

RESOLUTION NO. 01-26-23A

RESOLUTION AUTHORIZING THE CITY OF EDGERTON, KANSAS TO ENTER INTO A DEVELOPMENT AGREEMENT FOR A HOUSING DEVELOPMENT PROJECT AND REPEALING RESOLUTION NO. 09-22-22B.

WHEREAS, the City of Edgerton, Kansas (the “City”), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, Kansas LD, LLC, a Kansas limited liability company (the “Developer”), desires to develop the Dwyer Farms single-family housing subdivision located on 80.4 acres of land at the southwest corner of Edgerton Road and Braun, which upon completion is anticipated to contain 275 single-family homes (the “Project”); and

WHEREAS, the City previously approved Resolution No. 09-22-22B approving a form of development agreement with the Developer for the Project; and

WHEREAS, the City and the Developer desire to repeal Resolution No. 09-22-22B and approve a new form of development agreement with the Developer for the Project; and

WHEREAS, the City desires to provide for the development of the Project on the terms set forth in the form of the Development Agreement attached hereto as **Exhibit A**;

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

Section 1. Repeal of Prior Resolution. Resolution No. 09-22-22B is hereby repealed.

Section 2. Approval of Development Agreement. The Governing Body hereby approves the Development Agreement in substantially the form attached hereto as **Exhibit A**.

Section 3. Execution of Development Agreement. The Mayor of the City is hereby authorized to enter into the Development Agreement, in substantially the form presented to and reviewed by the City Council at this meeting (a copy of which upon execution shall be filed in the office of the City Clerk), with such changes therein as shall be approved by the Mayor, the Mayor’s signature thereon being conclusive evidence of his approval thereof. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the Development Agreement.

Section 4. Further Authority. The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the City with respect to the Development Agreement.

Section 5. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED this 26th day of January, 2023.

CITY OF EDGERTON, KANSAS

[SEAL]

By: _____
Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

Approved as to form:

Scott W. Anderson, Bond Counsel

EXHIBIT A

FORM OF DEVELOPMENT AGREEMENT