

**RESOLUTION NO. 2066**

**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. (HILLTOP RIDGE PHASE ONE FIRST PLAT INTERNAL IMPROVEMENTS 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, 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:

construction of public sanitary and storm sewer improvements and all related appurtenances.

(b) The maximum estimated or probable cost of the proposed improvements is: \$500,000, 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: the costs of the improvements shall be assessed against all of the property in the improvement district equally per square foot 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 owned by individual residents. In the event parcels within the improvement district are subdivided into smaller parcels, the assessments against such smaller parcels shall be relieved or respread 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 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.

*[remainder of page left blank intentionally]*

**ADOPTED** by the Governing Body of the City of Gardner, Kansas, on October 19, 2020.

**CITY OF GARDNER, KANSAS**

(Seal)

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

ATTEST:

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

## EXHIBIT A

### BOUNDARIES OF PROPOSED IMPROVEMENT DISTRICT

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°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°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°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°37'33" West a distance of 262.67 feet; thence North 25°44'33" West a distance of 53.00 feet; thence South 87°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°02'46" West, 21.95 feet, for an arc length of 21.96 feet; thence South 80°14'29" West a distance of 193.89 feet; thence North 02°22'27" West a distance of 86.70 feet; thence North 18°41'48" West a distance of 75.02 feet; thence South 87°37'33" West a distance of 218.92 feet; thence North 72°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°40'26" East a distance of 429.01 feet; thence North 54°07'26" East a distance of 247.56 feet; thence North 01°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.