

ORDINANCE NO. 2614

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF IMPROVEMENTS IN THE CITY OF GARDNER, KANSAS, AS AUTHORIZED BY RESOLUTION NO. 2013 OF THE CITY (TUSCAN FARM PHASE I INFRASTRUCTURE SPECIAL BENEFIT DISTRICT).

WHEREAS, pursuant to Resolution No. 2013 of the City of Gardner, Kansas (the “City”), adopted on February 18, 2019, the Governing Body of the City has authorized the creation of an improvement district and the construction of the following improvements (the “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;

WHEREAS, prior to commencement of construction of the Improvements, the City has determined the maximum amount of assessment against each lot, piece or parcel of land deemed to be benefited by the Improvements based on the approved estimate of cost of the Improvements;

WHEREAS, the City has prepared an assessment roll and filed the same with the City Clerk;

WHEREAS, the City has received a waiver from the owner of all property within the improvement district that the City provide notice of, and hold a public hearing on, the proposed maximum special assessments pursuant to K.S.A. 12-6a09; and

WHEREAS, the owner of all property within the improvement district has consented to the levy of the proposed maximum special assessments as set forth in this Ordinance;

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.*, special assessments to pay the costs of the Improvements are hereby levied and assessed against the lots, pieces and parcels of land liable therefor as described on *Exhibit A* to this Ordinance, which is incorporated herein by reference, and in the maximum amounts set forth on *Exhibit A* following the description of each lot, piece or parcel of land; provided, however, that if the final cost of the completed Improvements is less than the maximum amount of the assessments set forth on *Exhibit A*, the Governing Body of the City shall adjust the assessments to reflect the cost of the completed Improvements.

SECTION 2. The amounts so levied and assessed shall be due and payable from and after the date of publication of this Ordinance; and, unless waived, the City Clerk shall notify the owners of the affected properties of the maximum amounts of their assessments, that unless the assessments are paid by August 1, 2021 (the “Prepayment Date”), bonds will be issued therefor and such assessments will be levied concurrently with general taxes and be payable in fifteen (15) annual installments.

SECTION 3. The City Clerk shall certify to the County Clerk, in the same manner and at the same time as other taxes are certified, for a period of fifteen (15) years, all of the assessments which have not been paid by the Prepayment Date, together with interest on such amount thereof at a rate not exceeding the maximum rate as prescribed by the laws of the State of Kansas; and such amounts shall be placed on the tax rolls and collected as other taxes are collected, the levy for each year being a portion of the principal amount of the assessment plus one year’s interest on the amount remaining unpaid.

SECTION 4. This Ordinance shall take effect and be in force from and after its publication once in the official City newspaper. The City Clerk is directed to file this Ordinance with the Register of Deeds of Johnson County, Kansas.

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PASSED by the Governing Body of the City of Gardner, Kansas, and approved by the Mayor on May 6, 2019.

CITY OF GARDNER, KANSAS

/s/ Steve Shute
Mayor

(SEAL)

ATTEST:

/s/ Sharon Rose
Deputy City Clerk

**EXHIBIT A
(TUSCAN FARM PHASE I INFRASTRUCTURE SBD)**

DESCRIPTION OF PROPERTY SUBJECT TO ASSESSMENT	MAXIMUM AMOUNT OF ASSESSMENT
<p>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.</p>	<p>\$ 2,620,000.00</p>