

## RESOLUTION NO. 2032

### **A RESOLUTION DETERMINING THE ADVISABILITY OF CERTAIN INTERNAL 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.* (WAVERLY PLAZA 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, executed by 100% of the owners of property within the proposed improvement district (the "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.* (the "Act");

**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"):

design, construction and improvement of Laurel Street from Santa Fe Street to Washington Street, and design, construction and improvement of Washington Street from Waverly Road to Laurel Street, with the work to include costs to acquire the right-of-way, engineering design costs, consultant fees, surveys, plans and permitting, grading, demolition, paving, curbs, gutters, storm drainage, water main extension, sidewalks, street lighting, signing, public utilities, sod, street trees and all related improvements permitted by the Act.

(b) The maximum estimated or probable cost of the proposed Improvements is: \$2,400,000, including the costs of issuance of temporary notes and long-term bonds and the interest expense on temporary notes.

(c) The boundaries of the proposed Improvement District are as described on the attached *Exhibit A*.

(d) The method of assessment is: equally per square foot for properties included in the Improvement District, excluding those areas dedicated as public right of way, public parks, storm water retention and detention areas, association common areas, publicly owned easements or similar areas not containing structures or residences.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the city-at-large, is: 73.90% to be assessed against the Improvement District, said assessments to be levied over a twenty (20) year term, and 26.10% 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 bonds or notes 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.

*[remainder of page left blank intentionally]*

**ADOPTED** by the Governing Body of the City of Gardner, Kansas, on October 7, 2019.

**CITY OF GARDNER, KANSAS**

(Seal)

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

ATTEST:

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

## EXHIBIT A

### BOUNDARIES OF PROPOSED IMPROVEMENT DISTRICT

All that part of the Southwest Quarter of Section 23, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 23; thence N 1°53'36" W, along the West line of the Southwest Quarter of said Section 23, a distance of 660.92 feet; thence N 88°06'24" E, a distance of 50.00 feet; thence Easterly on a curve to the left, said curve being tangent to the last described course and having a radius of 445.00 feet, an arc distance of 87.82 feet; thence N 76°48'00" E, a distance of 169.86 feet; thence Easterly on a curve to the right, said curve being tangent to the last described course and having a radius of 480.00 feet, an arc distance of 94.67 feet; thence N 88°06'00" E, a distance of 331.11 feet; thence Easterly along the Southerly plat line of THE RESERVE AT WAVERLY POINTE, TENTH PLAT, a platted subdivision of land in the City of Gardner, Johnson County, Kansas and its Westerly extension, on a curve to the right, said curve being tangent to the last described course and having a radius of 430.00 feet, an arc distance of 346.73 feet to the Southmost plat corner of said THE RESERVE AT WAVERLY POINTE, TENTH PLAT, said point also being on the South line of N. Laurel Street, as now established; thence S 45°18'00" E, along the South line of said N. Laurel Street, a distance of 50.00 feet to the Westmost plat corner of THE RESERVE AT WAVERLY POINTE, EIGHTH PLAT, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence S 53°05'33" E, along the Southwesterly plat line of said THE RESERVE AT WAVERLY POINTE, EIGHTH PLAT, a distance of 259.69 feet to a point on the North most plat corner of THE RESERVE AT WAVERLY POINTE, ELEVENTH PLAT, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence along the Northerly plat line of said THE RESERVE AT WAVERLY POINTE, ELEVENTH PLAT and THE RESERVE AT WAVERLY POINTE, NINTH PLAT, THE RESERVE AT WAVERLY POINTE, FIFTEENTH PLAT, both being platted subdivisions of land in the City of Gardner, Johnson County, Kansas, for the following three (3) courses; thence S 86°15'48" W, a distance of 25.66 feet; thence S 70°42'18" W, a distance of 183.20 feet; thence S 68°47'47" W, a distance of 77.68 feet to the Northwest plat corner of said THE RESERVE AT WAVERLY POINTE, NINTH PLAT; thence S 1°58'45" E, along the West plat line of said THE RESERVE AT WAVERLY POINTE, NINTH PLAT and the West plat line of THE RESERVE AT WAVERLY POINTE, FOURTEENTH PLAT, a platted subdivision of land in the City of Gardner, Johnson County, Kansas, a distance of 298.01 feet to the Southwest plat corner of said THE RESERVE AT WAVERLY POINTE, NINTH PLAT, said point also being on the South line of the Southwest Quarter of said Section 23; thence S 88°01'15" W, along the South line of the Southwest Quarter of said Section 23, a distance of 1002.77 feet to the point of beginning, containing 16.8493 acres, more or less, of unplatted land.