

ORDINANCE NO. 2184

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY LOCATED IN A BENEFIT FEE AREA TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF EDGERTON, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NOS. 2-8-07H AND 2-8-07I OF THE CITY (SUNFLOWER RIDGE ADDITION WATER AND SANITARY SEWER PROJECTS).

WHEREAS, the governing body of the City of Edgerton, Kansas (the “City”) has previously authorized certain internal improvements (collectively, as described herein, the “Improvements”) pursuant to Resolution Nos. 2-8-07H and 2-8-07I adopted by the governing body of the City (the “Resolutions”) to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the “Act”); and

WHEREAS, the City issued its General Obligation Bonds, Series 2012A (the “Series 2012A Bonds”), to finance the costs of the Improvements, and later issued its General Obligation Refunding Bonds, Series 2020A (the “Series 2020A Bonds,” and together with the Series 2012A Bonds, the “Bonds”) to refund all outstanding Series 2012A Bonds; and

WHEREAS, the Improvements have been completed, and the City, pursuant to Ordinance No. 866, levied assessments on certain properties (together, the “Improvement District,” as defined in the Resolutions) to repay the Bonds; and

WHEREAS, pursuant to K.S.A. 12-6a19, the Resolutions (a) defined certain property not included within the Improvement District but which may benefit from the Improvements (the “Benefit Fee Area”), and (b) prescribed that a benefit fee be due and payable to the City at such time a property owner(s) within the Benefit Fee Area requests the City for service to be provided by the Improvements; and

WHEREAS, pursuant to a Development Agreement (Project Cola) dated as of January 26, 2023, between the City and Kansas LD, LLC, a Kansas limited liability company (as may be amended, supplemented, and/or assigned, the “Development Agreement”), the Developer (as defined in the Development Agreement), as property owner of the property set forth in *Exhibit A* hereto and located within the Benefit Fee Area (the “Property”), committed to constructing a housing project and related improvements known as the Dwyer Farms development (the “Project”); and

WHEREAS, pursuant to the City’s planning and land use processes, Developer submitted Application PUD2022-01, PUD2024-0101, and PUD2025-0002 (the “Applications”) in furtherance of the Project, such Applications including utility plans petitioning the City for the Property to be served by the Improvements; and

WHEREAS, pursuant to Section 7.3 of the Development Agreement, Developer petitioned the City for the Property to be served by the Improvements and stipulated that Developer must pay to the City a buy-in fee for the Property to receive access to the Improvements, as contemplated by K.S.A. 12-6a19 and the Resolutions, and the City later received such payment from Developer; and

WHEREAS, in accordance with the Act, and specifically K.S.A. 12-6a19, and the Resolutions, the City desires to levy assessments on the Property for the remaining term of the Series 2020A Bonds (or any bonds refunding such bonds).

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

Section 1. Finding; Levy of Assessments. The City hereby finds that the Developer has petitioned the City to be served by the Improvements pursuant to the Development Agreement and the Applications. For the purpose of paying the costs of the following described Improvements:

Project No. 1 – Sunflower Ridge – Water Supply and Distribution Improvements.

Resolution No. 2-8-07H. Water supply and distribution improvements, connection to Rural Water District No. 7 distribution system. construction of a pump and metering station at 207th Street and Spooncreek Road and construction of a 12” water main from 207th Street and Spoon creek Road along 207th to the west of Edgerton Road;

Project No. 2 – Sunflower Ridge – Sanitary Sewer Collection System Improvements.

Resolution No. 2-8-07I. Sanitary sewer collection system, including mains and appurtenant improvements;

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by City officials) against the Property described on *Exhibit A* attached hereto. Additionally, the City will commensurately reduce the assessments originally levied on the original Improvement District.

Section 2. Payment of Assessments. The amounts so levied and assessed in *Section 1* hereof shall be due and payable from and after the date of publication of this Ordinance.

Section 3. Certification. Special assessments shall be certified by the City Clerk to the Clerk of Johnson County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in annual installments for the remaining term of the Series 2020A Bonds (or any bonds refunding such bonds), together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. The interest on all unpaid installments shall be added to each subsequent installment until paid.

Section 4. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval, and publication of the Ordinance or a summary thereof once in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the City on August 28, 2025 and signed and **APPROVED** by the Mayor.

(SEAL)

/S/

Donald Roberts, Mayor

ATTEST:

/S/

Dusti Callahan, City Clerk

APPROVED AS TO FORM ONLY.

/S/

Gilmore & Bell, P.C.
Bond Counsel to City