

RESOLUTION NO. 2122

A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AS TO THE NEED FOR SENIOR HOUSING WITHIN THE CITY OF GARDNER, KANSAS, AND SETTING FORTH THE LEGAL DESCRIPTION AND MAP OF REAL PROPERTY PROPOSED TO BE DESIGNATED AS A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY (GRAND STREET RURAL HOUSING INCENTIVE DISTRICT).

WHEREAS, K.S.A. 12-5241 *et. seq.*, as amended (the “Act”), authorizes any city incorporated in accordance with the laws of the State of Kansas (the “State”) with a population of less than 60,000 to designate rural housing incentive districts within such city;

WHEREAS, prior to such designation, the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community;

WHEREAS, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description and map of property to be contained therein;

WHEREAS, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary advise whether the Secretary agrees with the findings contained in such resolution;

WHEREAS, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district;

WHEREAS, the City of Gardner, Kansas (the “City”) has an estimated population of 23,942 and therefore constitutes a city as said term is defined in the Act;

WHEREAS, Johnson County, Kansas (the “County”), together with various community stakeholders, has prepared the Johnson County Community Housing Study (the “Study”) and the Johnson County Housing for All Toolkit (the “Toolkit”) to determine what housing needs exist within various municipalities within the County, including the City, and to provide strategies for meeting such housing needs;

WHEREAS, Grand Street Development, LLC, as the developer of a proposed rural housing incentive district within the City (the “Developer”), and Heartland Housing Partners, LLC, as consultant to the Developer, have prepared and provided a housing needs analysis to the City, titled the Grand Street Development Study (the “Grand Street HNA”);

WHEREAS, the Grand Street HNA uses the data contained in the County’s Study and Toolkit to support the four findings and determinations contained in K.S.A. 12-5244(a) with respect to the need for incentives for quality senior housing within the City;

WHEREAS, the Governing Body of the City finds it necessary and desirable to adopt the Grand Street HNA, copies of which are on file in the office of the City Clerk, as a housing needs analysis under the Act; and

WHEREAS, based on the Grand Street HNA, the Governing Body of the City proposes to commence proceedings necessary to consider establishing a rural housing incentive district in the City pursuant to the Act.

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

Section 1. Based on the Grand Street HNA, the Governing Body of the City hereby makes the following findings and determinations:

- a) There is a shortage of quality senior housing of various price ranges in the City despite the best efforts of public and private housing developers;
- b) The shortage of quality senior housing can be expected to persist, and additional financial incentives are necessary in order to encourage the private sector to construct or renovate senior housing in the City;
- c) The shortage of quality senior housing is a substantial deterrent to the future economic growth and development of the City; and
- d) The future economic wellbeing of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality senior housing in the City.

Section 2. Based on the findings and determinations contained in Section 1 above, the Governing Body proposes to establish a rural housing incentive district pursuant to the Act within the boundaries of the real estate legally described on *Exhibit A* attached hereto and shown on the map depicting the existing parcels of land attached hereto as *Exhibit B* (as described on such exhibits, the “District”). The proposed District shall be referred to as the “Grand Street Rural Housing Incentive District.”

Section 3. The City Clerk is authorized and directed to publish this Resolution one time in the official City newspaper and, upon publication, to send a certified copy of this Resolution to the Secretary, along with a copy of the Grand Street HNA, for the Secretary’s review and agreement pursuant to K.S.A. 12-5244(c).

Section 4. The Mayor, City Administrator, City Attorney, City Clerk, and other officers and representatives of the City, including Kutak Rock LLP, Bond Counsel, are authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes described in this Resolution.

Section 5. Prior to the date of this Resolution, the State Legislature enacted, and the Governor signed, the Kansas Reinvestment Housing Incentive District Act, S.B. 17 (2023), amending K.S.A. 12-5241 *et seq.* Such amending legislation shall take effect and be in force from and after its publication in the Kansas Register; provided, however, that as of the date of this Resolution, such publication has not been made. From and after the date such amending legislation becomes effective, all references in this Resolution, and all exhibits, to rural housing incentive districts shall be deemed to refer to reinvestment housing incentive districts.

Section 6. This Resolution shall be in full force and effect upon its adoption by the Governing Body of the City.

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ADOPTED by the Governing Body of the City of Gardner, Kansas, on May 1, 2023.

CITY OF GARDNER, KANSAS

_____/s/_____
Mayor

(Seal)

ATTEST:

