

ORDINANCE NO. 2705

AN ORDINANCE ADJUSTING SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF GARDNER, KANSAS, ALL PURSUANT TO K.S.A. 12-6a01 *ET SEQ.* AND AMENDING ORDINANCE NO. 2629 OF THE CITY (PLAZA SOUTH SPECIAL BENEFIT DISTRICT).

WHEREAS, pursuant to K.S.A. 12-6a01 *et seq.*, and Ordinance No. 2629 of the City of Gardner, Kansas (the “City”), passed on October 21, 2019 (the “Original Assessment Ordinance”), the Governing Body of the City has levied special assessments against certain property in the City in connection with the construction of certain street and water main improvements (the “Improvements”) at the maximum amount deemed necessary by the Governing Body to pay the cost of the Improvements;

WHEREAS, Section 1 of the Original Assessment Ordinance provides that if the final cost of the completed Improvements is less than the maximum amount of the assessments set forth in *Exhibit A* to the Original Assessment Ordinance, the Governing Body shall adjust the assessments to reflect the cost of the completed Improvements;

WHEREAS, the Improvements have been completed and the final costs are less than the amount used to calculate the maximum special assessments levied in the Original Assessment Ordinance; and

WHEREAS, it is necessary to reduce the assessments levied in the Original Assessment Ordinance to an amount equal to the final cost of the Improvements;

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.*, and Section 1 of the Original Assessment Ordinance, the special assessments to pay the costs of the Improvements are hereby adjusted based on the final cost of the Improvements and are levied and assessed against the lots, pieces and parcels of land liable therefor as described in *Exhibit A* to this Ordinance, which is incorporated herein by reference, and in the amounts set forth in *Exhibit A* following the description of each lot, piece or parcel of land. *Exhibit A* has also been revised to reflect that Tract 1 and Tract 2, as described in the Original Assessment Ordinance, have been platted. *Exhibit A* to the Original Assessment Ordinance is hereby replaced and superseded in its entirety by *Exhibit A* attached to this Ordinance.

Section 2. Section 2 of the Original Assessment Ordinance is hereby amended to provide that the Prepayment Date, as defined therein, shall be July 15, 2021.

Section 3. Except as provided in Section 1, Section 2, and *Exhibit A* to this Ordinance, all other terms and provisions of the Original Assessment Ordinance shall remain in full force and effect.

Section 4. The City Clerk is hereby authorized and directed to (a) mail a notice of adjusted assessment and amended Prepayment Period to the owners of property assessed for the Improvements and (b) return to any property owners that prepaid special assessments pursuant to the Original Assessment Ordinance the difference between the assessment paid and the adjusted assessment amount set forth in this Ordinance.

Section 5. This Ordinance shall take effect and be in force from and after its publication once in the official City newspaper. Following publication, this Ordinance shall be recorded in the office of the Register of Deeds of Johnson County, Kansas.

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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
(PLAZA SOUTH SBD)**

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	FINAL AMOUNT OF ASSESSMENT
<i>Portion of original Tract 1</i>	\$26,298.34
Lot 1, Plaza South, a subdivision in the City of Gardner, Johnson County, Kansas	
<i>Portion of original Tract 1</i>	\$27,485.86
Lot 2, Plaza South, a subdivision in the City of Gardner, Johnson County, Kansas	
<i>Portion of original Tract 1</i>	\$26,427.02
Lot 3, Plaza South, a subdivision in the City of Gardner, Johnson County, Kansas	
<i>Portion of original Tract 1</i>	\$24,415.95
Lot 4, Plaza South, a subdivision in the City of Gardner, Johnson County, Kansas	
<i>Portion of original Tract 1</i>	\$40,465.91
Lot 5, Plaza South, a subdivision in the City of Gardner, Johnson County, Kansas	
<i>Portion of original Tract 1</i>	\$58,933.20
Lot 6, Plaza South, a subdivision in the City of Gardner, Johnson County, Kansas	
<i>Portion of original Tract 1</i>	\$69,486.73
Lot 7, Plaza South, a subdivision in the City of Gardner, Johnson County, Kansas	

**DESCRIPTION OF PROPERTY
SUBJECT TO ASSESSMENT**

**FINAL AMOUNT
OF ASSESSMENT**

Original Tract 2

\$266,259.00

Lot 8, Plaza South, a subdivision in the City of Gardner,
Johnson County, Kansas

Original Tract 3

\$390,228.00

LEGAL DESCRIPTION: OLATHE MEDICAL CENTER
INC. UNDEVELOPED AREA 188TH STREET PROPOSED
ROADWAY AND WATERLINE BENEFIT DISTRICT

