

RESOLUTION NO. 2128

A RESOLUTION OF THE CITY OF GARDNER, KANSAS, APPROVING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO A MEMORANDUM OF UNDERSTANDING AND A LAND BANK AGREEMENT IN CONNECTION WITH TWO DEVELOPMENT PROJECTS WITHIN THE CITY (WAVERLY PLAZA AND STONE CREEK).

WHEREAS, pursuant to K.S.A. 12-6a01 *et seq.*, K.S.A. 12-6a26 *et seq.*, K.S.A. 12-1740 *et seq.*, and Resolution No. 2037 of the Governing Body of the City of Gardner, Kansas (the “City”), adopted on November 18, 2019, the City entered a Memorandum of Understanding (the “MOU”) with The Bristol Groupe LLC, a Kansas limited liability company (the “Developer”);

WHEREAS, pursuant to the MOU, the Developer proposed to develop certain commercial and residential improvements (the “Waverly Plaza Project”) at the northeast corner of Waverly Road and Santa Fe Road within the City, and the City agreed to consider certain incentives to facilitate development of the Waverly Plaza Project;

WHEREAS, as of this date, the Developer has not commenced construction of either the commercial or residential improvements comprising the Waverly Plaza Project, and the City and the Developer have determined it necessary and desirable to specify the timeframe in which the Developer must commence construction in order for the City to consider the incentives contained in the MOU as reflected in an Amendment to Memorandum of Understanding (the “Amendment to MOU”) between the parties;

WHEREAS, the Developer and its affiliate, Bristol Partners XVIII, LLC, a Kansas limited liability company (together with the Developer, the “Developer Affiliates”), have separately proposed to develop certain commercial, industrial, and residential improvements (the “Stone Creek Project”) along North Stone Creek Drive, north of East Lincoln Lane, within the City;

WHEREAS, the property comprising the Stone Creek Project is presently subject to tax and special assessment delinquencies making development difficult; and

WHEREAS, pursuant to K.S.A. 12-5901 *et seq.*, the City and the Developer Affiliates have determined it necessary and desirable to enter a Land Bank Agreement (the “Land Bank Agreement”), by and among the City, the Developer Affiliates, and the City’s Land Bank, to address the tax delinquencies and to abate a portion of the special assessments on the property comprising the Stone Creek Project to facilitate development;

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

Section 1. Pursuant to K.S.A. 12-6a01 *et seq.*, K.S.A. 12-6a26 *et seq.*, and K.S.A. 12-1740 *et seq.*, the City is hereby authorized to enter into the Amendment to MOU in substantially the form presented to and reviewed by the Governing Body on the date of this Resolution (a copy of such document is on file in the records of the City), with such changes therein as shall be approved by the Mayor, with the Mayor's signature thereon being conclusive evidence of his approval thereof, and the same are hereby approved in all respects.

Section 2. Pursuant to K.S.A. 12-5901 *et seq.*, the City is hereby authorized to enter into the Land Bank Agreement in substantially the form presented to and reviewed by the Governing Body on the date of this Resolution (a copy of such document is on file in the records of the City), with such changes therein as shall be approved by the Mayor, with the Mayor's signature thereon being conclusive evidence of his approval thereof, and the same are hereby approved in all respects.

Section 3. The Mayor, City Clerk, and other officers and representatives of the City are hereby authorized and directed to execute, seal, attest, and deliver the Amendment to MOU and Land Bank Agreement, together with such other documents, certificates, and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of and as the act and deed of the City.

Section 4. This Resolution shall be in full force and effect upon the adoption of a Resolution of the Board of Trustees of the City's Land Bank on this date approving the execution and delivery of the Land Bank Agreement by the Land Bank. In the event the Board of Trustees of the City's Land Bank does not adopt such Resolution on the date hereof, then this Resolution shall be of no force or effect.

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ADOPTED by the Governing Body of the City of Gardner, Kansas, on July 3, 2023.

CITY OF GARDNER, KANSAS

(Seal)

_____/s/_____
Mayor

ATTEST:

_____/s/_____
City Clerk