

RESOLUTION NO. 2035

A RESOLUTION OF THE CITY OF GARDNER, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING CONCERNING THE ADVISABILITY OF THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY AND DECLARING THE INTENT OF THE CITY TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX PURSUANT TO K.S.A. 12-6a26 ET SEQ.

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.* (the “Act”), the City of Gardner, Kansas (the “City”), is authorized to create a community improvement district and to provide for financing of certain costs associated with a project within the community improvement district (a “CID Project”);

WHEREAS, upon proper petition, the Act further authorizes the City, in order to pay costs of any project which is a CID Project, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing services within a community improvement district in any increment of .10% or .25% not to exceed 2% (a “CID Sales Tax”) and to reimburse the costs of such project pursuant to pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such CID Sales Tax;

WHEREAS, a petition (the “Petition”) has been filed with the City Clerk proposing the creation of a community improvement district pursuant to the Act to be known as the “Plaza South CID” (the “CID”), the completion of a CID Project within the CID as further described herein (the “Project”), and the imposition of a CID Sales Tax to pay for a portion of the costs of the Project;

WHEREAS, the proposed CID is generally located at the northeast corner of 188th Street and S. Gardner Road within the City;

WHEREAS, the Petition was signed by the owners of record, whether resident or not, of more than 55% of assessed value of the land area contained within the proposed CID and by more than 55% percent of all owners of real property within the boundaries of the CID;

WHEREAS, if the CID is created by the City and certain further conditions are met, the City intends to impose a 1.0% CID Sales Tax within the CID; and

WHEREAS, the Act provides that prior to creating any community improvement district, the City shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district, the authorization of a CID Project therein, and the intent of the City to levy a CID Sales Tax within such district and shall give notice of said public hearing in accordance with the Act;

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

1. Notice is hereby given that a public hearing to consider the advisability of the creation by the City of the CID and the imposition by the City of a 1.0% CID Sales Tax within the

CID shall be held at the City Council Chambers, City Hall, 120 E. Main Street, Gardner, Kansas, on November 18, 2019, beginning at 7:00 p.m., Central Time, or as soon thereafter as is practical.

2. The general nature of the proposed Project to be constructed within the proposed CID is set forth on ***Exhibit A*** attached hereto.

3. The estimated cost of the improvements comprising the Project within the proposed CID is \$950,000, with the entirety of such estimated cost plus the City's administrative costs proposed to be reimbursed to the developer of the Project from CID Sales Tax.

4. The Project within the proposed CID will be financed, in part, on a pay-as-you-go basis from revenues received from the imposition of a 1.0% CID Sales Tax within the proposed CID. No special assessments are proposed as part of the CID, and the City will not issue special obligation bonds or notes to finance all or a portion of the Project.

5. A legal description of the proposed CID is set forth in ***Exhibit B*** attached hereto. A map generally outlining the boundaries of the proposed CID is attached hereto as ***Exhibit C***.

6. The City Clerk shall give notice of the public hearing in accordance with the provisions of the Act by publishing this Resolution at least once each week for two consecutive weeks in the newspaper and sending this Resolution by certified mail to all owners. The second publication of this Resolution shall occur at least seven days prior to the date of hearing and the certified mailed notice shall be sent at least ten days prior to the date of hearing.

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ADOPTED by the Governing Body of the City of Gardner, Kansas on October 21, 2019.

CITY OF GARDNER, KANSAS

(Seal)

/s/
Mayor

ATTEST:

/s/
City Clerk

EXHIBIT A

THE PROJECT

The general nature of the proposed community improvement district project (the “Project”) is: construction of turn lane on Gardner Road and water, sanitary sewer, and storm sewer public infrastructure for Plaza South commercial project at Northeast Corner of 188th Street and Gardner Road in Gardner, Kansas.

EXHIBIT B

LEGAL DESCRIPTION OF COMMUNITY IMPROVEMENT DISTRICT

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE N 88°21'25" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 779.87 FEET; THENCE S 1°43'47" E, A DISTANCE OF 944.92 FEET; THENCE ALONG THE NORTHERLY PLAT LINE OF GNBS BUSINESS PARK II AND ALSO ALONG THE NORTHERLY PLAT LINE OF GNBS BUSINESS PARK, BOTH BEING PLATTED SUBDIVISIONS OF LAND IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS AND THEIR EASTERLY EXTENSIONS, FOR THE FOLLOWING THREE (3) COURSES; THENCE S 89°07'03" W, A DISTANCE OF 565.80 FEET; THENCE N 2°32'11" W, A DISTANCE OF 30.01 FEET; THENCE S 89°07'03" W, A DISTANCE OF 201.00 FEET TO THE NORTHWEST PLAT CORNER OF SAID GNBS BUSINESS PARK, SAID POINT ALSO BEING ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE N 2°32'11" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 904.84 FEET TO THE POINT OF BEGINNING, CONTAINING 16.5450 ACRES, MORE OR LESS, SUBJECT TO THAT PART IN STREETS AND ROADS.

