

**ORDINANCE NO. 2703**

**AN ORDINANCE AUTHORIZING THE ADDITION OF AREA TO THE MAIN STREET MARKET PLACE COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF GARDNER, KANSAS, AND AMENDING ORDINANCE NO. 2601 OF THE CITY (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,” generally located at the northwest corner of E. Main Street and N. Moonlight Road within the City (the “CID”);

**WHEREAS**, the City has received 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 Act authorizes the City to modify the boundaries of a community improvement district subject to the same procedure for notice and hearing as is required for creating a community improvement district; and

**WHEREAS**, on June 7, 2021, following proper notice as provided in the Act, the Governing Body of the City held a public hearing on adding the Additional Area to the existing CID;

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

**Section 1.** The Governing Body of the City hereby finds and determines that it is necessary and desirable to modify the boundaries of the existing CID by adding the Additional Area (as so modified, the “Modified CID”) to further promote, stimulate and develop the general and economic welfare of the City.

**Section 2.** The boundaries of the Modified CID shall be as legally described on *Exhibit A* attached hereto and as depicted on the map attached as *Exhibit B* hereto. The general nature of the Modified CID project shall be as described on *Exhibit C* hereto.

**Section 3.** The Modified CID is within the boundaries designated by Resolution No. 2080 of the City and published in the notice of the public hearing.

**Section 4.** *Exhibits A, B, and C* to Ordinance No. 2601 are hereby deleted in their entirety and replaced with *Exhibits A, B, and C* to this Ordinance. Other than as specifically stated herein, this Ordinance shall not alter, vary or affect any of the terms, provisions or conditions of Ordinance No. 2601.

**Section 5.** This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication in the official City newspaper. When this Ordinance becomes effective in accordance with this Section, the City Clerk shall: (a) record a copy of the same with the Register of Deeds of Johnson County, Kansas; and (b) provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189.

[remainder of page left blank intentionally]

**PASSED** by the City Council of the City of Gardner, Kansas, on June 7, 2021.

**SIGNED** by the Mayor of the City of Gardner on June 7, 2021.

**CITY OF GARDNER, KANSAS**

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

(Seal)

ATTEST:

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

## EXHIBIT A

### Legal Description of Modified CID

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 COUNTY 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.

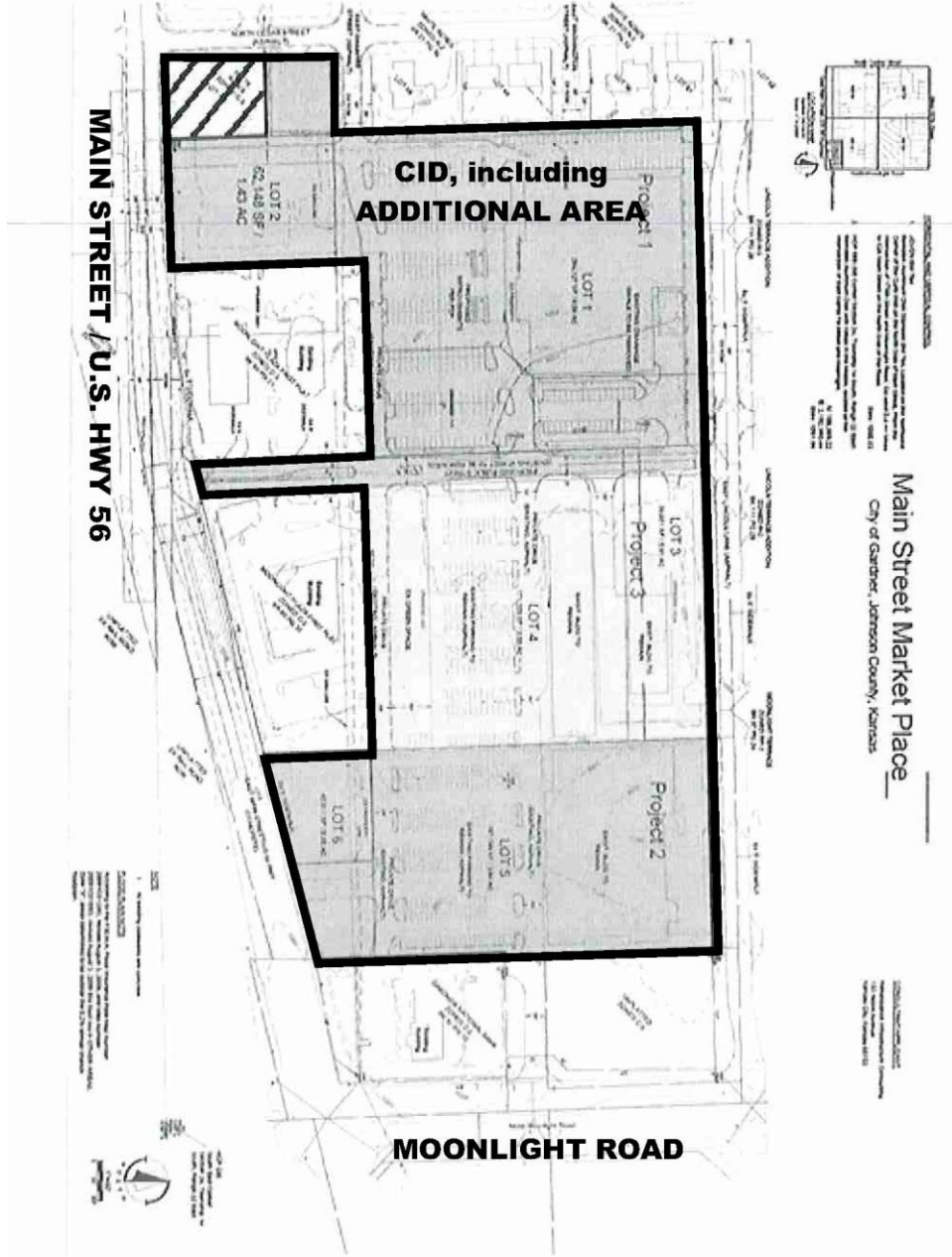
Said parcel contains 829,705 square feet, or 19.047 acres, more or less, inclusive of existing road and highway right of way.

Together with:

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

# EXHIBIT B

## Map of Modified CID (Additional Area shown cross-hatched)



## **EXHIBIT C**

### **Modified CID Project Description**

The general nature of the Modified CID project (the “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 A*.