

**ORDINANCE NO. 2799**

**AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF IMPROVEMENTS IN THE CITY OF GARDNER, KANSAS, AS AUTHORIZED BY RESOLUTION NO. 2140 OF THE CITY (LONE STAR PRAIRIE SPECIAL BENEFIT DISTRICT).**

**WHEREAS**, pursuant to Resolution No. 2140 of the City of Gardner, Kansas (the “City”), adopted on May 20, 2024 (the “SBD Resolution”), the Governing Body of the City has authorized the creation of an improvement district and, subject to certain conditions contained in the SBD Resolution, the construction of 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;

**WHEREAS**, prior to commencement of construction of the Improvements, the City has determined the maximum amount of assessment against each lot, piece or parcel of land deemed to be benefited by the Improvements based on the approved estimate of cost of the Improvements;

**WHEREAS**, the City has prepared an assessment roll and filed the same with the City Clerk;

**WHEREAS**, the owners of all property within the improvement district have waived the requirement that the City provide notice of, and hold a public hearing on, the proposed maximum special assessments pursuant to K.S.A. 12-6a09; and

**WHEREAS**, the owners of all property within the improvement district have consented to the levy of the proposed maximum special assessments as set forth in this Ordinance;

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

**SECTION 1.** Pursuant to K.S.A. 12-6a01 *et seq.* and the terms and conditions of the SBD Resolution, special assessments to pay the costs of the Improvements are hereby levied and assessed against the lots, pieces and parcels of land liable therefor as described on *Exhibit A* to this Ordinance, which is incorporated herein by reference, and in the maximum amounts set forth on *Exhibit A* following the description of each lot, piece or parcel of land. As reflected in Section 1(d) of the SBD Resolution, and notwithstanding that the special assessments may initially be levied in an aggregate amount against the single parcel of property described on *Exhibit A*, this aggregate amount shall be reallocated equally on a per lot basis against the platted residential lots within the improvement district (estimated total of 188 lots), as and when such residential lots are platted, 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 (or in such other equitable manner as the owners of such property agree to in writing, with the consent of the City). If the final cost of the completed Improvements is less than the maximum amount of the assessments set forth on *Exhibit A*, the Governing Body of the City shall adjust the assessments to reflect the cost of the completed Improvements.

**SECTION 2.** Subject to Section 1 hereof, the amounts so levied and assessed shall be due and payable from and after the date of publication of this Ordinance and completion of construction of the Improvements. Unless waived, the City Clerk shall notify the owners of the affected properties of the maximum amounts of their assessments and that, unless the assessments are paid by any applicable prepayment date determined by the Governing Body of the City following the completion of construction of the Improvements, bonds will be issued therefor and such assessments will be levied concurrently with general taxes and be payable in twenty (20) annual installments.

**SECTION 3.** The City Clerk shall certify to the County Clerk, in the same manner and at the same time as other taxes are certified, for a period of twenty (20) years, all of the assessments which have not been paid by any prepayment date, together with interest on such amount thereof at a rate not exceeding the maximum rate as prescribed by the laws of the State of Kansas; and such amounts shall be placed on the tax rolls and collected as other taxes are collected, the levy for each year being a portion of the principal amount of the assessment plus one year's interest on the amount remaining unpaid.

**SECTION 4.** This Ordinance shall take effect and be in force from and after its publication once in the official City newspaper. The City Clerk is directed to file this Ordinance with the Register of Deeds of Johnson County, Kansas.

*[remainder of page intentionally left blank]*

**PASSED** by the Governing Body of the City of Gardner, Kansas, and approved by the Mayor on June 3, 2024.

**CITY OF GARDNER, KANSAS**

(Seal)

\_\_\_\_\_  
/s/  
Mayor

ATTEST:

\_\_\_\_\_  
/s/  
City Clerk

**EXHIBIT A**

**LONE STAR PRAIRIE SBD**

**DESCRIPTION OF  
PROPERTY SUBJECT  
TO ASSESSMENT**

**MAXIMUM  
AMOUNT OF  
ASSESSMENT**

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

\$1,150,000

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.