

RESOLUTION NO. 2031

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.* (PLAZA SOUTH 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.*;

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"):

Construction of 188th Street, together with construction of a water main extension on the north side, beginning approximately 190 feet east of Gardner Road eastward approximately 1,135 feet to the eastern boundary of the district within the City.

(b) The maximum estimated or probable cost of the proposed Improvements is: \$1,300,000, 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 estimated linear foot of center line for properties included in the Improvement District which adjoin the new street; *provided, however*, that the allocable cost of the water main extension (estimated at approximately \$100,000.00) shall be assessed only against Tracts 1 and 2. More specifically, the costs of the Improvements shall be assessed against the following Tracts as described on *Exhibit B* in the following percentages:

Tract 1	29.41%
Tract 2	28.63%
Tract 3	41.95%

In the event Tract 1 or Tract 3 is subdivided into smaller parcels, the assessments against such smaller parcels shall be re-levied or re-spread based on the square footage of each such smaller parcel relative to the square footage of the parent tract.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the city-at-large, is: 100% to be assessed against the Improvement District, said assessments to be levied over a ten (10) year term, and 0% 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.

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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 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER 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 515.00 FEET; THENCE N 87°27'49" E, A DISTANCE OF 100.00 FEET, TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF GARDNER ROAD AS NOW ESTABLISHED, SAID POINT FURTHER BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35 AS NOW ESTABLISHED; THENCE N 9°50'34" W, ALONG THE EAST RIGHT-OF-WAY LINE SAID GARDNER ROAD, A DISTANCE OF 245.45 FEET, TO THE SOUTHWEST CORNER OF LOT 1, OLATHE HEALTH URGENT CARE GARDNER, A PLATTED SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; THENCE N 87°27'49" E, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 251.57 FEET; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 1 FOR THE FOLLOWING (5) COURSES: THENCE N 2°32'11" W, A DISTANCE OF 153.99 FEET; THENCE N 42°27'49" E, A DISTANCE OF 76.96 FEET; THENCE N 2°32'11" W, A DISTANCE OF 80.84 FEET; THENCE N 43°05'31" W, A DISTANCE OF 75.21 FEET; THENCE N 20°38'09" W, ALONG THE EAST LINE OF SAID LOT 1 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 95.00 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF W. 189TH TERRACE AS NOW ESTABLISHED; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID W. 189TH TERRACE, ON A CURVE TO THE RIGHT, SAID CURVE HAVING AN INITIAL TANGENT BEARING OF S 69°21'44" W, A RADIUS OF 215.00 FEET, AN ARC DISTANCE OF 67.92 FEET; THENCE S 87°27'49" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID W. 189TH TERRACE, A DISTANCE OF 169.56 FEET; TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID GARDNER ROAD; THENCE N 2°32'11" W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID GARDNER ROAD, A DISTANCE OF 197.58 FEET, TO THE SOUTHWEST CORNER OF LOT 1, SINGH FOOD AND GAS SERVICES, A PLATTED SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; THENCE N 89°07'03" E, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 238.50 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE N 2°32'11" W, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 164.34 FEET, TO A POINT ON THE SOUTH LINE OF LOT 1, GNBS BUSINESS PARK II, A

PLATTED SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; THENCE N 89°07'03" E, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 81.50 FEET, TO THE SOUTHWEST CORNER OF LOT 2, OF SAID GNBS BUSINESS PARK II; THENCE N 2°32'11" W, ALONG THE WEST LINE OF SAID LOT 2 AND ITS NORTHERLY EXTENSION, A DISTANCE 164.41 FEET, TO A POINT ON THE NORTH LINE OF W. 188TH STREET, AS NOW ESTABLISHED; THENCE S 89°07'03" W, ALONG THE NORTH LINE OF SAID W. 188TH STREET, A DISTANCE 179.02 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID W. 188TH STREET; THENCE N 2°32'11" W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID W. 188TH STREET, A DISTANCE OF 30.01 FEET, TO THE NORTHEAST CORNER THEREOF; THENCE S 89°07'03" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID W. 188TH STREET, A DISTANCE OF 201.00 FEET, TO A POINT ON THE WEST LINE OF THE 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 NORTHWEST CORNER THEREOF; THENCE N 88°21'25" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1325.49 FEET, TO THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE S 2°34'17" E, ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1387.72 FEET, TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NO. 35; THENCE SOUTHWESTERLY ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NO. 35 FOR THE NEXT (3) COURSES: THENCE S 45°23'58" W, A DISTANCE OF 423.45 FEET; THENCE S 52°22'08" W, A DISTANCE OF 489.51 FEET; THENCE S 70°11'59" W, A DISTANCE OF 535.42 FEET, TO THE POINT OF BEGINNING, CONTAINING 49.962 ACRES MORE OR LESS.

