ORDINANCE NO. TDD-3170


WHEREAS, on the 15th day of April, 2013, the Governing Body of the City of Overland Park, Kansas (the “City”) passed Ordinance No. TDD-3000 creating the transportation development district at the southwest corner of 159th Street and US 69 Highway (the “SWC 159th Street & US 69 TDD”), authorizing the making of certain transportation development district projects relating thereto, approving the maximum cost of such transportation development district projects, establishing the boundaries of the transportation development district, providing for the method of financing, and authorizing the imposition of a transportation development district sales tax (the “TDD Sales Tax”) within the SWC 159th Street & US 69 TDD; and

WHEREAS, Section 4 of Ordinance No. TDD-3000 provides that the collection of the TDD Sales Tax would commence on July 1, 2015, “or any other effective date the City may approve by ordinance if a change in the effective date outlined herein is timely requested in writing by all owners of record in the SWC 159th Street & US 69 TDD”; and

WHEREAS, on the 12th day of February, 2015, the City received a Petition Requesting Delay of Collection Date for the TDD Sales Tax from July 1, 2015 to July 1, 2016; and

WHEREAS, on the 2nd day of March, 2015, the City approved Ordinance No. TDD-3073 delaying the effective date of the collection of TDD Sales Tax to July 1, 2016; and

WHEREAS, on the 16th day of March, 2016, the City received a petition requesting the modification of the boundaries of the SWC 159th Street & US 69 TDD and to delay the collection date of the TDD Sales Tax from July 1, 2016 to April 1, 2017; and

WHEREAS, on the 21st day of March, 2016, the City approved Ordinance No. TDD-3000,A modifying the boundaries of the SWC 159th Street & US 69 TDD and Ordinance No. TDD-3121 delaying the effective date of the collection of TDD Sales Tax to April 1, 2017; and

WHEREAS, on the 22nd day of November, 2016, the City received an additional Petition Requesting Delay of Collection Date for the TDD Sales Tax from April 1, 2017 to October 1, 2017; and

WHEREAS, on the 19th day of December, 2016, the City approved Ordinance No. TDD-3149 delaying the effective date of the collection of TDD Sales Tax to October 1, 2017; and
WHEREAS, Ordinance No. TDD-3149 dictates that any further requests for delay of the TDD Sales Tax beyond October 1, 2017 must be approved in writing by the Kansas Department of Transportation (“KDOT”); and

WHEREAS, on the 16th day of June, 2017, the City received another Petition Requesting Delay of Collection Date for the TDD Sales Tax (the “Request”) from October 1, 2017 to April 1, 2018; and

WHEREAS, the Request was signed by all owners of record in the boundaries of the SWC 159th Street & US 69 TDD; and

WHEREAS, the Request has been approved in writing by KDOT; and

WHEREAS, the City hereby finds that it is appropriate and in the public interest to grant the Request.

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

SECTION 1. Delay of the Collection of TDD Sales Tax. The commencement of the collection of the TDD Sales Tax within SWC 159th Street & US 69 TDD shall be delayed from October 1, 2017, with collection of such TDD Sales Tax to commence on April 1, 2018, or any other effective date the City may approve by ordinance if a change in the effective date of the commencement of the collection of the TDD Sales Tax outlined herein is requested in writing by all owners of record in the SWC 159th Street & US 69 TDD, and provided that any change of commencement of the TDD Sales Tax to a date later than April 1, 2018, shall also be approved in writing by the KDOT.

SECTION 2. Effective Date. This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

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PASSED by the City Council on this ___ day of _____________, 2017.

APPROVED by the Mayor on this ___ day of _____________, 2017.

CITY OF OVERLAND PARK, KANSAS

By: (s) Carl Gerlach
Carl Gerlach, Mayor

(SEAL)

ATTEST:

By: (s) Elizabeth Kelley
Elizabeth Kelley
City Clerk

APPROVED AS TO FORM:

By: (s) Michael Koss
Michael Koss
Assistant City Attorney II