

RESOLUTION NO. 2140

A RESOLUTION DETERMINING THE ADVISABILITY OF CERTAIN IMPROVEMENTS IN THE CITY OF GARDNER, KANSAS, AND AUTHORIZING AND PROVIDING FOR THE MAKING OF SUCH IMPROVEMENTS IN ACCORDANCE WITH THE FINDINGS OF THE GOVERNING BODY AND K.S.A. 12-6a01 *ET SEQ.* (LONE STAR PRAIRIE SPECIAL BENEFIT DISTRICT).

WHEREAS, K.S.A. 12-6a02 authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and to levy and collect special assessments upon property in the area deemed by the governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements with the proceeds of such special assessments;

WHEREAS, a petition (the "Petition"), executed by 100% of the owners of property within the proposed improvement district, has been filed with the City Clerk of the City of Gardner, Kansas (the "City"), requesting certain improvements be made in accordance with K.S.A. 12-6a01 *et seq.*;

WHEREAS, K.S.A. 12-6a04(d) provides that upon receipt of a petition filed with the City Clerk in accordance with K.S.A. 12-6a04(c), the Governing Body of the City may (a) make findings by resolution as to the advisability of the improvements requested in the petition, the nature of the improvements, the estimated cost, the boundaries of the improvement district, the method of assessment and apportionment of cost, if any, between the improvement district and the city-at-large and (b) order the improvements without notice or public hearing; and

WHEREAS, the Governing Body finds it necessary to make its final findings by resolution as to the advisability of the proposed improvements and finds and determines it necessary to authorize the improvements;

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

SECTION 1. The Governing Body finds and finally determines that:

(a) It is advisable to make the following improvements (the "Improvements"):

Construction and installation of an offsite sanitary sewer line and a lift station benefiting the Lone Star Prairie Subdivision within the City, including, without limitation, approximately 2,593 linear feet of sanitary sewer line, approximately 680 linear feet of force main, approximately four (4) manholes, and all related appurtenances.

- (b) The maximum estimated or probable cost of the proposed Improvements is: \$1,150,000, including costs associated with temporary notes and costs of issuance for long-term financing.
- (c) The boundaries of the proposed improvement district (the “Improvement District”) are as described on the attached *Exhibit A*.
- (d) The method of assessment is: the costs of the Improvements shall be assessed equally per platted residential lot within the Improvement District (estimated total of 188 lots) excluding those areas dedicated as public right of way, public parks, storm water retention or detention areas, association common areas, publicly owned easements or similar areas not containing residences. The property in the Improvement District is not currently subdivided. The assessment against the Improvement District shall initially be levied in an aggregate amount against the single parcel contained in the Improvement District, and this aggregate amount shall be reallocated on a per lot basis (or in such other equitable manner as the owners of such property agree to in writing, with the consent of the City) as and when such single parcel is platted or subdivided.
- (e) The apportionment of the cost of the Improvements, between the Improvement District and the city-at-large, is: 100% to be assessed against the Improvement District and 0% to be paid by the city-at-large.
- (f) The Improvement District does not include all the property which may be deemed to be benefited by the proposed Improvements.
- (g) The persons or entities who signed the Petition are willing to pay the costs of the proposed Improvements as set forth in the Petition.

SECTION 2. The Improvements are authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in Section 1 of this Resolution. General obligation notes or bonds are authorized to be issued in an aggregate amount not exceeding the estimated cost of the Improvements, and the proceeds from such notes or bonds may be used to reimburse expenditures made by the City 60 days before and during the time after the date of this Resolution in accordance with United States Treasury Regulation 1.150-2.

SECTION 3. This Resolution shall be published one time in the official City newspaper and shall also be filed of record in the office of the Register of Deeds of Johnson County, Kansas.

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ADOPTED by the Governing Body of the City of Gardner, Kansas, on May 20, 2024.

CITY OF GARDNER, KANSAS

(Seal)

/s/

Mayor

ATTEST:

/s/

City Clerk

EXHIBIT A

BOUNDARIES OF PROPOSED IMPROVEMENT DISTRICT

All that part of the Northeast Quarter of Section 28, Township 14, Range 22, Johnson County, Kansas, described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 28; thence South 89 degrees 44 minutes 32 seconds East, along the North line of the Northeast Quarter of said Section 28, a distance of 1845.67 feet to the point of beginning; thence continuing South 89 degrees 44 minutes 32 seconds East, along the North line of the Northeast Quarter of said Section 28, a distance of 757.21 feet, to the Northeast corner of the Northeast Quarter of said Section 28; thence South 0 degrees 10 minutes 11 seconds East, along the East line of the Northeast Quarter of said Section 28, a distance of 2623.41 feet, to the Southeast corner of the Northeast Quarter of said Section 28; thence North 89 degrees 50 minutes 28 seconds West along the South line of the Northeast Quarter of said Section 28, a distance of 824.40 feet; thence North 0 degrees 48 minutes 10 seconds East, a distance of 2204.42 feet; thence South 89 degrees 44 minutes 32 seconds East, parallel to the North line of the Northeast Quarter of said Section 28, a distance of 29.78 feet; thence North 0 degrees 10 minutes 11 seconds West, a distance of 420.42 feet to the point of beginning, except that part in streets and roads.

Subject to easements and restrictions of record.

Containing Johnson County tax parcel number R185778.