EXHIBIT B

TRACTS INCLUDED IN IMPROVEMENT DISTRICT

TRACT 1

Owner: Plaza South Developers, LLC

Tax Parcel: CF221436-2001
CF221436-2011

Size: 16.5450 acres

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.

TRACT 2

Owner: New Life Community Church, Inc.

Tax Parcel: CF221436-2019
CF221436-2018

Size: 12.0340 acres

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:

COMMENCING 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 TO THE POINT OF BEGINNING; THENCE CONTINUING N 88°21'25" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 545.62 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE S 2°34'17" E, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 952.47 FEET; THENCE S 89°07'03" W, A DISTANCE OF 559.67 FEET; THENCE N 1°43'47" W, A DISTANCE OF 944.92 FEET TO THE POINT OF BEGINNING, CONTAINING 12.0340 ACRES, MORE OR LESS.

TRACT 3

Owner: Olathe Medical Center

Tax Parcel: CP36810000 0002
CF221436-2010
CF221436-2004
CF221436-2009
CF221436-2003

Size: 21.382 acres

LEGAL DESCRIPTION: OLATHE MEDICAL CENTER INC. UNDEVELOPED AREA 188TH STREET PROPOSED ROADWAY AND WATERLINE BENEFIT DISTRICT

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COMMENCING AT THE SOUTHWEST CORNER 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 515.00 FEET; THENCE N 87°27'49" E, A DISTANCE OF 100.00 FEET, TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF GARDNER ROAD AS NOW ESTABLISHED, SAID POINT FURTHER BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35 AS NOW ESTABLISHED; THENCE N 9°50'34" W, ALONG THE EAST RIGHT-OF-WAY LINE SAID GARDNER ROAD, A DISTANCE OF 245.45 FEET, TO THE SOUTHWEST CORNER OF LOT 1, OLATHE HEALTH URGENT CARE GARDNER, A PLATTED SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; THENCE N 87°27'49" E, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 251.57 FEET; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 1 FOR THE FOLLOWING (5) COURSES: THENCE N 2°32'11" W, A DISTANCE OF 153.99 FEET; THENCE N 42°27'49" E, A DISTANCE OF 76.96 FEET; THENCE N 2°32'11" W, A DISTANCE OF 80.84 FEET; THENCE N 43°05'31" W, A DISTANCE OF 75.21 FEET; THENCE N 20°38'09" W, ALONG THE EAST LINE OF SAID LOT 1 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 95.00 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF W. 189TH TERRACE AS NOW ESTABLISHED; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID W. 189TH TERRACE, ON A CURVE TO THE RIGHT, SAID CURVE HAVING AN INITIAL TANGENT BEARING OF S 69°21'44" W, A RADIUS OF 215.00 FEET, AN ARC DISTANCE OF 67.92 FEET; THENCE S 87°27'49" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID W. 189TH TERRACE, A DISTANCE OF 169.56 FEET; TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID GARDNER

ROAD; THENCE N 2°32'11" W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID GARDNER ROAD, A DISTANCE OF 197.58 FEET, TO THE SOUTHWEST CORNER OF LOT 1, SINGH FOOD AND GAS SERVICES, A PLATTED SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; THENCE N 89°07'03" E, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 238.50 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE N 2°32'11" W, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 164.34 FEET, TO A POINT ON THE SOUTH LINE OF LOT 1, GNBS BUSINESS PARK II, A PLATTED SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; THENCE N 89°07'03" E, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 81.50 FEET, TO THE SOUTHWEST CORNER OF LOT 2, OF SAID GNBS BUSINESS PARK II; THENCE N 2°32'11" W, ALONG THE WEST LOT LINE OF SAID LOT 2 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 164.41 FEET; THENCE N 89°07'03" E, A DISTANCE OF 946.45 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE S 2°34'17" E, ALONG SAID EAST LINE, A DISTANCE OF 435.25 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NO. 35; THENCE SOUTHWESTERLY ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NO. 35 FOR THE NEXT (3) COURSES: THENCE S 45°23'58" W, A DISTANCE OF 423.45 FEET; THENCE S 52°22'08" W, A DISTANCE OF 489.51 FEET; THENCE S 70°11'59" W, A DISTANCE OF 535.42 FEET, TO THE POINT OF BEGINNING, CONTAINING 21.382 ACRES MORE OR LESS.