

[Summary Published in *The Gardner News* on June 3, 2020]

ORDINANCE NO. 2037

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON PARCELS OF
GROUND FOR THE PURPOSE OF PAYING PROJECT COSTS WITHIN
LPKC DISTRICT NO. 1 COMMUNITY IMPROVEMENT DISTRICT**

WHEREAS, the Governing Body of the City of Edgerton, Kansas (the "City"), did on May 24, 2018 pass Ordinance No. 1082 (the "Ordinance") creating LPKC District No. 1 Community Improvement District (the "CID"), and authorizing a project to be funded with special assessments on the property located within the CID; and

WHEREAS, the CID project to be funded by special assessments consists of the redevelopment of certain privately-owned property located in the northwest quadrant of 207th Street and Waverly Road (the "Project"); and

WHEREAS, the CID requires that the City assess a special assessment on any vertical structure within the CID that is at least 50,000 square feet in size in an annual amount of \$0.05 per square foot a year for a term of ten years commencing in the year that property tax abatement commences for such vertical improvements; and

WHEREAS, Kubota North America Corporation (the "Owner") has constructed 1,958,919 square feet of vertical structures within the CID; and

WHEREAS, the Governing Body desires to levy the CID special assessments as required by the CID; and

WHEREAS, the Owner, which is the owner of all property to be assessed by this Ordinance within the CID, has executed and filed a Consent and Waiver with the City Clerk pursuant to which it has waived any formal notice of and the holding of a public hearing by the City for the purpose of considering the assessments, has consented to the levy of the special assessments as provided in this Ordinance, has waived any formal additional notice of the maximum special assessments, has waived all right to a pay-in period for such special assessments and has waived the 30-day statute of limitations provided in K.S.A. 12-6a32.

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

Section 1. Levy of Special Assessments. Special assessments to pay the cost of the CID Project, with no interest, are hereby levied against the tract(s) of land in the CID in the maximum amount as follows:

OWNER(S): Kubota North America Corporation
AMOUNT: \$979,459.50
PROPERTY ID: BP55830000 0001

LEGAL DESCRIPTION:

All of Tract A, Tract B and Lot 1, LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas, LESS that part being more particularly described as follows:

Beginning at the Northeast corner of said Lot 1; thence South 01°48'46" East, along the East line of said Lot 1, a distance of 2579.48 feet to the Southeast corner thereof; thence South 88°09'59" West, along the South line of said Lot 1, a distance of 869.99 feet; thence departing said South line, North 01°50'01" West a distance of 38.41 feet; thence South 88°09'59" West a distance of 42.00 feet; thence North 01°48'45" West a distance of 775.42 feet; thence North 36°35'35" East a distance of 68.25 feet; thence North 01°48'46" West a distance of 113.07 feet; thence North 40°13'07" West a distance of 48.94 feet; thence North 01°48'46" West a distance of 1563.07 feet to a point on the North line of said Lot 1; thence North 88°18'55" East, along said North line, a distance of 900.00 feet to the Point of Beginning.

Parcel contains 6,407,242 net square feet, or 147.090 net acres, more or less.

Section 2. Supplemental Assessments. The Governing Body shall not be precluded from levying additional supplemental assessments as authorized by and for the reasons stated in K.S.A. 12-6a12 and amendments thereto.

Section 3. Payment in Installments. Special assessments are levied concurrent with general property taxes and shall be payable in ten (10) annual installments. The first installment shall be payable at the time of the payment of general property taxes in December 2020 unless this Ordinance is adopted and certified too late to permit collection at such time.

Section 4. No Interest. The assessments shall not bear interest.

Section 5. Certification and Collection. The assessments set forth herein shall be certified by the City Clerk to Johnson County, Kansas and collected in the same manner as other taxes.

Section 6. No Levy Against City. No special assessments shall be levied against the City-at-large and no full faith and credit notes or bonds shall be issued by the City to finance the Project.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication in summary form in the official City newspaper.

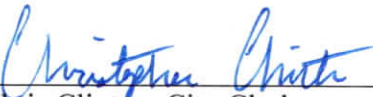
PASSED by the Council of the City of Edgerton, Kansas, this 28th day of May, 2020.

[SEAL]




Donald Roberts, Mayor

ATTEST:


Chris Clinton, City Clerk

Approved as to form:


Scott W. Anderson, Bond Counsel

CID Assessment Ordinance - Kubota

STATE OF KANSAS
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of **THE GARDNER NEWS** A weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas and that said newspaper is a bi-weekly published at least weekly, 52 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office in Gardner, Kansas in said county as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks(s),

The first publication there of being made as aforesaid on June 3, 2020
Publications being made on the following:

EDITOR- Brandon Humble

SUBSCRIBED AND SWORN TO ME THIS : June 3 , 2020

NOTARY PUBLIC [Signature]

MY COMMISSION EXPIRES 5-11-2020

COST-----

ADDITIONAL COPIES-----

IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS-----

The within Proof Of Publication approved

-----JUDGE

Public Notice

First published in *The Gardner News* Wednesday, June 3, 2020

ORDINANCE NO. 2037 SUMMARY

On May 29, 2020, the City of Edgerton, Kansas approved Ordinance No. 2037 which allowed for the levying of special assessments on parcels of ground for the purpose of paying project costs within Logistics Park Kansas City District No. 1 Community

Improvement District. A complete copy of this ordinance is available at www.edgertonks.org or at Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas 66021. This summary is certified by Lee Hendricks, City Attorney for the City of Edgerton, Kansas.