

RESOLUTION NO. 2124

A RESOLUTION PROVIDING NOTICE OF A PUBLIC HEARING IN CONNECTION WITH THE ADOPTION OF A REINVESTMENT HOUSING INCENTIVE DISTRICT DEVELOPMENT PLAN AND DESIGNATION OF A REINVESTMENT HOUSING INCENTIVE DISTRICT IN THE CITY OF GARDNER, KANSAS (GRAND STREET REINVESTMENT HOUSING INCENTIVE DISTRICT).

WHEREAS, on May 1, 2023, the Governing Body of the City of Gardner, Kansas (the “City”), adopted Resolution No. 2122, in which the Governing Body made certain findings in connection with a proposed reinvestment housing incentive district known as the Grand Street Reinvestment Housing Incentive District within the City (the “District”), pursuant to K.S.A. 12-5241 *et seq.*, as amended (the “Act”);

WHEREAS, pursuant to the Act, the Governing Body of the City caused a copy of Resolution No. 2122 to be published on May 9, 2023, in the official newspaper of the City and caused a certified copy of Resolution No. 2122 to be submitted to the Secretary of Commerce of the State of Kansas (the “Secretary”);

WHEREAS, the Secretary, in a letter dated May 23, 2023, agreed with the findings of the Governing Body of the City as contained in Resolution No. 2122;

WHEREAS, pursuant to the Act, the Governing Body has caused a plan for the development of housing and public facilities in the proposed District (the “Plan”) to be prepared; and

WHEREAS, pursuant to the Act, the Governing Body now desires to provide notice of a public hearing to be held in connection with the adoption of the proposed Plan and the designation of the proposed District;

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

Section 1. A public hearing to consider adoption of the proposed Plan and designation of the proposed District shall be held on July 17, 2023, at 7:00 p.m. (or as soon thereafter as is practical), Central Time, at City Hall, 120 E. Main Street, Gardner, Kansas, 66030. The date of the public hearing is not less than 30 or more than 70 days after the date of this Resolution as required by K.S.A. 12-5245(c).

Section 2. The legal description of the District is as set forth on the attached *Exhibit A*, and a map depicting the existing parcels of real estate in the District is attached as *Exhibit B*.

Section 3. The existing assessed valuation of all real estate within the District is as follows:

Parcel Number	Assessed Land	Assessed Improvements	Assessed Total
R173346*	\$8,577	\$0	\$8,577
TOTALS			

* *The proposed District comprises a portion of tax parcel R173346. The assessed valuation of the land reflected above represents the portion of the land contained in tax parcel R173346 which will be included in the proposed District.*

Section 4. The name and address of the owner of record for all real estate within the District is:

Grand Street Development, LLC
920 E. Warren Street
Gardner, KS 66030

Section 5. The housing and public facility projects that are proposed to be constructed or improved are described and located as follows:

- a) In the western half of the District, approximately eighty-seven (87) senior villas
- b) In the eastern half of the District, approximately one hundred ten (110) senior townhomes
- c) In the northeast part of the District, approximately one hundred thirty-two (132) independent living senior apartments
- d) In the southeast part of the District, approximately ninety (90) assisted living senior apartments
- e) Throughout the District, and relating to the housing referenced above, public facilities including, but not limited to, streets, storm sewer, sanitary sewer, street lights, water lines, engineering, water quality improvements, detention basins, and all related appurtenances.

Section 6. A summary of the contractual assurances of the developer in connection with the proposed Plan and the comprehensive feasibility analysis are set forth on the attached *Exhibit C*.

Section 7. The proposed Plan is available for inspection at the office of the City Clerk during normal business hours. Members of the public are invited to review the Plan and attend the public hearing at the place and time described in Section 1 above.

Section 8. This Resolution (including the exhibits) shall be published once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing. A certified copy of this Resolution shall be delivered to the Planning Commission of the City, the Board of Education of Unified School District No. 231, Johnson County, Kansas (Gardner-Edgerton), the Board of Commissioners of Johnson County, Kansas, and the Governing Body of Fire District #1 of Johnson County, Kansas.

Section 9. 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 June 5, 2023.

