

RESOLUTION NO. 2101

A RESOLUTION OF THE CITY OF GARDNER, KANSAS, APPROVING THE EXECUTION AND DELIVERY OF A SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR A DEVELOPMENT PROJECT WITHIN THE CITY (GRATA DEVELOPMENT, LLC).

WHEREAS, the City of Gardner, Kansas (the “City”), is a duly organized city, created, organized and existing under the laws of the State of Kansas (the “State”);

WHEREAS, pursuant to Resolution Nos. 2030 and 2068, adopted by the Governing Body of the City on October 7, 2019, and October 19, 2020, respectively, the City previously entered into a Development Agreement dated as of October 7, 2019, by and between the City and Grata Development, LLC (the “Developer”), as amended and restated by a First Amended and Restated Development Agreement dated as of October 19, 2020, by and between the City and the Developer (collectively, the “Existing Agreement”), for the development of certain commercial and residential improvements, along with certain related infrastructure (collectively, the “Project”), generally located south of 175th Street and between Interstate 35 and Clare Road within the City; and

WHEREAS, the City and the Developer have determined it necessary and desirable to enter into a Second Amended and Restated Development Agreement (the “Second A&R Development Agreement”), by and between the City and the Developer, to amend and restate the Existing Agreement to remove the Developer’s de-annexation remedy, remove provisions regarding the issuance of community improvement district revenue bonds and the payment of associated interest, increase the Developer’s costs which are reimbursable from community improvement district sales tax, and clarify milestones for completing certain infrastructure for the Project;

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

Section 1. The City is hereby authorized to enter into the Second A&R Development Agreement in substantially the form presented to and reviewed by the Governing Body on the date of this Resolution (copies of this document are on file in the records of the City) with such changes therein as shall be approved by the Mayor, with the Mayor’s signature thereon being conclusive evidence of his approval thereof, and the same are hereby approved in all respects.

Section 2. The Mayor, City Clerk, and other officers and representatives of the City are hereby authorized and directed to execute, seal, attest and deliver the Second A&R Development Agreement and such other documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of and as the act and deed of the City.

Section 3. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the Governing Body of the City of Gardner, Kansas on February 21, 2022.

CITY OF GARDNER, KANSAS

(Seal)

/s/
Mayor

ATTEST:

/s/
City Clerk