

ORDINANCE NO. 2768

AN ORDINANCE AMENDING RESOLUTION NO. 2066 OF THE CITY OF GARDNER, KANSAS, AND ORDINANCE NO. 2688 OF THE CITY, TO MODIFY THE DESCRIPTION OF, MAXIMUM ESTIMATED COST OF, AND METHOD OF ASSESSMENT AGAINST CERTAIN LOTS, PIECES, AND PARCELS OF LAND LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF CERTAIN IMPROVEMENTS IN THE CITY (HILLTOP RIDGE PHASE ONE FIRST PLAT INTERNAL IMPROVEMENTS SPECIAL BENEFIT DISTRICT).

WHEREAS, pursuant to Resolution No. 2066 of the City of Gardner, Kansas (the “City”), adopted on October 19, 2020 (the “Improvement Resolution”), the Governing Body of the City has authorized the creation of an improvement district (the “District”) and the construction of the following improvements (the “Original Improvements”):

Construction of public sanitary and storm sewer improvements and all related appurtenances;

WHEREAS, pursuant to Ordinance No. 2688 of the City, passed on December 21, 2020 (the “Max Assessment Ordinance”), the City levied maximum assessments against the properties in the District for the cost of the Original Improvements;

WHEREAS, the City has received a petition signed by 100% of the property owners in the District requesting certain modifications to the Original Improvements financed through the District, modifications to the maximum estimated cost of such improvements, and modifications to the method of assessing the costs of such improvements against the properties in the District and requesting that such modifications be made without notice and hearing (the “Petition”); and

WHEREAS, the Governing Body of the City now finds it necessary and desirable to amend the Improvement Resolution and Max Assessment Ordinance to reflect the modifications requested in the Petition;

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

SECTION 1. Subsection (a) of Section 1 of the Improvement Resolution is hereby deleted in its entirety and replaced with the following:

- (a) It is advisable to make the following improvements (collectively, the “Improvements”):

construction of certain public sanitary, public storm sewer, and drainage improvements to service the 1st Plat of Hilltop Ridge Subdivision, comprised of 32 Lots, and all related appurtenances.

SECTION 2. Subsection (b) of Section 1 of the Improvement Resolution is hereby deleted in its entirety and replaced with the following:

(b) The maximum estimated or probable cost of the proposed Improvements is: \$582,000, including the costs of issuance of temporary notes and long-term bonds and the interest expense on temporary notes.

SECTION 3. Subsection (d) of Section 1 of the Improvement Resolution is hereby deleted in its entirety and replaced with the following:

(d) The method of assessment is: the costs of the Improvements shall be assessed equally per lot among the thirty-two (32) platted residential lots within the improvement district, excluding those areas dedicated as public right of way, public parks, storm water retention or detention areas, association common areas, publicly owned easements or similar areas not containing residences. In the event any of the platted residential lots in the improvement district shall be subdivided into smaller parcels, the assessments against such smaller parcels shall be relieved or respread in a manner reasonably determined by the City (or in such other equitable manner as the owners of such property agree to in writing).

SECTION 4. Exhibit A to the Improvement Resolution is hereby deleted in its entirety and replaced with exhibit labeled “*Exhibit A to Improvement Resolution*” attached to this Ordinance.

SECTION 5. Section 2 of the Max Assessment Ordinance is hereby deleted in its entirety and replaced with the following:

SECTION 2. The amounts so levied and assessed shall be due and payable from and after the date of publication of this Ordinance; and, unless waived, the City Clerk shall notify the owners of the affected properties of the maximum amounts of their assessments, that unless the assessments are paid by the date established by the City therefor (the “Prepayment Date”), bonds will be issued therefor and such assessments will be levied concurrently with general taxes and be payable in twenty (20) annual installments.

SECTION 6. Exhibit A to the Max Assessment Ordinance is hereby deleted in its entirety and replaced with exhibit labeled “*Exhibit A to Max Assessment Ordinance*” attached to this Ordinance.

SECTION 7. This Ordinance shall take effect and be in force from and after its publication (including publication of the exhibits attached hereto) once in the official City newspaper and shall also be filed of record in the office of the Register of Deeds of Johnson County, Kansas.

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PASSED by the Governing Body of the City of Gardner, Kansas, and approved by the Mayor on April 17, 2023.

CITY OF GARDNER, KANSAS

(Seal)

/s/
Mayor

ATTEST:

/s/
City Clerk

EXHIBIT A TO IMPROVEMENT RESOLUTION
BOUNDARIES OF PROPOSED IMPROVEMENT DISTRICT

Tracts A, B, and C, and Lots 1 through 32, inclusive, in HILLTOP RIDGE – 1ST PLAT, a subdivision in the Northwest Quarter of Section 22, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas.

County Tax Parcel IDs: CP37530000 0T0A
 CP37530000 0T0B
 CP37530000 0T0C
 CP37530000 0001 through CP37530000 0032, inclusive

EXHIBIT A TO MAX ASSESSMENT ORDINANCE

**(HILLTOP RIDGE PHASE ONE FIRST PLAT
INTERNAL IMPROVEMENTS SBD)**

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	MAXIMUM AMOUNT OF ASSESSMENT
Lot 1 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 2 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 3 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 4 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 5 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 6 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 7 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 8 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 9 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 10 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 11 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 12 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	MAXIMUM AMOUNT OF ASSESSMENT
Lot 13 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 14 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 15 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 16 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 17 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 18 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 19 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 20 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 21 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 22 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 23 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 24 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 25 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 26 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	MAXIMUM AMOUNT OF ASSESSMENT
Lot 27 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 28 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 29 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 30 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 31 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50
Lot 32 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$18,187.50