

[Summary Published in *The Gardner News* on March 16, 2022]

ORDINANCE NO. 2103

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON PARCELS OF GROUND FOR THE PURPOSE OF PAYING PROJECT COSTS WITHIN THE LPKC DISTRICT NO. 3 COMMUNITY IMPROVEMENT DISTRICT

WHEREAS, the Governing Body of the City of Edgerton, Kansas (the “City”), did on July 8, 2021 pass Ordinance No. 2084 (the “Ordinance”) creating LPKC District No. 3 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 infrastructure related to the redevelopment of certain privately-owned property located at 20500 Corliss 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 \$514,440; and

WHEREAS, ELHC LII, LLC (the “Owner”) has constructed a warehouse and distribution building 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 LII, LLC
AMOUNT: \$514,440
PROPERTY ID: BP55860000 0002

LEGAL DESCRIPTION:

All of Lot 2, LOGISTICS PARK KANSAS CITY SOUTH, Third Plat, a subdivision of land in the City of Edgerton, Johnson County, Kansas, according to the recorded plat thereof.

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 2022 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 10th day of March, 2022.

/s/

Donald Roberts, Mayor

[SEAL]

ATTEST:

/s/

Alexandria Clower, City Clerk

Approved as to form:

/s/

Scott W. Anderson, Economic Development Counsel