

ORDINANCE NO. TDD-2878

AN ORDINANCE DELAYING RECOMMENCEMENT OF THE COLLECTION OF THE CORBIN PARK TRANSPORTATION DEVELOPMENT DISTRICT SALES TAX FROM OCTOBER 1, 2010, AND PROVIDING FOR THE CONTINUATION OF THE COLLECTION OF THAT TDD SALES TAX EFFECTIVE OCTOBER 1, 2012.

WHEREAS, on the 2nd day of June, 2008, the Governing Body of the City of Overland Park, Kansas (the "City") passed Ordinance No. TDD-2753 making findings as to the advisability of and creating a transportation development district at the southeast corner of 135th Street and Metcalf Avenue (the "Corbin Park TDD"); authorizing the making of certain transportation projects relating thereto; approving the maximum cost of such transportation projects; providing for the method of financing; authorizing the imposition of a transportation development district sales tax within the transportation development district (the "TDD Sales Tax"); establishing a method of collection of such TDD Sales Tax; and providing for the segregation of such TDD Sales Tax revenues for the payment of the principal and interest of the TDD Sales Tax revenue bonds issued to finance the transportation projects in the Corbin Park TDD; and

WHEREAS, Section 5 of Ordinance No. TDD-2753 provided that the TDD Sales Tax would commence on July 1, 2009, "or any other effective date the City may approve by ordinance if a change in the effective date outlined herein is requested in writing by all owners of record in the district"; and

WHEREAS, on 4th of May, 2009, the City received a Request for the Delay of the Effective Date of the TDD Sales Tax from July 1, 2009, to October 1, 2010; and

WHEREAS, such Request for Delay was signed by all owners of record in the Corbin Park TDD; and

WHEREAS, the Request for Delay was not filed with the City in time to delay the commencement of the TDD Sales Tax on July 1, 2009; and

WHEREAS, on the 1st day of June, 2009, the Governing Body of the City passed Ordinance No. TDD-2815 acknowledging that the TDD Sales Tax would be collected from July 1, 2009 to October 1, 2009 and thereafter approving the discontinuance of the collection of the TDD Sales Tax until October 1, 2010; and

WHEREAS, on the 15th day of June, 2010, the City received a Request for Delay of the Recommencement of the TDD Sales Tax from October 1, 2010 to October 1, 2012.

WHEREAS, the City hereby finds that it is appropriate and in the public interest to temporarily delay the recommencement of the collection of the TDD Sales Tax at the request of all the owners of record in the Corbin Park TDD.

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

SECTION 1. Delay of the collection of Transportation District Sales Tax. The recommencement of the collection of the TDD Sales Tax within Corbin Park TDD shall be delayed from October 1, 2010 with collection of such TDD Sales Tax to commence on October 1, 2012, or any other effective date the City may approve by ordinance if a change in the effective date of the recommencement of the collection of the TDD Sales Tax outlined herein is requested in writing by all owners of record in the Corbin Park TDD.

SECTION 2. This Ordinance shall take effect and be in force from and after its publication in an official City newspaper.

PASSED by the City Council on this 21st day of June, 2010.

APPROVED by the Mayor on this 21st day of June, 2010.

Carl Gerlach, Mayor

ATTEST:

Marian Cook
City Clerk

APPROVED AS TO FORM:

Tammy M. Owens
Senior Assistant City Attorney

Janet Garms
Bond Counsel