

ORDINANCE NO. 2704

AN ORDINANCE ADDING AREA TO A REDEVELOPMENT DISTRICT WITHIN THE CITY OF GARDNER, KANSAS, PURSUANT TO K.S.A. 12-1770 *ET SEQ.*, AS AMENDED, AND AMENDING ORDINANCE NO. 2588 OF THE CITY (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, Group Gardner, LLC, as the developer of a portion of the Redevelopment District, has requested that the City modify the boundaries of the Redevelopment District by adding area (the “Additional Area”) to the Redevelopment District (as so modified, the “Modified Redevelopment District”);

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 a redevelopment 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 to consider adding the Additional Area to the Redevelopment District;

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 Redevelopment District by adding the Additional Area to create the Modified Redevelopment District to further promote, stimulate and develop the general and economic welfare of the City.

Section 2. The legal description of the Modified Redevelopment District is set forth on *Exhibit A* attached hereto and incorporated herein by reference. A sketch of the area included in the Modified Redevelopment District is attached hereto as *Exhibit B*.

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

Section 4. The Modified Redevelopment District is within the boundaries designated by Resolution No. 2081 of the City and published in the notice of the public hearing.

Section 5. Nothing contained in this Ordinance shall obligate the City to approve any redevelopment project plan, or any amendment to any existing redevelopment project plan, within the Modified Redevelopment District.

Section 6. *Exhibits A, B, and C* to Ordinance No. 2588 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. 2588.

Section 7. 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.

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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 THE MODIFIED REDEVELOPMENT 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 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

SKETCH OF THE MODIFIED REDEVELOPMENT DISTRICT
(Additional Area shown cross-hatched)

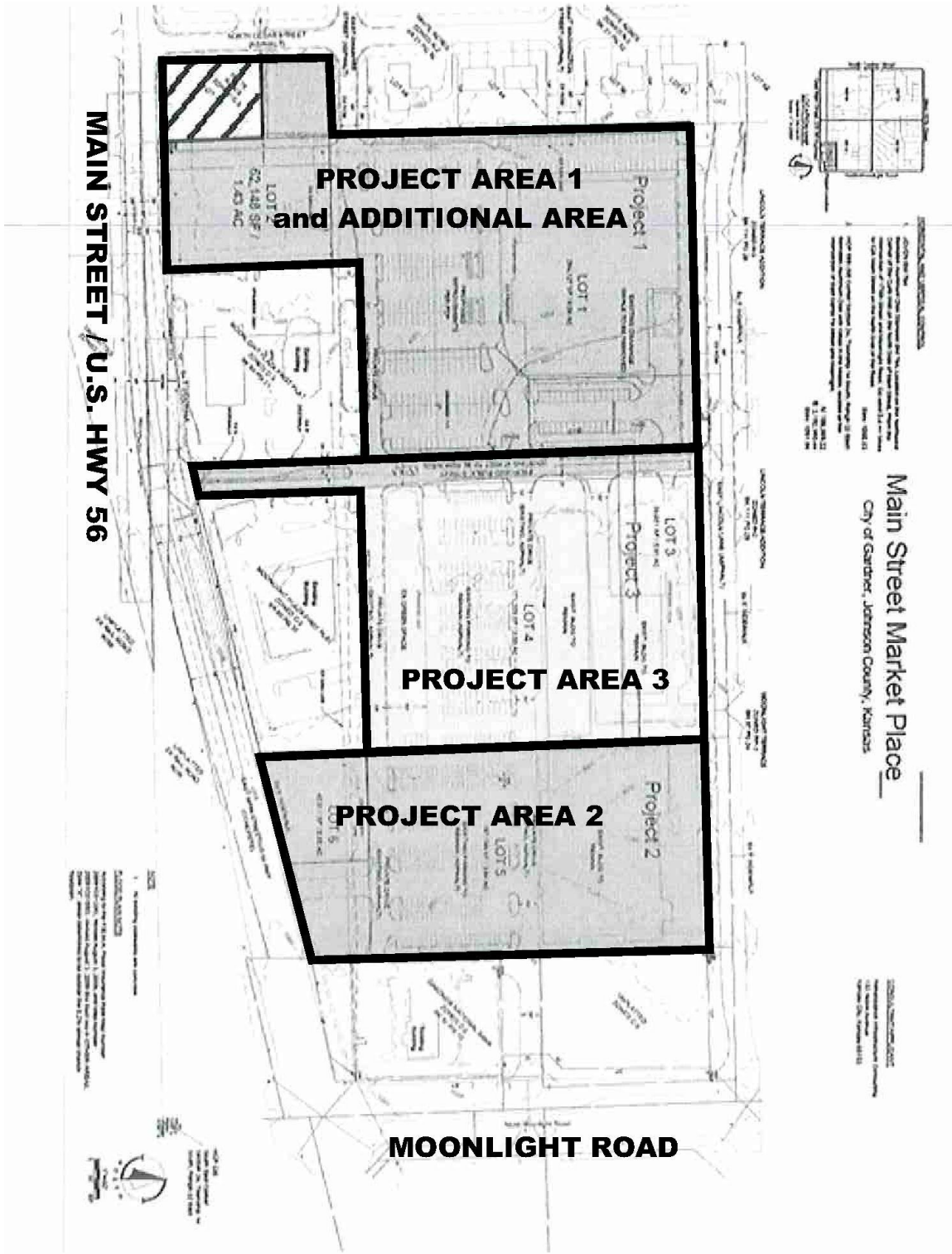


EXHIBIT C

MODIFIED REDEVELOPMENT DISTRICT PLAN

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 Area 1", "Project Area 2", and "Project Area 3" thereon, respectively.

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