

ORDINANCE NO. 2711

AN ORDINANCE APPROVING AND ADOPTING A SECOND AMENDED REDEVELOPMENT PROJECT PLAN FOR A REDEVELOPMENT DISTRICT IN THE CITY OF GARDNER, KANSAS (MAIN STREET MARKET PLACE REDEVELOPMENT DISTRICT, PROJECT AREA 1), AND AMENDING ORDINANCE NOS. 2602 AND 2685 OF THE CITY.

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), and Ordinance No. 2588 (as amended, the “TIF District Ordinance”), of the City of Gardner, Kansas (the “City”), and in order to promote, stimulate and develop the general and economic welfare of the City, the Governing Body of the City established a redevelopment district known as the “Main Street Market Place TIF Redevelopment District” (the “Original Redevelopment District”);

WHEREAS, pursuant to the Act, Ordinance Nos. 2602 and 2685 of the City, passed on February 18, 2019, and December 7, 2020, respectively, the Governing Body of the City approved and amended a redevelopment project plan (as amended, the “Original Project Plan”) for the redevelopment of a portion of the Original Redevelopment District referred to as Project Area 1 (the “Original Project Area 1”);

WHEREAS, the City and Group Gardner, LLC (the “Developer”), the Developer of the Original Project Area 1, have agreed to add certain property (the “Additional Area”) to the Original Redevelopment District, and by Ordinance No. 2704, passed on June 7, 2021, have added such Additional Area to the Original Redevelopment District (the Original Redevelopment District, together with the Additional Area, is referred to as the “Redevelopment District”);

WHEREAS, the City and the Developer have further agreed to consider an amendment to the Original Project Plan (as amended, the “Project Plan”) to add the Additional Area to the Original Project Area 1 (as amended, “Project Area 1”) as described on *Exhibit A* attached hereto;

WHEREAS, while the Project Plan does not differ substantially from the intended purpose for which the Original Project Plan was approved, the City has nonetheless conducted a public hearing to consider approval and adoption of the Project Plan following publication of two notices thereof in the official City newspaper; and

WHEREAS, an amended comprehensive feasibility study has been completed which: (a) indicates that the benefits, tax increment revenue and other available revenues under K.S.A. 12-1774(a)(1) expected to be derived from the redevelopment project described in the Project Plan are expected to exceed or be sufficient to pay for the redevelopment project costs; and (b) shows the effect, if any, the redevelopment project costs for the Project Plan will have on any outstanding special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D);

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS, AS FOLLOWS:

Section 1. Pursuant to the Act, the Governing Body of the City finds and determines that the Project Plan does not constitute a substantial change to the intended purpose of the Original Project Plan.

Section 2. Pursuant to the Act, the Project Plan on file in the office of the City Clerk for the Redevelopment District established by the TIF District Ordinance is hereby approved and adopted.

Section 3. In accordance with the Act, following publication of this Ordinance, the City Clerk is authorized and directed to send a copy of the description of the land within the Redevelopment District, a copy of this Ordinance and a map indicating the boundaries of the Redevelopment District to the County Clerk, County Assessor, County Treasurer and Board of County Commissioners of Johnson County, Kansas, and the Board of Education of Unified School District No. 231, Johnson County, Kansas (Gardner Edgerton).

Section 4. The City is hereby authorized to enter into and the Mayor and City Clerk are hereby authorized and directed to execute, seal, attest and deliver such other documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City.

Section 5. Ordinance Nos. 2602 and 2685 of the City, passed on January 22, 2019, and December 7, 2020, respectively, are hereby amended to the extent necessary to give effect to this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its passage by the Governing Body of the City and publication once in the official City newspaper.

PASSED by a two-thirds vote of the Governing Body of the City and approved by the Mayor on July 19, 2021.

CITY OF GARDNER, KANSAS

(Seal)

_____/s/_____
Mayor

ATTEST:

_____/s/_____
City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROJECT AREA 1

LOTS 1 AND 2, MAIN STREET MARKET PLACE, A SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

TOGETHER WITH:

LOT 46, WHITE ACRES, A SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS.