

ORDINANCE NO. 2777

AN ORDINANCE OF THE CITY OF GARDNER, KANSAS, ADOPTING A REINVESTMENT HOUSING INCENTIVE DISTRICT DEVELOPMENT PLAN, ESTABLISHING A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY, AND APPROVING A DEVELOPMENT AGREEMENT (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 found it necessary and desirable to establish 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 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;

WHEREAS, pursuant to the Act, the Governing Body has provided notice of a public hearing on the adoption of the Plan and the establishment of the District and conducted such public hearing on the date hereof;

WHEREAS, upon considering the information and public comments received at the public hearing, the Governing Body of the City hereby deems it necessary and desirable to adopt the proposed Plan and establish the proposed District;

WHEREAS, the City and Grand Street Development, LLC, a Kansas limited liability company (the “Developer”), as developer of the residential project within the proposed District, have prepared a development agreement (the “Development Agreement”), outlining the rights and obligations of the parties, including the obligations of the Developer to construct the project in the proposed District and the right of the Developer to receive reimbursement from District revenues for the costs of certain eligible infrastructure and site work; and

WHEREAS, the Governing Body of the City hereby deems it necessary and desirable to approve the Development Agreement and authorize the execution and delivery thereof;

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

Section 1. The Plan for the development of housing and public facilities in the District, as presented to the Governing Body of the City on this date, is hereby adopted.

Section 2. The District is hereby designated and established as a reinvestment housing incentive district within the City pursuant to the Act. A legal description of the District is attached to this Ordinance as *Exhibit A*. A map depicting the existing parcels of real estate located in the District is attached to this Ordinance as *Exhibit B*.

Section 3. The Development Agreement is hereby approved in substantially the form now on file with the City Clerk. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Development Agreement on behalf of, and as the act and deed of, the City.

Section 4. The City Clerk is hereby authorized to transmit, on or before January 1, 2024, a complete copy of this Ordinance, including the attached exhibits, to the County Clerk, County Appraiser, and County Treasurer of Johnson County, Kansas, and to the governing bodies of any taxing subdivisions which levy taxes upon any property in the District.

Section 5. The Mayor, City Clerk, and other officers and representatives of the City are hereby authorized and directed to take such other actions as may be necessary and desirable to carry out and comply with the intent of this Ordinance, for and on behalf of the City.

Section 6. This Ordinance shall be in full force and effect from and after its publication one time in the official City newspaper; provided, however, that this Ordinance shall be null and void if, within thirty (30) days following the conclusion of the public hearing referenced above, the Board of Education of Unified School District No. 231, Johnson County, Kansas (Gardner-Edgerton), or the Board of Commissioners of Johnson County, Kansas, determine by resolution that the District will have an adverse effect on such School District or County, respectively.

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PASSED by the Governing Body of the City of Gardner, Kansas, and approved by the Mayor on August 21, 2023.

CITY OF GARDNER, KANSAS

(Seal)

_____/s/_____
Mayor

ATTEST:

_____/s/_____
City Clerk

EXHIBIT A

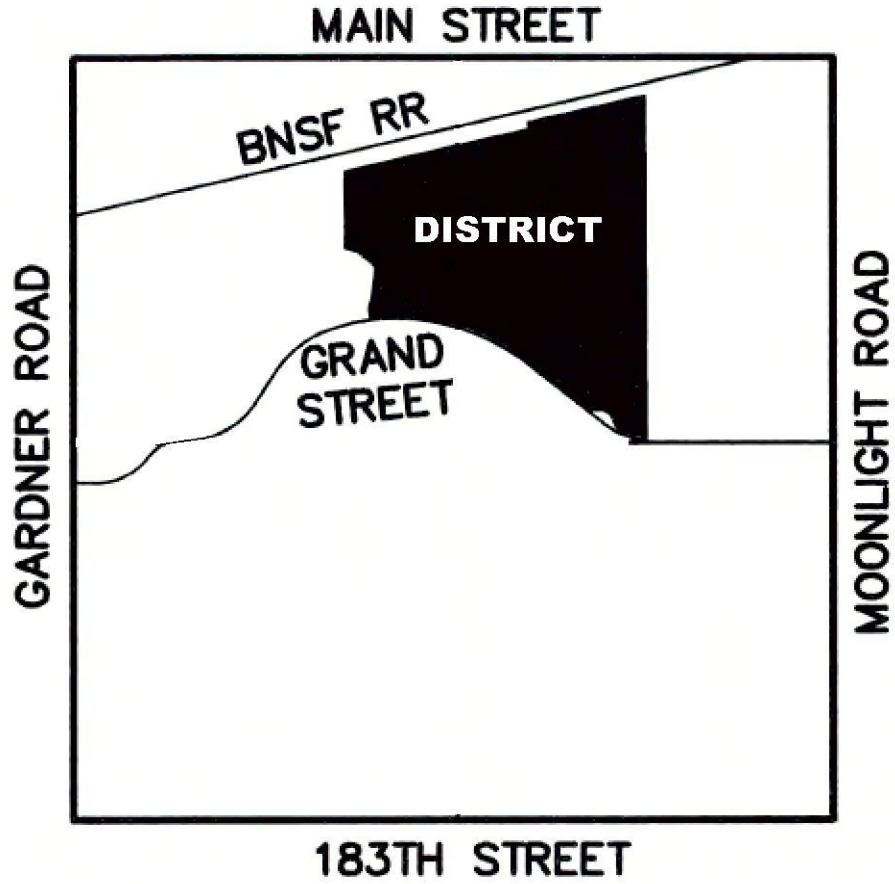
LEGAL DESCRIPTION OF DISTRICT

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 DISTRICT



The District is currently comprised of tax parcel ID number R878541 (which was previously a portion of tax parcel ID number R173346).