_____/s/_____
City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED RURAL HOUSING INCENTIVE DISTRICT

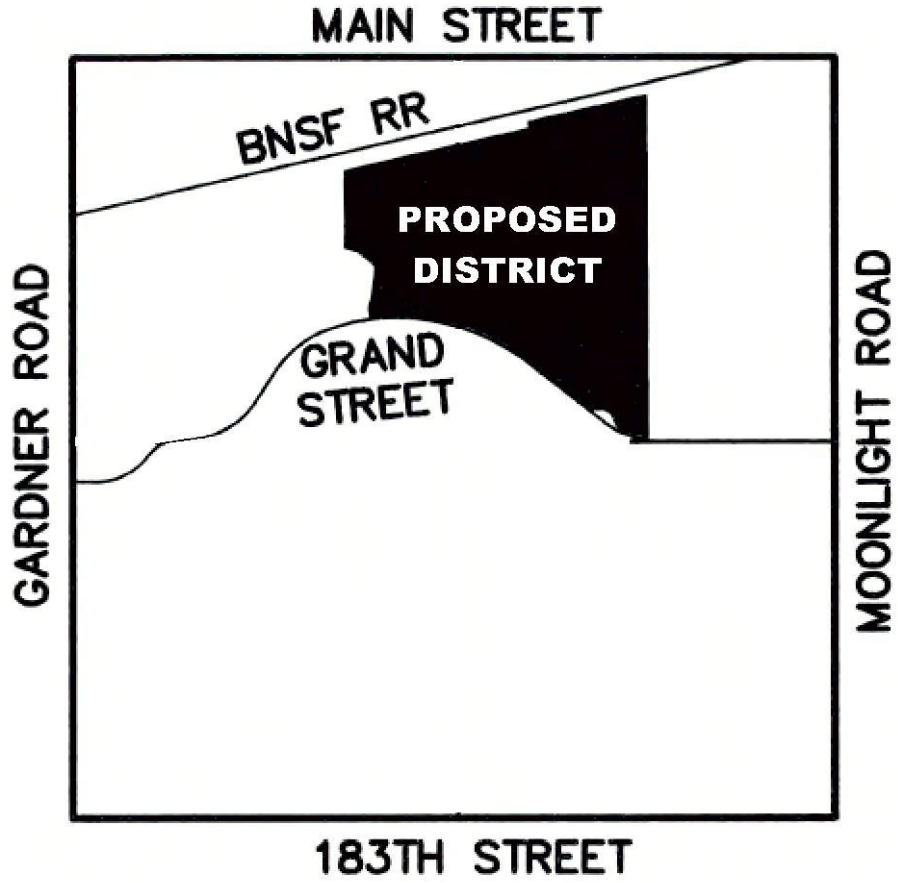
Part of the North ½ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, prepared by Gerald L. Conn, P.S. No. 1128, December 21, 2022, more particularly described as follows:

Beginning at the Southwest corner of the NW¼ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas; thence N 88°15'23" E along the South line of said NW¼, said line also being the North line of Plum Creek Estates, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being the South line of Lot 1, Bigelow Place, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 231.00 feet to the Southeast corner of said Lot 1; thence N 01°59'17" W along the East line of said Bigelow Place and along the East line of Lot 2, Bigelow's Subdivision, a subdivision in the City of Gardner, Johnson County, Kansas, said line also being 231.00 feet East and parallel with the West line of said NW¼, a distance of 1,325.49 feet to a point on the north line of the SW¼ of said NW¼, said line also being the South line of the Town of Gardner, Johnson County, Kansas; thence N 88°18'48" E along the North line of the SW¼ of said NW¼ and along the South line of said Town of Gardner, a distance of 1,094.81 feet to the Southwest corner of the NE¼ of said NW¼, said corner also being the Southeast corner of said Town of Gardner; thence N 02°04'14" W along the West line of the NE¼ of said NW¼, said line also being the East line of said Town of Gardner, a distance of 413.04 feet to a point on the Southerly right-of-way line of the BNSF Railroad, as now established; thence N 75°25'45" E along the Southerly right-of-way line of said BNSF Railroad, a distance of 583.84 feet to the TRUE POINT OF BEGINNING; thence continuing N 75°25'45" E along the Southerly right-of-way line of said BNSF Railroad, a distance of 1,316.21 feet; thence N 14°34'06" W continuing along the Southerly right-of-way line of said BNSF Railroad, a distance of 50.00 feet; thence N 75°25'45" E continuing along the Southerly right-of-way line of said BNSF Railroad, a distance of 824.37 feet to a point on the East line of the West ½ of the NE¼ of said Section 25, T14S, R22E, said point also being the Northwest corner of Lot 2, Moonlight Business Park II, a subdivision in the City of Gardner, Johnson County, Kansas; thence S 02°04'49" E along the East line of the West ½ of said NE¼, said line also being the West line of said Moonlight Business Park II, and the West line of Moonlight Business Park III, a subdivision in the City of Gardner, Johnson County, Kansas, and the West line of Pinewood Second Plat, a subdivision in the City of Gardner, Johnson County, Kansas, and the West line of Moonlight Apartments IV, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 2,361.15 feet to a point on the Northerly right-of-way line of Grand Street, as platted; thence Westerly, along the Northerly right-of-way line of said Grand Street, on a curve to the right having an initial tangent bearing of N 85°07'09" W and a radius of 570.00 feet, for a distance of 176.54 feet; thence Northwesterly, continuing along the Northerly right-of-way line of said Grand Street, on a curve to the right having an initial tangent bearing of N 67°22'25" W and a radius of 86.00 feet, for a distance of 86.89 feet; thence Northwesterly continuing along the Northerly right-of-way line of said Grand Street, on a curve to the left having an initial tangent bearing of N 09°28'58" W and a radius of 95.00 feet, for a distance of 156.50 feet; thence Westerly, continuing along the Northerly right-of-way line of

said Grand Street, on a curve to the right having an initial tangent bearing of S 76°07'57" W and a radius of 86.00 feet, for a distance of 75.26 feet; thence N 53°43'31" W continuing along the Northerly right-of-way line of said Grand Street, a distance of 536.01 feet; thence Northwesterly and Westerly, continuing along the Northerly right-of-way line of said Grand Street, on a curve to the left having a radius of 1,454.00 feet, for a distance of 1,156.98 feet; thence N 09°27'26" W a distance of 52.55 feet; thence N 11°18'29" E a distance of 95.00 feet; thence N 05°11'14" E a distance of 203.97 feet; thence N 51°51'12" W a distance of 158.29 feet; thence N 75°21'10" W a distance of 95.61 feet; thence N 01°57'58" W a distance of 525.41 feet to the TRUE POINT OF BEGINNING, containing 71.09201 acres more or less.

EXHIBIT B

MAP OF PROPOSED RURAL HOUSING INCENTIVE DISTRICT



The proposed District contains a portion of tax parcel ID number R173346.