

ORDINANCE NO. 2706

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. 2633 OF THE CITY (WAVERLY PLAZA SPECIAL BENEFIT DISTRICT).

WHEREAS, pursuant to K.S.A. 12-6a01 *et seq.*, and Ordinance No. 2633 of the City of Gardner, Kansas (the “City”), passed on November 18, 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, storm drainage, sidewalk, street lighting, and public utility 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 the property described in the Original Assessment Ordinance has since 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 *Exhibit A* to the Original Assessment Ordinance is hereby replaced and superseded in its entirety by *Exhibit A* attached to this Ordinance.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
(WAVERLY PLAZA SBD)**

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	FINAL AMOUNT OF ASSESSMENT
Lot 1, Waverly Plaza, a subdivision in the City of Gardner, Johnson County, Kansas	\$637,385.43
Lot 2, Waverly Plaza, a subdivision in the City of Gardner, Johnson County, Kansas	\$221,126.03
Lot 3, Waverly Plaza, a subdivision in the City of Gardner, Johnson County, Kansas	\$716,493.55
Tract A, Waverly Plaza, a subdivision in the City of Gardner, Johnson County, Kansas	\$102,714.99