

**ORDINANCE NO. G- 1425**

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS, TERMINATING THE EL DORADO INVESTORS COMMUNITY IMPROVEMENT DISTRICT AND RELATED DEVELOPMENT AGREEMENT**

**WHEREAS**, the City of El Dorado, Kansas (the “City”), is a city of the second class, organized and existing under the constitution and laws of the State of Kansas; and

**WHEREAS**, the City created the Holiday Inn Express Community Improvement District (the “CID”) pursuant to Ordinance No. G-1249 passed by the governing body of the City on June 15, 2017; and

**WHEREAS**, the City and Central Kansas Properties, LLC (the “Developer”) entered into a Development Agreement for implementation of the Holiday Inn Express Community Improvement District, dated June 5, 2017 (the “Development Agreement”), setting forth certain provisions relating to the CID and related project; and

**WHEREAS**, pursuant to an ASSIGNMENT OF DEVELOPMENT AGREEMENT, dated as of September 17, 2018, the Development Agreement, and Developer’s rights and obligations thereunder, have been assigned to HE OF EL DORADO, LLC (the “Assignee); and

**WHEREAS**, **Section 6** of the Development Agreement sets forth the requirements for the reimbursement of eligible CID Project costs from CID sales tax funds; and

**WHEREAS**, **Section 7** of the Development Agreement requires the Developer to obtain or cause to be obtained any necessary permits or licenses which may be required by the City, Butler County, Kansas or any other governmental agency having jurisdiction over the project; and

**WHEREAS**, On February 2, 2021, the City sent a letter to the Assignee requesting: (a) evidence of compliance with **Section 6** and of the Development Agreement to be provided to the City by March 15, 2021; and (b) providing notice to the Developer that certain CID improvements had not been constructed in accordance with **Section 7** of the Development Agreement; and

**WHEREAS**, to date, the City has not received any evidence from Assignee of Assignee’s compliance with **Sections 6** and **7** of the Development Agreement; and

**WHEREAS**, on October 25, 2024, the City sent an additional letter to the Assignee providing notice of the City’s intent to terminate the Development Agreement and CID; and

**WHEREAS**, the City now deems it advisable to terminate the CID and Development Agreement.

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

**Section 1.** The governing body of the City hereby terminates the CID and Development Agreement. City officials are hereby directed to take such action and give notice to the Kansas Department of Revenue in connection with the termination of the CID sales tax.

**Section 2** The Mayor, City Manager, City Clerk and other officials and employees of the City are hereby authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

**Section 3.** This Ordinance shall take effect and be in force from and after its passage by the governing body and its publication (or a summary thereof) once in the official City newspaper.

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PASSED by the governing body of the City and **SIGNED** by the Mayor on December 2, 2024.



*Bill [Signature]*  
\_\_\_\_\_  
Mayor

*Emerald [Signature]*  
\_\_\_\_\_  
City Clerk

(Published in the *Butler County Times-Gazette* on December \_\_\_\_, 2024)

**SUMMARY OF ORDINANCE NO. G-1425**

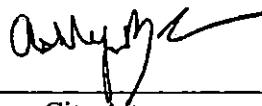
On April 5, the governing body of the City of El Dorado, Kansas passed an ordinance entitled:

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS, TERMINATING THE HOLIDAY INN EXPRESS COMMUNITY IMPROVEMENT DISTRICT AND RELATED DEVELOPMENT AGREEMENT**

The City previously created the Holiday Inn Express Community Improvement District to levy a special sales tax at the project site to finance project costs and entered into a development agreement with the developer of the project. Pursuant to such development agreement, the City now terminates the community improvement district and related development agreement. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City, 220 East First, El Dorado, Kansas 67042. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <https://www.eldoks.com/>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: December 2, 2024.



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City Attorney