

RESOLUTION NO. 2038

A RESOLUTION OF THE CITY OF GARDNER, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING CONCERNING THE ADVISABILITY OF THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY AND DECLARING THE INTENT OF THE CITY TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX PURSUANT TO K.S.A. 12-6a26 *ET SEQ.*

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.* (the “Act”), the City of Gardner, Kansas (the “City”), is authorized to create a community improvement district and to provide for financing of certain costs associated with a project within the community improvement district (a “CID Project”);

WHEREAS, upon proper petition, the Act further authorizes the City, in order to pay costs of any project which is a CID Project, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing services within a community improvement district in any increment of .10% or .25% not to exceed 2% (a “CID Sales Tax”) and to reimburse the costs of such project pursuant to pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such CID Sales Tax;

WHEREAS, a petition (the “Petition”) has been filed with the City Clerk proposing the creation of a community improvement district pursuant to the Act to be known as the “Waverly Plaza CID” (the “CID”), the completion of a CID Project within the CID as further described herein (the “Project”), and the imposition of a CID Sales Tax to pay for a portion of the costs of the Project;

WHEREAS, the proposed CID is generally located at the northeast corner of Waverly Road and W. Santa Fe Street within the City;

WHEREAS, the Petition was signed by the owners of record, whether resident or not, of more than 55% of assessed value of the land area contained within the proposed CID and by more than 55% percent of all owners of real property within the boundaries of the CID;

WHEREAS, if the CID is created by the City and certain further conditions are met, the City intends to impose a 1.0% CID Sales Tax within the CID; and

WHEREAS, the Act provides that prior to creating any community improvement district, the City shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district, the authorization of a CID Project therein, and the intent of the City to levy a CID Sales Tax within such district and shall give notice of said public hearing in accordance with the Act;

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

1. Notice is hereby given that a public hearing to consider the advisability of the creation by the City of the CID and the imposition by the City of a 1.0% CID Sales Tax within the CID shall be held at the City Council Chambers, City Hall, 120 E. Main Street, Gardner, Kansas, on December 16, 2019, beginning at 7:00 p.m., Central Time, or as soon thereafter as is practical.

2. The general nature of the proposed Project to be constructed within the proposed CID is set forth on *Exhibit A* attached hereto.

3. The estimated cost of the Project within the proposed CID is \$20,000,000, with a portion of such cost proposed to be reimbursed from the 1.0% CID Sales Tax on an annual basis to: (a) reimburse the City for its share of debt service payable in connection with the special benefit district created pursuant to Resolution No. 2032 of the City, adopted on October 7, 2019, as subsequently amended (the "Waverly Plaza SBD"), which Waverly Plaza SBD improvements comprise a portion of the proposed Project; (b) reimburse the developer for its share of debt service payable in connection with the Waverly Plaza SBD; and (c) reimburse the developer for certain other costs of the Project as agreed to by the City.

4. The Project within the proposed CID will be financed, in part, on a pay-as-you-go basis from revenues received from the imposition of a 1.0% CID Sales Tax within the proposed CID. No special assessments are proposed as part of the CID. The City may, in its discretion, consider the issuance of special obligation bonds or notes to finance all or a portion of the Project. The City will not issue full faith and credit bonds to finance the proposed Project.

5. A legal description of the proposed CID is set forth in *Exhibit B* attached hereto. A map generally outlining the boundaries of the proposed CID is attached hereto as *Exhibit C*.

6. The City Clerk shall give notice of the public hearing in accordance with the provisions of the Act by publishing this Resolution at least once each week for two consecutive weeks in the newspaper and sending this Resolution by certified mail to all owners. The second publication of this Resolution shall occur at least seven days prior to the date of hearing and the certified mailed notice shall be sent at least ten days prior to the date of hearing.

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

CITY OF GARDNER, KANSAS

(Seal)

_____/s/_____
Mayor

ATTEST:

_____/s/_____
City Clerk

EXHIBIT A
THE PROJECT

The general nature of the proposed community improvement district project (the “Project”) is:

1. Design, construction and improvement of Laurel Street from Santa Fe Street to Washington Street and all related improvements;
2. Design, construction and improvement of Washington Street from Waverly Road to Laurel Street and all related improvements; and
3. Design, construction and improvement of an approximately 60,000 square feet retail shopping center, with all related sitework, parking, and infrastructure improvements and other items incidental to complete construction of the proposed improvements.

The improvements described in Items 1 and 2 above have been financed through the Waverly Plaza SBD (as such term is defined in Section 3 of this Resolution).

EXHIBIT B

LEGAL DESCRIPTION OF COMMUNITY IMPROVEMENT DISTRICT

All that part of the Southwest Quarter of Section 23, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 23; thence N 1°53'36" W, along the West line of the Southwest Quarter of said Section 23, a distance of 660.92 feet; thence N 88°06'24" E, a distance of 50.00 feet; thence Easterly on a curve to the left, said curve being tangent to the last described course and having a radius of 445.00 feet, an arc distance of 87.82 feet; thence N 76°48'00" E, a distance of 169.86 feet; thence Easterly on a curve to the right, said curve being tangent to the last described course and having a radius of 480.00 feet, an arc distance of 94.67 feet; thence N 88°06'00" E, a distance of 331.11 feet; thence Easterly along the Southerly plat line of THE RESERVE AT WAVERLY POINTE, TENTH PLAT, a platted subdivision of land in the City of Gardner, Johnson County, Kansas and its Westerly extension, on a curve to the right, said curve being tangent to the last described course and having a radius of 430.00 feet, an arc distance of 346.73 feet to the Southmost plat corner of said THE RESERVE AT WAVERLY POINTE, TENTH PLAT, said point also being on the South line of N. Laurel Street, as now established; thence S 45°18'00" E, along the South line of said N. Laurel Street, a distance of 50.00 feet to the Westmost plat corner of THE RESERVE AT WAVERLY POINTE, EIGHTH PLAT, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence S 53°05'33" E, along the Southwesterly plat line of said THE RESERVE AT WAVERLY POINTE, EIGHTH PLAT, a distance of 259.69 feet to a point on the North most plat corner of THE RESERVE AT WAVERLY POINTE, ELEVENTH PLAT, a platted subdivision of land in the City of Gardner, Johnson County, Kansas; thence along the Northerly plat line of said THE RESERVE AT WAVERLY POINTE, ELEVENTH PLAT and THE RESERVE AT WAVERLY POINTE, NINTH PLAT, THE RESERVE AT WAVERLY POINTE, FIFTEENTH PLAT, both being platted subdivisions of land in the City of Gardner, Johnson County, Kansas, for the following three (3) courses; thence S 86°15'48" W, a distance of 25.66 feet; thence S 70°42'18" W, a distance of 183.20 feet; thence S 68°47'47" W, a distance of 77.68 feet to the Northwest plat corner of said THE RESERVE AT WAVERLY POINTE, NINTH PLAT; thence S 1°58'45" E, along the West plat line of said THE RESERVE AT WAVERLY POINTE, NINTH PLAT and the West plat line of THE RESERVE AT WAVERLY POINTE, FOURTEENTH PLAT, a platted subdivision of land in the City of Gardner, Johnson County, Kansas, a distance of 298.01 feet to the Southwest plat corner of said THE RESERVE AT WAVERLY POINTE, NINTH PLAT, said point also being on the South line of the Southwest Quarter of said Section 23; thence S 88°01'15" W, along the South line of the Southwest Quarter of said Section 23, a distance of 1002.77 feet to the point of beginning, containing 16.8493 acres, more or less, of unplatted land.

