

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

ORDINANCE NO. 2038

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON PARCELS OF
GROUND FOR THE PURPOSE OF PAYING PROJECT COSTS WITHIN
LPKC DISTRICT NO. 2 COMMUNITY IMPROVEMENT DISTRICT**

WHEREAS, the Governing Body of the City of Edgerton, Kansas (the “City”), did on May 23, 2019 pass Ordinance No. 2011 (the “Ordinance”) creating LPKC District No. 2 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 northeast 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, but which amount shall not exceed \$382,500; and

WHEREAS, ELHC LI, LLC (the “Owner”) has constructed 764,500 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): ELHC LI, LLC
AMOUNT: \$382,500
PROPERTY ID: BP55860000 0001

LEGAL DESCRIPTION:

All that part of the Southwest Quarter of Section 11, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas being more particularly described as follows:

Beginning at the Southwest corner of said Southwest Quarter; thence North 02°17'25" West, along the West line of said Southwest Quarter, a distance of 1,096.60 feet; thence departing said West line, North 88°29'08" East, parallel with the South line of said Southwest Quarter, a distance of 2,617.96 feet to a point 70.00 feet west of the East line of said Southwest Quarter; thence South 02°06'42" East, parallel with said East line, a distance of 1,096.56 feet to a point on the south line of said Southwest Quarter; thence South 88°29'08" West along said south line, a distance of 2614.55 feet to the Point of Beginning, containing 2,868,722 square feet, or 65.857 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

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. 2038 SUMMARY
On May 29, 2020, the City of Edgerton,
Kansas approved Ordinance No.
2038 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. 2 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 cer-
tified by Lee Hendricks, City Attorney
for the City of Edgerton, Kansas.