creation of Transportation Development Districts (TDD) is a complex legal and administrative matter requiring clear direction from the Governing Body; and

WHEREAS, prior to the creation of a TDD, the owners of all of the land area within the proposed district are required to sign and submit a petition for a creation of a TDD; and

WHEREAS, the petition shall contain (1) the general nature of the proposed project, (2) the estimated cost of the project, (3) the proposed method of financing the project, (4) the proposed amount and method of assessment, (5) the proposed amount of transportation development district sales tax, and (6) a map or boundary description of the proposed district; and

WHEREAS, the City Council is required to hold a public hearing on the advisability of creating a TDD proposed to be financed in whole or in part by a transportation development district sales tax.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, THAT:

SECTION 1. CRITERIA: It shall be the policy of the City to create a TDD if, in the opinion of the Governing Body, it is in the best interest of the City to do so, and if, in the opinion of the Governing Body, creation of such a TDD would meet one or more of the following criteria:

- a. Attract unique retail development which will enhance the economic climate of the City.
- b. Attract large regional retail development which will benefit the City.

- c. Result in the building of transportation related infrastructure beyond what the City can require or would otherwise build.
- d. Promote rejuvenation and/or redevelopment within the City.

SECTION 2. INITIATION OF THE PRELIMINARY REVIEW AND APPROVAL

PROCESS: The creation of a TDD may be initiated, reviewed and preliminarily approved in the following manner:

- a. TDD Applicant must present the following preliminary information regarding the proposed TDD to the City Manager for his consideration.
 - i. Estimated Cost of the project
 - ii. Proposed method of financing the project
 - iii. Proposed amount and method of assessment
 - iv. Proposed amount of transportation development district sales tax
 - v. Map and boundary description of the proposed district
- b. The City Manager or his designee, in consultation with City staff, City bond counsel and City financial advisor, may then request additional information to assist him in his determination of whether this proposed TDD meets one or more of the criteria listed in Section 1, above. The TDD applicant must front the fees of the City's bond counsel and financial advisor.
- c. If the City Manager determines that at least one of the criteria for creating a TDD is met, then the City Manager will forward the preliminary information as amended and supplemented to the Finance, Administration, and Economic Development Committee (FAED Committee), a standing committee of the Council, for their preliminary consideration.
- d. If the FAED Committee preliminarily approves the concept of the proposed TDD, then the Committee may authorize staff to work with the TDD Applicant to proceed with the development of a finance plan.

SECTION 3. PROCESS FOR FORMAL APPROVAL OF A TDD: The following process will be used by the City for consideration of formal approval of a proposed TDD:

- a. The TDD applicant must file with the City Clerk a formal petition for the creation of a TDD based upon the concept of the proposed TDD that is preliminarily approved by the FAED Committee and based upon the finance plan subsequently developed by the City staff, City financial advisor, and the City bond counsel in consultation with the TDD applicant. The petition must be signed by the owners of record of all of the land in the proposed TDD.

- b. The City Clerk, in consultation with the Mayor and City Manager, will schedule a public hearing on the advisability of creating the TDD and financing of the project, if the petition and finance plan include a proposed transportation development district sales tax.
- c. Following the public hearing, if any, the Governing Body may direct the staff, City bond counsel, City financial advisor and investment banker to prepare an ordinance creating the TDD, authorizing the project, approving the estimated cost of the project, the boundaries of the district and the method of financing; to prepare the resolution of intent to levy a transportation development district sales tax, if any; and to prepare all other ordinances, resolutions and documents required by statute or otherwise needed for the creation of and implementation of the TDD and submit them to the FAED Committee and Governing Body for their final approval.

SECTION 4. AUTHORITY OF GOVERNING BODY: The Governing Body, by its inherent authority, reserves the right to reject any proposal or petition for creation of a TDD at any time in the review process when it considers such action to be in the best interests of the City.

SECTION 5. POLICY MANUAL: This resolution shall be included in the Governing Body Policy Manual of the City.

ADOPTED this ____ day of _____, 2004.

ATTEST:

Ed Eilert, Mayor

Marian Cook, City Clerk

APPROVED AS TO FORM:

Robert J. Watson, City Attorney