

RESOLUTION NO. 2081

A RESOLUTION OF THE CITY OF GARDNER, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING TO CONSIDER ADDING AREA TO A REDEVELOPMENT DISTRICT WITHIN THE CITY PURSUANT TO K.S.A. 12-1770 *ET SEQ.*, AS AMENDED (MAIN STREET MARKET PLACE REDEVELOPMENT DISTRICT).

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the City of Gardner, Kansas (the “City”), is authorized to assist in the development and redevelopment of eligible areas within the City in order to promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities;

WHEREAS, pursuant to the Act, Ordinance No. 2588 of the City, passed on October 15, 2018, and other proceedings of the City, the Governing Body of the City established a tax increment redevelopment district known as the “Main Street Market Place TIF Redevelopment District” generally located at the northwest corner of E. Main Street and N. Moonlight Road within the City (the “Redevelopment District”);

WHEREAS, pursuant to the Act, Ordinance Nos. 2602 and 2685 of the City, passed on February 18, 2019, and December 7, 2020, respectively, and other proceedings of the City, the Governing Body of the City approved and amended a redevelopment project plan for the redevelopment project area designated “Project Area 1” within the Redevelopment District (as amended, the “Project Plan”);

WHEREAS, the City 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 Redevelopment District and the Project Plan;

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

WHEREAS, the Developer has requested that the City consider adding certain property (the “Additional Area”) to the existing Redevelopment District;

WHEREAS, the City hereby finds and determines it desirable to consider adding the Additional Area to the existing Redevelopment District 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 Redevelopment District subject to the same procedures for public notice and hearing as is required for the establishment of the Redevelopment 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 Redevelopment District 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. The date of the public hearing is not less than 30 or more than 70 days after the date of this Resolution as required by K.S.A. 12-1772(c).

Section 2. The proposed boundaries of the modified Redevelopment District, including the Additional Area, are set forth in *Exhibit A* attached hereto and incorporated herein by reference. A map depicting the proposed boundaries of the modified Redevelopment District, with the Additional Area shown as cross-hatched, is attached hereto as *Exhibit B* and incorporated herein by reference.

Section 3. A description of the proposed district plan for the modified Redevelopment District which identifies all of the project areas and the general manner of all buildings, facilities and improvements in each project area that are proposed to be constructed or improved in each project area is attached hereto as *Exhibit C* and incorporated herein by reference.

Section 4. A description and map of the modified Redevelopment District shall be available for public inspection prior to the public hearing during regular office hours in the office of the City Clerk at City Hall, 120 E. Main Street, Gardner, Kansas.

Section 5. At the public hearing, the Governing Body of the City will consider findings necessary in connection with the modified Redevelopment District.

Section 6. A copy of this Resolution shall be sent by certified mail, return receipt requested, to the Board of Commissioners of Johnson County, Kansas, the Board of Education of Unified School District No. 231 of Johnson County, Kansas, and the Board of Directors of Fire District No. 1 of Johnson County, Kansas. Copies of this Resolution also shall be mailed by certified mail, return receipt requested, to each owner and occupant of land within the modified Redevelopment District not more than 10 days following the date of adoption of this Resolution. This Resolution, including *Exhibits A, B* and *C* attached hereto, shall be published once in the official City newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing.

Section 7. This Resolution shall be in full force and effect from and after its adoption.

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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

