

ORDINANCE NO. 2688

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF IMPROVEMENTS IN THE CITY OF GARDNER, KANSAS, AS AUTHORIZED BY RESOLUTION NO. 2066 OF THE CITY (HILLTOP RIDGE PHASE ONE FIRST PLAT INTERNAL IMPROVEMENTS SPECIAL BENEFIT DISTRICT).

WHEREAS, pursuant to Resolution No.2066 of the City of Gardner, Kansas (the “City”), adopted on October 19, 2020, the Governing Body of the City has authorized the creation of an improvement district and the construction of the following improvements (the “Improvements”):

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

WHEREAS, prior to commencement of construction of the Improvements, the City has determined the maximum amount of assessment against each lot, piece or parcel of land deemed to be benefited by the Improvements based on the approved estimate of cost of the Improvements;

WHEREAS, the City has prepared an assessment roll and filed the same with the City Clerk;

WHEREAS, the City has received a waiver from the owner of all property within the improvement district that the City provide notice of, and hold a public hearing on, the proposed maximum special assessments pursuant to K.S.A. 12-6a09; and

WHEREAS, the owner of all property within the improvement district has consented to the levy of the proposed maximum special assessments as set forth in this Ordinance;

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

SECTION 1. Pursuant to K.S.A. 12-6a01 *et seq.*, special assessments to pay the costs of the Improvements are hereby levied and assessed against the lots, pieces and parcels of land liable therefor as described on *Exhibit A* to this Ordinance, which is incorporated herein by reference, and in the maximum amounts set forth on *Exhibit A* following the description of each lot, piece or parcel of land; provided, however, that if the final cost of the completed Improvements is less than the maximum amount of the assessments set forth on *Exhibit A*, the Governing Body of the City shall adjust the assessments to reflect the cost of the completed Improvements.

SECTION 2. The amounts so levied and assessed shall be due and payable from and after the date of publication of this Ordinance; and, unless waived, the City Clerk shall notify the owners of the affected properties of the maximum amounts of their assessments, that unless the assessments are paid by August 1, 2022 (the “Prepayment Date”), bonds will be issued therefor and such assessments will be levied concurrently with general taxes and be payable in twenty (20) annual installments.

SECTION 3. The City Clerk shall certify to the County Clerk, in the same manner and at the same time as other taxes are certified, for a period of twenty (20) years, all of the assessments which have not been paid by the Prepayment Date, together with interest on such amount thereof at a rate not exceeding the maximum rate as prescribed by the laws of the State of Kansas; and such amounts shall be placed on the tax rolls and collected as other taxes are collected, the levy for each year being a portion of the principal amount of the assessment plus one year’s interest on the amount remaining unpaid.

SECTION 4. This Ordinance shall take effect and be in force from and after its publication once in the official City newspaper. The City Clerk is directed to file this Ordinance with the Register of Deeds of Johnson County, Kansas.

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PASSED by the Governing Body of the City of Gardner, Kansas, and approved by the Mayor on December 21, 2020.

CITY OF GARDNER, KANSAS

(Seal)

/s/
Mayor

ATTEST:

/s/
City Clerk

EXHIBIT A

**(HILLTOP RIDGE PHASE ONE FIRST PLAT
INTERNAL IMPROVEMENTS SBD)**

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	MAXIMUM AMOUNT OF ASSESSMENT
<p>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:</p> <p>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.</p>	<p>\$500,000</p>