

**RESOLUTION NO. 2116**

**A RESOLUTION AMENDING RESOLUTION NO. 2094 OF THE CITY OF GARDNER, KANSAS, DECLARING THE INTENT OF THE CITY TO ISSUE ITS INDUSTRIAL REVENUE BONDS (TAXABLE UNDER FEDERAL LAW) IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$12,540,000 FOR THE PURPOSE OF FINANCING A PORTION OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF PHASE TWO OF A MULTIFAMILY APARTMENT PROJECT WITHIN THE CITY (TALLGRASS APARTMENTS, PHASE TWO).**

**WHEREAS**, the City of Gardner, Kansas (the “City”), is authorized and empowered under provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons, firms or corporations;

**WHEREAS**, pursuant to Resolution No. 2094 of the City, adopted on October 4, 2021 (the “Resolution of Intent”), the Governing Body of the City determined its intent to issue its industrial revenue bonds (taxable under federal law) in the principal amount of not to exceed \$12,540,000 (the “Bonds”) for the purpose of paying the cost of acquiring, constructing and equipping Phase Two of a multifamily apartment project, including buildings, improvements, and equipment located at the northwest corner of Moonlight Road and University Drive within the City (collectively, the “Project”), and to lease the Project to Tallgrass Apartments, LLC, a Kansas limited liability company (the “Company”);

**WHEREAS**, the Resolution of Intent expires by its terms if the Bonds are not issued by January 1, 2023;

**WHEREAS**, subsequent to the adoption of the Resolution of Intent, the Company requested a six-month extension for issuance of the Bonds; and

**WHEREAS**, the Governing Body of the City now finds it necessary and desirable to amend the Resolution of Intent to grant the requested six-month extension;

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

**Section 1.** Pursuant to the Act, Resolution No. 2094 of the City is hereby amended by replacing Section 7 thereof in its entirety with the following:

**SECTION 7.** This Resolution shall take effect and be in full force on the date it is adopted by the Governing Body of the City and signed by the Mayor. This Resolution shall be of no effect and shall be null and void on July 1, 2023, in the event the Bonds have not been issued by such date.

**Section 2.** This Resolution shall be in full force and effect from and after its adoption by the Governing Body of the City.

**ADOPTED** by the Governing Body of the City of Gardner, Kansas, on October 17, 2022.

**CITY OF GARDNER, KANSAS**

\_\_\_\_\_  
/s/  
Mayor

(Seal)

Attest:

\_\_\_\_\_  
/s/  
City Clerk