CITY OF GARDNER, KANSAS

_____/s/_____
Mayor

(Seal)

ATTEST:

_____/s/_____
City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED REINVESTMENT HOUSING INCENTIVE DISTRICT

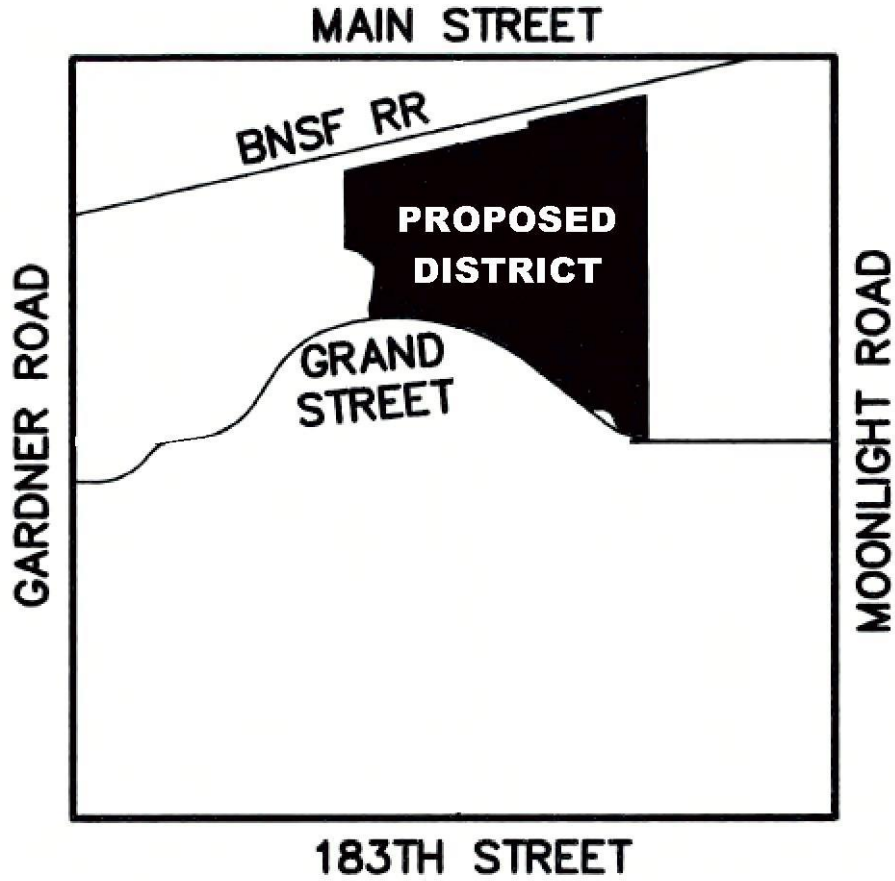
Part of the North ½ of Section 25, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, prepared by Gerald L. Conn, P.S. No. 1128, December 21, 2022, more particularly described as follows:

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 REINVESTMENT HOUSING INCENTIVE DISTRICT



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

EXHIBIT C

SUMMARY OF CONTRACTUAL ASSURANCES AND COMPREHENSIVE FEASIBILITY ANALYSIS

Summary of Contractual Assurances

The Governing Body of the City does not expect to receive any contractual assurances from the developer guaranteeing the financial feasibility of specific projects within the District; provided, however, that the City and the developer expect to enter into a Development Agreement (the “Development Agreement”) which, as supplemented and amended from time to time, is expected to include the project construction schedule, a description of projects to be constructed, financial and other obligations of the developer, and financial and administrative obligations of the City.

Summary of Comprehensive Feasibility Analysis

Baker Tilly Municipal Advisors, LLC, has conducted a comprehensive feasibility analysis to determine that the public benefits derived from the District will exceed the costs and that the income from the District, together with other sources of funding, will be sufficient to pay for the public improvements to be undertaken in the District. The analysis estimates the available property tax revenues that will be generated from the District, less existing property taxes and certain unavailable property tax revenues, to determine the revenue stream available to support all or a portion of the costs of financing the public improvements. The analysis indicates that the property revenues realized from the District, together with other available sources of funding, will exceed the costs of the public improvements financed through the District.

Specifically, the analysis indicates that the District will generate approximately \$13,093,226 in property tax revenues over a full 16-year term. This amount supports the portion of the public improvements proposed to be financed through the District in the amount of approximately \$6,600,000, together with interest on this amount of approximately \$5,900,000, which will be collected in slightly less than the full 16-year term.

No special obligation bonds of the City will be issued to finance the public improvements to be undertaken in the District; instead, a portion of the cost of the public improvements will be financed on a pay-as-you-go basis as described in the Development Agreement.