MODIFIED REDEVELOPMENT DISTRICT LEGAL DESCRIPTION

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 B

**PROPOSED BOUNDARY MAP OF
MODIFIED REDEVELOPMENT DISTRICT
(proposed Additional Area shown cross-hatched)**

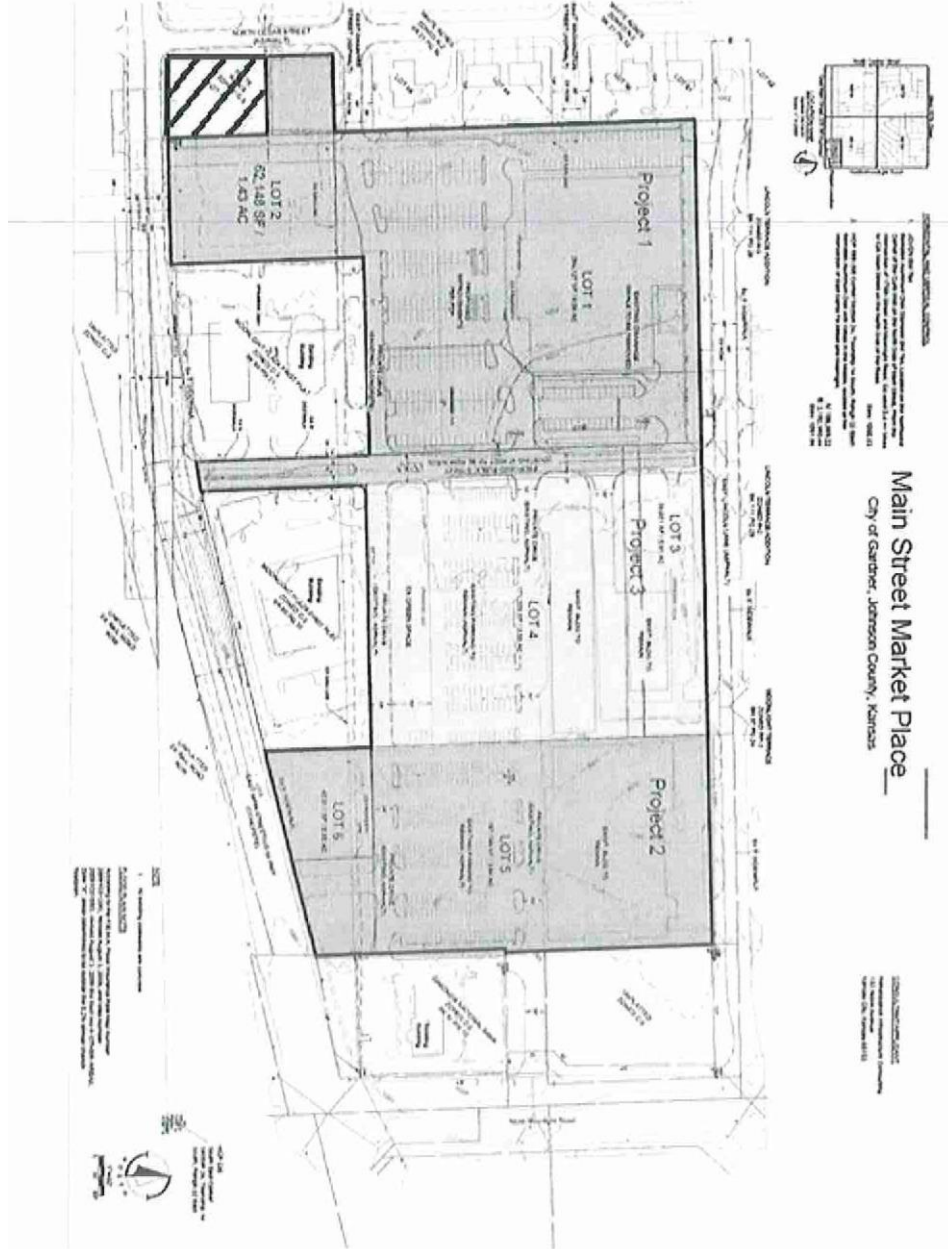


EXHIBIT C

PROPOSED REDEVELOPMENT DISTRICT PLAN FOR THE MODIFIED REDEVELOPMENT DISTRICT

The modified Redevelopment District consists of three redevelopment project areas, which have cumulative outer boundaries coterminous with the modified Redevelopment District's boundaries, as generally depicted on *Exhibit B* attached hereto and as labeled "Project 1", "Project 2", and "Project 3" thereon, respectively.

The first project area, referred to as Project 1, incorporates the Additional Area and includes the following buildings and improvements: a new grocery store of approximately 60,000 square feet, two pad sites to accommodate approximately 7,000 square feet of retail/restaurant use, site improvements, and public improvements, including utility relocations, a public road, new turn lanes along Main Street, and a new traffic signal.

The second project area, referred to as Project 2, includes the following buildings and improvements: redevelopment of the existing grocery store building into new commercial uses, a pad site to accommodate approximately 4,000 square feet of retail/restaurant use, and associated site and infrastructure improvements.

The third project area, referred to as Project 3, includes the following buildings and improvements: façade improvements to existing buildings, parking lot improvements, and associated site and infrastructure improvements.