ALL THAT PART OF THE SOUTHWEST QUARTER
OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22
EAST, IN THE CITY OF GARDNER, JOHNSON
COUNTY, KANSAS, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF
THE SOUTHWEST QUARTER OF SAID SECTION 36;
THENCE N 2°32'11" W, ALONG THE WEST LINE OF
THE SOUTHWEST QUARTER OF SAID SECTION 36,
A DISTANCE OF 515.00 FEET; THENCE N 87°27'49"
E, A DISTANCE OF 100.00 FEET, TO THE POINT OF
BEGINNING, SAID POINT ALSO BEING ON THE
EAST RIGHT-OF-WAY LINE OF GARDNER ROAD AS
NOW ESTABLISHED, SAID POINT FURTHER BEING
ON THE NORTHWEST RIGHT-OF-WAY LINE OF
INTERSTATE HIGHWAY NO. 35 AS NOW
ESTABLISHED; THENCE N 9°50'34" W, ALONG THE
EAST RIGHT-OF-WAY LINE SAID GARDNER ROAD,
A DISTANCE OF 245.45 FEET, TO THE SOUTHWEST
CORNER OF LOT 1, OLATHE HEALTH URGENT
CARE GARDNER, A PLATTED SUBDIVISION IN THE
CITY OF GARDNER, JOHNSON COUNTY, KANSAS;
THENCE N 87°27'49" E, ALONG THE SOUTH LINE
OF SAID LOT 1, A DISTANCE OF 251.57 FEET;
THENCE NORTHERLY ALONG THE EAST LINE OF
SAID LOT 1 FOR THE FOLLOWING (5) COURSES:
THENCE N 2°32'11" W, A DISTANCE OF 153.99 FEET;

**DESCRIPTION OF PROPERTY
SUBJECT TO ASSESSMENT**

**FINAL AMOUNT
OF ASSESSMENT**

THENCE N 42°27'49" E, A DISTANCE OF 76.96 FEET;
THENCE N 2°32'11" W, A DISTANCE OF 80.84 FEET;
THENCE N 43°05'31" W, A DISTANCE OF 75.21 FEET;
THENCE N 20°38'09" W, ALONG THE EAST LINE OF
SAID LOT 1 AND ITS NORTHERLY EXTENSION, A
DISTANCE OF 95.00 FEET, TO A POINT ON THE
NORTH RIGHT-OF-WAY LINE OF W. 189TH
TERRACE AS NOW ESTABLISHED; THENCE
WESTERLY ALONG THE NORTH RIGHT-OF-WAY
LINE OF SAID W. 189TH TERRACE, ON A CURVE TO
THE RIGHT, SAID CURVE HAVING AN INITIAL
TANGENT BEARING OF S 69°21'44" W, A RADIUS
OF 215.00 FEET, AN ARC DISTANCE OF 67.92 FEET;
THENCE S 87°27'49" W, ALONG THE NORTH RIGHT-
OF-WAY LINE OF SAID W. 189TH TERRACE, A
DISTANCE OF 169.56 FEET; TO A POINT ON THE
EAST RIGHT-OF-WAY LINE OF SAID GARDNER
ROAD; THENCE N 2°32'11" W, ALONG THE EAST
RIGHT-OF-WAY LINE OF SAID GARDNER ROAD, A
DISTANCE OF 197.58 FEET, TO THE SOUTHWEST
CORNER OF LOT 1, SINGH FOOD AND GAS
SERVICES, A PLATTED SUBDIVISION IN THE CITY
OF GARDNER, JOHNSON COUNTY, KANSAS;
THENCE N 89°07'03" E, ALONG THE SOUTH LINE
OF SAID LOT 1, A DISTANCE OF 238.50 FEET, TO
THE SOUTHEAST CORNER THEREOF; THENCE N
2°32'11" W, ALONG THE EAST LINE OF SAID LOT 1,
A DISTANCE OF 164.34 FEET, TO A POINT ON THE
SOUTH LINE OF LOT 1, GNBS BUSINESS PARK II, A
PLATTED SUBDIVISION IN THE CITY OF
GARDNER, JOHNSON COUNTY, KANSAS; THENCE
N 89°07'03" E, ALONG THE SOUTH LINE OF SAID
LOT 1, A DISTANCE OF 81.50 FEET, TO THE
SOUTHWEST CORNER OF LOT 2, OF SAID GNBS
BUSINESS PARK II; THENCE N 2°32'11" W, ALONG
THE WEST LOT LINE OF SAID LOT 2 AND ITS
NORTHERLY EXTENSION, A DISTANCE OF 164.41
FEET; THENCE N 89°07'03" E, A DISTANCE OF
946.45 FEET, TO A POINT ON THE EAST LINE OF

**DESCRIPTION OF PROPERTY
SUBJECT TO ASSESSMENT**

**FINAL AMOUNT
OF ASSESSMENT**

THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE S 2°34'17" E, ALONG SAID EAST LINE, A DISTANCE OF 435.25 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NO. 35; THENCE SOUTHWESTERLY ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NO. 35 FOR THE NEXT (3) COURSES: THENCE S 45°23'58" W, A DISTANCE OF 423.45 FEET; THENCE S 52°22'08" W, A DISTANCE OF 489.51 FEET; THENCE S 70°11'59" W, A DISTANCE OF 535.42 FEET, TO THE POINT OF BEGINNING, CONTAINING 21.382 ACRES MORE OR LESS.