

RESOLUTION NO. 2080

A RESOLUTION OF THE CITY OF GARDNER, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING TO CONSIDER ADDING AREA TO A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY PURSUANT TO K.S.A. 12-6a26 ET SEQ., AS AMENDED (MAIN STREET MARKET PLACE CID).

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

WHEREAS, pursuant to the Act, Ordinance No. 2601 of the City, passed on February 18, 2019, and other proceedings of the City, the Governing Body of the City established a community improvement district known as the “Main Street Market Place CID” and generally located at the northwest corner of E. Main Street and N. Moonlight Road within the City (the “CID”);

WHEREAS, the City has also executed and delivered that certain Amended and Restated Development Agreement, dated as of October 8, 2020 (“Development Agreement”), with Super Market Developers, Inc. (the “Original Developer”), outlining the rights and obligations of the parties with respect to the CID;

WHEREAS, the Original Developer subsequently assigned its rights under the Development Agreement to Group Gardner, LLC (the “Developer”);

WHEREAS, the Developer has submitted a petition signed by 100% of the owners of property within the CID, and also signed by Mad Partners, LLC, the owner of certain additional property outside of, but contiguous with, the CID (the “Additional Area”), which petition requests that the City consider adding the Additional Area to the existing CID;

WHEREAS, the City hereby finds and determines it desirable to consider adding the Additional Area to the existing CID to further promote, stimulate and develop the general and economic welfare of the City; and

WHEREAS, the Act authorizes the City to add area to the CID subject to the same procedures for public notice and hearing as is required for the establishment of a community improvement district;

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

Section 1. Notice is hereby given that a public hearing to consider adding the Additional Area to the CID shall be held on June 7, 2021, at 7:00 p.m. (or as soon thereafter as is practical), Central Time, at the City Council Chambers, City Hall, 120 E. Main Street, Gardner, Kansas.

Section 2. The general nature of the project to be constructed within the CID (the “CID Project”) is set forth on *Exhibit A* attached hereto.

Section 3. The estimated cost of the CID Project within the CID has not changed and is \$28,993,740.

Section 4. All or a portion of the CID Project within the proposed modified CID is expected to be financed by the issuance of special obligation notes and bonds payable from revenues received from the imposition of a 1.00% community improvement district sales tax (the “CID Sales Tax”), as more particularly set forth in the Development Agreement, with the balance of the costs of the CID Project, if any, reimbursed on a pay-as-you-go basis. No special assessments shall be implemented under the Act to pay for the CID Project, and no general obligation bonds or notes will be issued to finance the CID Project. The proposed method of financing has not changed.

Section 5. The proposed legal description of the modified CID, including the Additional Area, is set forth on *Exhibit B* attached hereto. A map generally outlining the proposed boundaries of the modified CID, with the Additional Area shown as cross-hatched, is attached hereto as *Exhibit C*.

Section 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 official City newspaper and sending this resolution by certified mail to all owners of property within the proposed modified CID. 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 April 19, 2021.

CITY OF GARDNER, KANSAS

(Seal)

/s/
Mayor

ATTEST:

/s/
City Clerk

EXHIBIT A
THE CID PROJECT

The general nature of the proposed community improvement district project (the “CID Project”) is: (a) construction of a new grocery store of approximately 60,000 square feet; (b) redevelopment of an existing grocery store building into new commercial uses; (c) façade improvements to the existing Moonlight Plaza shopping center; (d) construction of three (3) pad sites; and (e) related site and parking improvements, all within the Main Street Market Place CID located on the property legally described on *Exhibit B*.

EXHIBIT B

LEGAL DESCRIPTION OF THE MODIFIED COMMUNITY IMPROVEMENT DISTRICT

All of Lot 47, WHITE ACRES, and a part of Lot 1, GAULTCEST REPLAT, and a part of Lot 1, MOONLIGHT PLAZA FIRST PLAT, and all of Lot 1 MOONLIGHT PLAZA CENTER, and all of Lot 1, COUNTRY MART, all being additions to the City of Gardner along with a part of the Southeast Quarter of Section 24, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, and being described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 24; thence S 02°07'55" E along the East line of said Southeast Quarter, 1755.65 feet to the centerline of Lincoln Lane extended; thence S 88°27'57" W along said centerline, 235.00 feet to the Northeast corner of said COUNTRY MART, said point being the Point of Beginning;

thence continuing S 88°27'57" W along said centerline extended, 1258.40 feet to a point on the East line of said WHITE ACRES;

thence S 02°05'19" E, along the East line of said WHITE ACRES, 601.53 feet to the Northeast corner of said Lot 47, WHITE ACRES;

thence S 88°04'45" W, along the North line of said Lot 47, 120.00 feet to the Northwest corner thereof;

thence S 01°53'27" E, along the West line of said Lot 47, 103.77 feet to the Southwest corner thereof;

thence N 88°04'45" E, along the South line of said Lot 47, 120.00 feet to the Southeast corner thereof;

thence S 01°53'27" E, along the East line of said WHITE ACRES and the West line of said Lot 1, GAULTCEST REPLAT, 154.00 feet to the Southwest corner of said Lot 1;

thence N 88°24'06" E, along the South line of said Lot 1, GAULTCEST REPLAT, 193.30 feet to a point on the West line of said Lot 1, QUIKTRIP STORE NO. 249;

thence N 02°06'59" W, along the West line of said Lot 1, QUIKTRIP STORE NO. 249, 298.13 feet to the Northwest corner thereof;

thence N 87°51'18" E, along the North line, 300.09 feet to the Northeast corner of said Lot 1, QUIKTRIP STORE NO. 249, said point also being on the West line of said MOONLIGHT PLAZA CENTER;

thence S 02°07'55" E, along said West line, 268.37 feet to the Southwest corner thereof;

thence N 80°31'36" E, along the South line of said MOONLIGHT PLAZA CENTER, 45.37 feet;

thence N 02°07'55" W, along an Easterly line, of said MOONLIGHT PLAZA CENTER, 254.96 feet;

thence N 88°27'57" E, along the Southerly line, 401.00 feet to the Southeast corner of said Lot 1, MOONLIGHT PLAZA CENTER, said point also being the Southwest corner of said Lot 1, COUNTRY MART;

thence departing said Southerly line, S 02°07'55" E through a portion said Lot 1, MOONLIGHT PLAZA FIRST PLAT, 165.44 feet to a point on the US Highway 56 Northerly Right of Way line as described in Deed Book 2564 at Page 398 of the records of said Johnson County;

thence N 75°26'05" E, along said Northerly Right of Way line and Southerly line of said Lot 1, Country Mart, 322.80 feet to the Southwest corner of said COUNTRY MART;

thence N 02°07'55" W, along the Easterly line of said COUNTRY MART, 294.00 feet to a corner;

thence N 87°52'05" E along said Easterly line, 5.20 feet to a corner;

thence N 02°07'55" W along said Easterly line, 363.50 feet to the POINT OF BEGINNING.

Said parcel contains 829,705 square feet, or 19.047 acres, more or less, inclusive of existing road and highway right of way.

Together with:

Lot 46, White Acres, a subdivision in the City of Gardner, Johnson County, Kansas.

EXHIBIT C

PROPOSED BOUNDARIES OF MODIFIED COMMUNITY IMPROVEMENT DISTRICT (proposed Additional Area shown cross-hatched)

