

ORDINANCE NO. 2801

AN ORDINANCE AMENDING ORDINANCE NO. 2688 OF THE CITY OF GARDNER, KANSAS, AND ASSESSING THE FINAL COSTS OF THE IMPROVEMENTS FOR THE HILLTOP RIDGE PHASE ONE FIRST PLAT INTERNAL IMPROVEMENTS SPECIAL BENEFIT DISTRICT ON CERTAIN LOTS, PIECES, AND PARCELS OF LAND IN THE CITY.

WHEREAS, pursuant to K.S.A. 12-6a01 *et seq.* and Resolution No. 2066, adopted by the Governing Body of the City of Gardner, Kansas (the “City”), on October 19, 2020, the City established the Hilltop Ridge Phase One First Plat Internal Improvements Special Benefit District (the “District”) to finance certain storm and sanitary sewer improvements (the “Improvements”);

WHEREAS, pursuant to Ordinance No. 2688 of the City, passed on December 21, 2020, the Governing Body determined the maximum amount of assessments to be levied against the lots, pieces, and parcels of land in the District based upon estimated costs of the Improvements;

WHEREAS, pursuant to Ordinance No. 2768, passed on April 17, 2023, the Governing Body modified the description of the Improvements, maximum amount of assessments, and the method of assessment, each as described in Resolution No. 2066, and modified the date for property owners within the District to prepay the assessments;

WHEREAS, construction of the Improvements has been completed, and the final costs of the Improvements, together with costs of financing and interest during construction, are \$535,000; and

WHEREAS, the Governing Body finds it necessary and desirable to finalize the amount of the assessments against the properties within the District and to further amend Ordinance No. 2688 to amend the Prepayment Date (as defined therein);

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

Section 1. Section 2 of Ordinance No. 2688 is hereby deleted in its entirety and replaced with the following:

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 July 5, 2024 (the “Prepayment Date”), bonds will be issued therefor and such assessments will be levied concurrently with general taxes and be payable in twenty (20) annual installments.

Section 2. *Exhibit A* to Ordinance No. 2688 is hereby deleted in its entirety and replaced with *Exhibit A* attached to this Ordinance.

Section 3. Except as provided in Sections 1 and 2 to this Ordinance, all other terms and provisions of Ordinance No. 2688, as amended by Ordinance No. 2768, shall remain in full force and effect.

Section 4. The City Clerk is hereby authorized and directed to mail a notice of final assessment and notice of the prepayment period to the owners of the property in the District described on *Exhibit A* to this Ordinance which is incorporated herein by reference. The Finance Director, City Clerk, and other employees and representatives of the City are hereby authorized and directed to take such additional action as may be required to assess the final costs of the Improvements against the properties in the District as described in this Ordinance.

Section 5. This Ordinance shall take effect and be in force from and after its publication once in the official City newspaper. Following publication, this Ordinance shall be recorded in the office of the Register of Deeds of Johnson County, Kansas.

[remainder of page left blank intentionally]

PASSED by the City Council of the City of Gardner, Kansas, on June 3, 2024.

SIGNED by the Mayor of the City of Gardner on June 3, 2024.

CITY OF GARDNER, KANSAS

/s/

Mayor

(Seal)

ATTEST:

/s/

City Clerk

EXHIBIT A TO FINAL ASSESSMENT ORDINANCE
(HILLTOP RIDGE PHASE ONE
FIRST PLAT INTERNAL IMPROVEMENTS SBD)

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	FINAL ASSESSMENT
Lot 1 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 2 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 3 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 4 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 5 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 6 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 7 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 8 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 9 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 10 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 11 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 12 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	FINAL ASSESSMENT
Lot 13 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 14 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 15 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 16 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 17 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 18 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 19 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 20 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 21 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 22 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 23 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 24 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 25 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 26 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	FINAL ASSESSMENT
Lot 27 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 28 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 29 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 30 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 31 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75
Lot 32 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$16,718.75