

## RESOLUTION NO. 2011

### **A RESOLUTION OF THE CITY OF GARDNER, KANSAS, APPROVING THE EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT FOR A DEVELOPMENT PROJECT WITHIN THE CITY (MAIN STREET MARKET PLACE).**

**WHEREAS**, the City of Gardner, Kansas (the “City”), is a duly organized city, created, organized and existing under the laws of the State of Kansas (the “State”);

**WHEREAS**, Super Market Developers, Inc. (the “Developer”), has proposed to acquire, construct and equip a grocery store and two pad sites, to redevelop an existing grocery store, and perform related improvements (the “Project”) within the City;

**WHEREAS**, at the request of the Developer, the City is creating a community improvement district (the “CID”) and has established a tax increment financing district (the “TIF”), and the Developer has requested the City issue its industrial revenue bonds (the “IRBs”) for the purpose of financing a portion of the costs of the Project; and

**WHEREAS**, in connection with proceedings had by the Governing Body of the City relating to the CID, the TIF and the IRBs for the Project, the City has determined that it is necessary and desirable to set forth the terms and conditions of such CID, TIF and IRB in an agreement between the City and the Developer;

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

**Section 1.** The City is hereby authorized to enter into the Development Agreement (the “Development Agreement”) by and between the City and the Developer in substantially the form presented to and reviewed by the Governing Body on the date of this Resolution (copies of this document shall be on file in the records of the City) with such changes therein as shall be approved by the Mayor, with the Mayor’s signature thereon being conclusive evidence of his approval thereof and the same are hereby approved in all respects. In the event the CID has not been established by the date set forth in Section 202 of the Development Agreement, the authorization provided under this Resolution shall expire and be of no further force or effect.

**Section 2.** Subject to the limitation set forth in Section 1 of this Resolution, the Mayor, City Clerk, and other officers and representatives of the City are hereby authorized and directed to execute, seal, attest and deliver the Development Agreement and such other documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of and as the act and deed of the City.

**Section 3.** This Resolution shall be in full force and effect from and after its adoption.

**ADOPTED** by the Governing Body of the City of Gardner, Kansas on February 18, 2019.

**CITY OF GARDNER, KANSAS**

(Seal)

/s/

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Mayor

ATTEST:

/s/

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City Clerk