

**RESOLUTION NO. 2013**

**A RESOLUTION DETERMINING THE ADVISABILITY OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF GARDNER, KANSAS, AND AUTHORIZING AND PROVIDING FOR THE MAKING OF SUCH IMPROVEMENTS IN ACCORDANCE WITH THE FINDINGS OF THE GOVERNING BODY AND K.S.A. 12-6a01 *ET SEQ.* (TUSCAN FARM PHASE I INFRASTRUCTURE SPECIAL BENEFIT DISTRICT)**

**WHEREAS**, K.S.A. 12-6a02 authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and to levy and collect special assessments upon property in the area deemed by the governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements with the proceeds of such special assessments;

**WHEREAS**, a petition, executed by 100% of the owners of property within the proposed improvement district, has been filed with the City Clerk of the City of Gardner, Kansas (the "City"), requesting certain improvements be made in accordance with K.S.A. 12-6a01 *et seq.*;

**WHEREAS**, K.S.A. 12-6a04(d) provides that upon receipt of a petition filed with the City Clerk in accordance with K.S.A. 12-6a04(c), the Governing Body of the City may (a) make findings by resolution as to the advisability of the improvements requested in the petition, the nature of the improvements, the estimated cost, the boundaries of the improvement district, the method of assessment and apportionment of cost, if any, between the improvement district and the city-at-large and (b) order the improvements without notice or public hearing; and

**WHEREAS**, the Governing Body finds it necessary to make its final findings by resolution as to the advisability of the proposed improvements and finds and determines it necessary to authorize the improvements;

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

**SECTION 1.** The Governing Body finds and finally determines that:

(a) It is advisable to make the following improvements:

Construction of internal collector and local streets shown on Tuscan Farm First Plat, which will include curbs and gutters; asphaltic pavement surfacing; sidewalks; sanitary sewers; storm drainage facilities; water mains; electric utilities; preliminary and final engineering; survey; staking; grading; erosion control; construction supervision/inspection; testing; and other related improvements; City administrative costs; and legal fees.

(b) The maximum estimated or probable cost of the proposed improvements is: \$2,620,000, including the costs of issuance of temporary notes and long-term bonds and the interest expense on temporary notes.

(c) The boundaries of the proposed improvement district are as described on the attached *Exhibit A*.

(d) The method of assessment is: the costs of the improvements shall be assessed against all of the property in the improvement district equally per square foot excluding those areas dedicated as public right of way, public parks, storm water retention or detention areas, association common areas, publicly owned easements or similar areas not containing residences.

(e) The apportionment of the cost of the improvements, between the improvement district and the city-at-large, is: 100% to be assessed against the improvement district and 0% to be paid by the city-at-large.

(f) The improvement district does not include all the property which may be deemed to be benefited by the proposed improvements.

(g) The persons or entities who signed the petition are willing to pay the costs of the proposed improvements as set forth in the petition.

**SECTION 2.** The improvements are authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in Section 1 of this Resolution. General obligation bonds or notes are authorized to be issued in an aggregate amount not exceeding the estimated cost of the improvements, and the proceeds from such notes or bonds may be used to reimburse expenditures made by the City 60 days before and during the time after the date of this Resolution in accordance with United States Treasury Regulation 1.150-2.

**SECTION 3.** This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Johnson County, Kansas.

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

**CITY OF GARDNER, KANSAS**

(Seal)

/s/

\_\_\_\_\_  
Mayor

ATTEST:

/s/

\_\_\_\_\_  
City Clerk

## EXHIBIT A

### BOUNDARIES OF PROPOSED IMPROVEMENT DISTRICT

This is a survey and subdivision of a part of the Southeast Quarter of Section 02, Township 15, Range 22 East, now in the City of Gardner, Johnson County, Kansas, described as follows: Commencing at the Southeast corner of the Southeast quarter of said Section 2; thence North 02 degrees 49 minutes 15 seconds West, along the East line of the Southeast Quarter of said Section 2, a distance of 1992.91 feet, to the Point of Beginning; thence South 87 degrees 10 minutes 45 seconds West, a distance of 153.10 feet; thence North 86 degrees 42 minutes 20 seconds West, a distance of 140.80 feet; thence South 87 degrees 10 minutes 45 seconds West, a distance of 570.70 feet; thence South 85 degrees 33 minutes 26 seconds West, a distance of 57.92 feet; thence South 64 degrees 49 minutes 17 seconds West, a distance of 261.37 feet; thence on a northwesterly curve having an initial tangent bearing North 26 degrees 43 minutes 38 Seconds West, Delta 11 degrees 35 minutes 31 seconds, a radius of 600.00 feet, a distance of 121.39 feet; thence on a curve to the Northeast having a radius of 14.00 feet, delta 93 degrees 01 minutes 26 seconds, a distance of 22.73 feet; thence North 42 degrees 39 minutes 45 seconds West, a distance of 50.32 feet; thence on northeasterly curve, having an initial tangent bearing of North 53 degrees 02 minutes 52 seconds East, a delta of 12 degrees 24 minutes 32 seconds, a radius of 225.00 feet, a distance of 48.73 feet; thence North 65 degrees 27 minutes 27 seconds East, a distance of 27.99 feet; thence North 27 degrees 32 minutes 02 seconds West, a distance of 156.08 feet; thence North 10 degrees 18 minutes 17 seconds West, a distance of 96.95 feet; thence North 28 degrees 35 minutes 10 seconds East, a distance of 40.98 feet; thence North 2 degrees 48 minutes 54 seconds West, a distance of 210.39 feet; thence North 87 degrees 11 minutes 06 seconds East, a distance of 39.85 feet; thence North 2 degrees 48 minutes 54 seconds West, a distance of 135.42 feet; thence South 86 degrees 47 minutes 30 seconds West, a distance of 68.13 feet; thence North 79 degrees 11 minutes 42 seconds West, a distance of 57.04 feet; thence North 1 degree 35 minutes 08 seconds West, a distance of 203.83 feet; thence North 89 degrees 00 minutes 13 seconds East, a distance of 386.77 feet, to a point on the West line of Nike School, a subdivision in the City of Gardner, Johnson County, Kansas; thence South 2 degrees 48 minutes 54 seconds East, along the West line of said Nike School a distance of 608.79 feet; thence North 87 degrees 11 minutes 06 seconds East, along the South line of said Nike School, a distance of 932.13, to a point on the East line of the said Southeast Quarter of Section 2; thence South 2 degrees 49 minutes 15 seconds East, along said East Line of Section 2, a distance of 325.16 feet, to the point of beginning, having 13.79 acres more or less.