

ORDINANCE NO. 2685

AN ORDINANCE APPROVING AND ADOPTING AN AMENDED REDEVELOPMENT PROJECT PLAN FOR A REDEVELOPMENT DISTRICT IN THE CITY OF GARDNER, KANSAS (MAIN STREET MARKET PLACE REDEVELOPMENT DISTRICT, PROJECT AREA 1), AND AMENDING ORDINANCE NO. 2602 OF THE CITY.

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “TIF Act”) and Ordinance No. 2588 of the City of Gardner, Kansas (the “City”), passed on October 15, 2018, and in order to promote, stimulate and develop the general and economic welfare of the City, the Governing Body of the City has established a tax increment financing redevelopment district known as the Main Street Market Place Redevelopment District (the “TIF District”);

WHEREAS, pursuant to the Act and Ordinance No. 2602 of the City, passed on January 22, 2019, the Governing Body of the City approved a project plan (the “Original Project Plan”) for the redevelopment of a portion of the Redevelopment District referred to as Project Area 1 (“Project Area 1”);

WHEREAS, the City and Super Market Developers, Inc. (together with their successors and assigns, the “Developer”), the Developer of Project Area 1, have agreed to certain amendments to the Original Project Plan (as amended, the “Proposed Project Plan”) to: (a) extend the period for collecting property tax increment by one (1) additional year; and (b) clarify the extent of Project Area 1 to reflect the platted legal description thereof as described on *Exhibit A* attached hereto;

WHEREAS, while the Proposed Project Plan does not differ substantially from the intended purpose for which the Original Project Plan was approved, the City has nonetheless conducted a public hearing to consider approval and adoption of the Proposed Project Plan following publication of two notices thereof in the official City newspaper; and

WHEREAS, an amended comprehensive feasibility study has been completed which: (a) indicates that the benefits, tax increment revenue and other available revenues under K.S.A. 12-1774(a)(1) expected to be derived from the redevelopment project described in the Proposed Project Plan are expected to exceed or be sufficient to pay for the redevelopment project costs; and (b) shows the effect, if any, the redevelopment project costs for the Proposed Project Plan will have on any outstanding special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D);

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

Section 1. Pursuant to the TIF Act, the Governing Body of the City finds and determines that the Proposed Project Plan does not constitute a substantial change to the intended purpose of the Original Project Plan.

Section 2. Pursuant to the TIF Act, the Proposed Project Plan on file in the office of the City Clerk for the TIF District established by Ordinance No. 2588 is hereby approved and adopted.

Section 3. In accordance with the TIF Act, following publication of this Ordinance, the City Clerk is authorized and directed to send a copy of the description of the land within the TIF District, a copy of this Ordinance and a map indicating the boundaries of the TIF District to the County Clerk, County Assessor, County Treasurer and Board of County Commissioners of Johnson County, Kansas, and the Board of Education of Unified School District No. 231, Johnson County, Kansas (Gardner Edgerton).

Section 4. The City is hereby authorized to enter into and the Mayor and City Clerk are hereby authorized and directed to execute, seal, attest and deliver such other documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City.

Section 5. Ordinance No. 2602 of the City, passed on January 22, 2019, is hereby amended to the extent necessary to give effect to this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its passage by the Governing Body of the City and publication once in the official City newspaper.

PASSED by a two-thirds vote of the Governing Body of the City and approved by the Mayor on December 7, 2020.

CITY OF GARDNER, KANSAS

(Seal)

_____/s/_____
Mayor

ATTEST:

_____/s/_____
City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROJECT AREA 1

LOTS 1 AND 2, MAIN STREET MARKET PLACE, A SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.