

ORDINANCE NO. 2800

AN ORDINANCE AMENDING ORDINANCE NO. 2687 OF THE CITY OF GARDNER, KANSAS, AND ASSESSING THE FINAL COSTS OF THE IMPROVEMENTS FOR THE HILLTOP RIDGE PHASE ONE OFFSITE SANITARY SEWER AND 167TH STREET 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. 2065, 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 Offsite Sanitary Sewer and 167th Street Special Benefit District (the “District”) to finance certain street and sanitary sewer improvements (the “Improvements”);

WHEREAS, pursuant to Ordinance No. 2687 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. 2767, passed on April 17, 2023, the Governing Body modified the method of assessment described in Resolution No. 2065 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 \$1,010,000; 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. 2687 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. 2687 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. 2687 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. 2687, as amended by Ordinance No. 2767, 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.

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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
OFFSITE SANITARY SEWER AND 167TH STREET 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	\$6,733.33
Lot 2 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 3 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 4 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 5 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 6 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 7 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 8 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 9 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 10 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 11 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 12 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33

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	\$6,733.33
Lot 14 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 15 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 16 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 17 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 18 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 19 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 20 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 21 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 22 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 23 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 24 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 25 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 26 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33

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	\$6,733.33
Lot 28 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 29 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 30 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 31 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
Lot 32 in HILLTOP RIDGE – 1ST PLAT, a subdivision in the City of Gardner, Johnson County, Kansas	\$6,733.33
All that part of the West Half of the Northwest Quarter of Section 22, Township 14 South, Range 22 East, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 22; thence North 88 degrees 16 minutes 55 seconds East, along the North line of the Northwest Quarter of said Section 22, a distance of 652.13 feet to the point of beginning; thence South 1 degree 43 minutes 05 seconds East, a distance of 142.44 feet; thence South 54 degrees 07 minutes 26 seconds West, a distance of 247.56 feet; thence South 17 degrees 40 minutes 26 seconds West, a distance of 899.98 feet; thence South 25 degrees 28 minutes 37 seconds West, a distance of 300.35 feet to a point on the West line of the Northwest Quarter of said Section 22; thence South 2 degrees 10 minutes 37 seconds East, along the West line of the Northwest Quarter of said Section 22, a distance of 1271.06 feet to the Southwest corner of the Northwest Quarter of said Section 22; thence North 88 degrees 16 minutes 13 seconds East, along the South line of the Northwest Quarter of said Section 22, a distance of 1329.32 feet to the Southeast corner of the West half of the Northwest Quarter of said Section 22; thence North 2 degrees 22 minutes 27 seconds West, along the East line of the West Half of the Northwest Quarter of said Section 22, a distance of 2668.43 feet to the Northeast corner of the West Half of the Northwest Quarter of said Section 22; thence South 88 degrees 16 minutes 55 seconds West, along the North line of the Northwest Quarter of said Section 22, a distance	\$794,533.44

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT

of 668.00 feet to the point of beginning, containing 71.15 acres, more or less.

Less and except:

All that part of Tract "B", as shown on Survey recorded in Book 201910, Page 002932, in the Office of the Register of Deeds, Johnson County, Kansas, lying in the West Half of the Northwest Quarter of Section 22, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section 22; thence North $88^{\circ}16'55''$ East, along the North line of said Northwest Quarter, a distance of 652.13 feet to the Point of Beginning; thence continuing North $88^{\circ}16'55''$ East, along said North line, a distance of 668.00 feet to the Northeast corner of the West Half of the Northwest Quarter of said Section 22; thence South $02^{\circ}22'27''$ East, along the East line of West Half of the Northwest Quarter of said Section 22, a distance of 934.42 feet; thence departing said East line, South $87^{\circ}37'33''$ West a distance of 262.67 feet; thence North $25^{\circ}44'33''$ West a distance of 53.00 feet; thence South $87^{\circ}37'33''$ West a distance of 150.22 feet; thence northerly along a non-tangent curve to the right having a radius of 275.00 feet, and a chord which bears North $12^{\circ}02'46''$ West, 21.95 feet, for an arc length of 21.96 feet; thence South $80^{\circ}14'29''$ West a distance of 193.89 feet; thence North $02^{\circ}22'27''$ West a distance of 86.70 feet; thence North $18^{\circ}41'48''$ West a distance of 75.02 feet; thence South $87^{\circ}37'33''$ West a distance of 218.92 feet; thence North $72^{\circ}19'34''$ West a distance of 163.08 feet to a point on the East line of Tract "A", as shown on said recorded Survey; thence along said East line, the following three courses: thence North $17^{\circ}40'26''$ East a distance of 429.01 feet; thence North $54^{\circ}07'26''$ East a distance of 247.56 feet; thence North $01^{\circ}43'05''$ West a distance of 142.44 feet to the Point of Beginning, containing 744,036 square feet, or 17.081 acres, more or less.

County Tax Parcel ID: CF221422-1003