

ORDINANCE NO. 2770

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF IMPROVEMENTS IN THE CITY OF GARDNER, KANSAS, AS AUTHORIZED BY RESOLUTION NO. 2123 OF THE CITY (HILLTOP RIDGE MADISON STREET SPECIAL BENEFIT DISTRICT).

WHEREAS, pursuant to Resolution No. 2123 of the City of Gardner, Kansas (the “City”), adopted on May 1, 2023 (the “SBD Resolution”), the Governing Body of the City has authorized the creation of an improvement district and, subject to certain conditions contained in the SBD Resolution, the construction of the following improvements (the “Improvements”):

Earthwork, water lines, storm sewer improvements, paving, and all related appurtenances to and along Madison Street generally located south of the Hilltop Ridge Subdivision within the City;

WHEREAS, prior to commencement of construction of the Improvements, the City has determined the maximum amount of assessment against each lot, piece or parcel of land deemed to be benefited by the Improvements based on the approved estimate of cost of the Improvements;

WHEREAS, the City has prepared an assessment roll and filed the same with the City Clerk;

WHEREAS, the City has received a waiver from the owners of all property within the improvement district that the City provide notice of, and hold a public hearing on, the proposed maximum special assessments pursuant to K.S.A. 12-6a09; and

WHEREAS, the owners of all property within the improvement district have consented to the levy of the proposed maximum special assessments as set forth in this Ordinance;

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

SECTION 1. Pursuant to K.S.A. 12-6a01 *et seq.* and the terms and conditions of the SBD Resolution, special assessments to pay the costs of the Improvements are hereby levied and assessed against the lots, pieces and parcels of land liable therefor as described on *Exhibit A* to this Ordinance, which is incorporated herein by reference, and in the maximum amounts set forth on *Exhibit A* following the description of each lot, piece or parcel of land; provided, however, that if the final cost of the completed Improvements is less than the maximum amount of the assessments set forth on *Exhibit A*, the Governing Body of the City shall adjust the assessments to reflect the cost of the completed Improvements.

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 any applicable prepayment date determined by the Governing Body of the City following the completion of construction of the Improvements, bonds will be issued therefor and such assessments will be levied concurrently with general taxes and be payable in twenty (20) annual installments.

SECTION 3. The City Clerk shall certify to the County Clerk, in the same manner and at the same time as other taxes are certified, for a period of twenty (20) years, all of the assessments which have not been paid by any prepayment date, together with interest on such amount thereof at a rate not exceeding the maximum rate as prescribed by the laws of the State of Kansas; and such amounts shall be placed on the tax rolls and collected as other taxes are collected, the levy for each year being a portion of the principal amount of the assessment plus one year's interest on the amount remaining unpaid.

SECTION 4. This Ordinance shall take effect and be in force from and after its publication once in the official City newspaper. The City Clerk is directed to file this Ordinance with 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 June 5, 2023.

CITY OF GARDNER, KANSAS

(Seal)

_____/s/_____
Mayor

ATTEST:

_____/s/_____
City Clerk

EXHIBIT A

HILLTOP RIDGE MADISON STREET 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	\$6,666.66
Lot 2 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 3 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 4 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 5 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 6 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 7 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 8 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 9 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 10 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 11 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 12 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 13 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	MAXIMUM AMOUNT OF ASSESSMENT
Lot 14 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 15 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 16 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 17 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 18 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 19 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 20 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 21 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 22 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 23 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 24 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 25 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 26 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 27 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	MAXIMUM AMOUNT OF ASSESSMENT
Lot 28 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 29 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 30 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 31 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
Lot 32 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,666.66
All that part of the West Half of the Northwest Quarter of Section 22, Township 14 South, Range 22 East, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 22; thence North 88 degrees 16 minutes 55 seconds East, along the North line of the Northwest Quarter of said Section 22, a distance of 652.13 feet to the point of beginning; thence South 1 degree 43 minutes 05 seconds East, a distance of 142.44 feet; thence South 54 degrees 07 minutes 26 seconds West, a distance of 247.56 feet; thence South 17 degrees 40 minutes 26 seconds West, a distance of 899.98 feet; thence South 25 degrees 28 minutes 37 seconds West, a distance of 300.35 feet to a point on the West line of the Northwest Quarter of said Section 22; thence South 2 degrees 10 minutes 37 seconds East, along the West line of the Northwest Quarter of said Section 22, a distance of 1271.06 feet to the Southwest corner of the Northwest Quarter of said Section 22; thence North 88 degrees 16 minutes 13 seconds East, along the South line of the Northwest Quarter of said Section 22, a distance of 1329.32 feet to the Southeast corner of the West half of the Northwest Quarter of said Section 22; thence North 2 degrees 22 minutes 27 seconds West, along the East line of the West Half of the Northwest Quarter of said Section 22, a distance of 2668.43 feet to the Northeast corner of the West Half of the Northwest Quarter of said Section 22; thence South 88 degrees 16 minutes 55 seconds West, along the North line of the Northwest Quarter of said Section 22, a distance of 668.00 feet to the point of beginning, containing 71.15 acres, more or less.	\$786,666.88

Less and except:

**MAXIMUM
AMOUNT OF
ASSESSMENT**

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT

All that part of Tract "B", as shown on Survey recorded in Book 201910, Page 002932, in the Office of the Register of Deeds, Johnson County, Kansas, lying in the West Half of the Northwest Quarter of Section 22, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section 22; thence North $88^{\circ}16'55''$ East, along the North line of said Northwest Quarter, a distance of 652.13 feet to the Point of Beginning; thence continuing North $88^{\circ}16'55''$ East, along said North line, a distance of 668.00 feet to the Northeast corner of the West Half of the Northwest Quarter of said Section 22; thence South $02^{\circ}22'27''$ East, along the East line of West Half of the Northwest Quarter of said Section 22, a distance of 934.42 feet; thence departing said East line, South $87^{\circ}37'33''$ West a distance of 262.67 feet; thence North $25^{\circ}44'33''$ West a distance of 53.00 feet; thence South $87^{\circ}37'33''$ West a distance of 150.22 feet; thence northerly along a non-tangent curve to the right having a radius of 275.00 feet, and a chord which bears North $12^{\circ}02'46''$ West, 21.95 feet, for an arc length of 21.96 feet; thence South $80^{\circ}14'29''$ West a distance of 193.89 feet; thence North $02^{\circ}22'27''$ West a distance of 86.70 feet; thence North $18^{\circ}41'48''$ West a distance of 75.02 feet; thence South $87^{\circ}37'33''$ West a distance of 218.92 feet; thence North $72^{\circ}19'34''$ West a distance of 163.08 feet to a point on the East line of Tract "A", as shown on said recorded Survey; thence along said East line, the following three courses: thence North $17^{\circ}40'26''$ East a distance of 429.01 feet; thence North $54^{\circ}07'26''$ East a distance of 247.56 feet; thence North $01^{\circ}43'05''$ West a distance of 142.44 feet to the Point of Beginning, containing 744,036 square feet, or 17.081 acres, more or less.

County Tax Parcel ID: CF221422-1003