

RESOLUTION NO. 26-1036

A RESOLUTION AUTHORIZING VARIOUS IMPROVEMENTS TO THE STORMWATER SYSTEM OF THE CITY OF OLATHE, KANSAS AND SETTING FORTH THE INTENT TO ISSUE STORMWATER SYSTEM REVENUE BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF SUCH IMPROVEMENTS AND RELATED BOND RESERVES AND FINANCING COSTS; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID INTENTION.

WHEREAS, the City of Olathe, Kansas (the “Issuer” or “City”) is authorized under the laws of the State of Kansas to issue utility revenue bonds to repair, alter, extend, reconstruct, enlarge or improve the stormwater system (the “System”) owned and operated by the Issuer; and

WHEREAS, the governing body of the Issuer hereby finds and determines it to be necessary to improve the System, and that a portion of the costs thereof should be financed by the issuance of utility revenue bonds of the Issuer, under authority of K.S.A. 10-1201 et seq., as amended and supplemented (the “Act”).

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION 1. It is hereby deemed and declared to be necessary to repair, alter, extend, reconstruct, enlarge or improve the System as follows:

Cedar Lake Water Quality Improvements (2-C-011-XX): Water quality improvements in the upper portion of the Lake to improve current and long-term water quality of Cedar Lake. This allows for more diverse recreation in the park consistent with the goals of the Cedar Lake Master Plan while taking advantage of the constructability offered by the Cedar Lake Dam and Restoration project.

CMP Replacement & Asset Management Project (2-R-000-XX): Stormwater improvements including: repair and replacement of corrugated metal pipes (CMP), inlets/boxes, culverts, stream maintenance and streambank stabilization, and stormwater improvements associated with street rehabilitation projects.

Lake and Dam Restoration (2-C-002-XX): Lake improvements may include dredging, spillway rehabilitation, dam restoration, and creation of sediment forebays/wetlands. Some spillway improvements may provide detention to protect downstream properties from flooding.

Neighborhood Flood Control Projects (2-C-005-XX): Replacement of existing pipes and inlets, construction of additional inlets and pipes, yard grading/swale construction, culvert replacement, and channel widening.

Streambank Stabilization Projects (2-C-001-XX): The Indian Creek Geomorphology Study identified 38 locations for streambank stabilization projects with an estimated cost of \$3,500,000. Mill Creek and Cedar Creeks have been

studied during the county's watershed planning process. This project will leverage SMAC funding to implement projects identified in the streambank stabilization studies.

and any necessary and related improvements to the System (collectively, the "Projects") at an estimated cost of \$20,440,000.

SECTION 2. The Projects will not cause duplication of any existing utility service furnished by a private utility in the boundaries of the City.

SECTION 3. It is necessary to issue System revenue bonds of the City, in an amount not to exceed \$8,961,950 (the "Bonds"), under authority of the Act, to pay a portion of the costs of the Projects and related bond reserves and financing costs. Said Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

SECTION 4. Before issuing the Bonds, there shall be published one (1) time in the official newspaper of the Issuer, a notice of the intention of the governing body to undertake the Projects and to issue the Bonds in substantially the form attached hereto and made a part hereof by reference as though fully set out herein. If, within fifteen (15) days after the publication of such notice, there shall be filed with the Clerk a written protest against the Projects or the issuance of the Bonds, signed by not less than twenty percent (20%) of the qualified electors of the City, the governing body shall thereupon submit such proposed Projects and the proposed Bonds to the electors of the City at a special election to be called for that purpose as provided by the Act. If no sufficient protest is filed with the Clerk within the period of time hereinbefore stated, then the governing body of the Issuer shall proceed to authorize the Projects and to issue the Bonds.

SECTION 5. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED BY TWO-THIRDS VOTE of the Governing Body of the City of Olathe,
this 21st day of April, 2026.

SIGNED by the Mayor this 21st day of April, 2026.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

(Published in *The Legal Record* on April __, 2026)

NOTICE

TO: THE RESIDENTS OF THE CITY OF OLATHE, KANSAS

You are hereby notified that the governing body of the City of Olathe, Kansas (the “Issuer” or “City”) intends to repair, alter, extend, reconstruct, enlarge or improve the stormwater system (the “System”) owned and operated by the Issuer, as follows:

Cedar Lake Water Quality Improvements (2-C-011-XX): Water quality improvements in the upper portion of the Lake to improve current and long-term water quality of Cedar Lake. This allows for more diverse recreation in the park consistent with the goals of the Cedar Lake Master Plan while taking advantage of the constructability offered by the Cedar Lake Dam and Restoration project.

CMP Replacement & Asset Management Project (2-R-000-XX): Stormwater improvements including: repair and replacement of corrugated metal pipes (CMP), inlets/boxes, culverts, stream maintenance and streambank stabilization, and stormwater improvements associated with street rehabilitation projects.

Lake and Dam Restoration (2-C-002-XX): Lake improvements may include dredging, spillway rehabilitation, dam restoration, and creation of sediment forebays/wetlands. Some spillway improvements may provide detention to protect downstream properties from flooding.

Neighborhood Flood Control Projects (2-C-005-XX): Replacement of existing pipes and inlets, construction of additional inlets and pipes, yard grading/swale construction, culvert replacement, and channel widening.

Streambank Stabilization Projects (2-C-001-XX): The Indian Creek Geomorphology Study identified 38 locations for streambank stabilization projects with an estimated cost of \$3,500,000. Mill Creek and Cedar Creeks have been studied during the county's watershed planning process. This project will leverage SMAC funding to implement projects identified in the streambank stabilization studies.

and any necessary and related improvements to the System (collectively, the “Projects”) at an estimated cost of \$20,440,000.

In order to finance a portion of the costs of the Projects and related bond reserves and financing costs, the governing body of the Issuer further intends to issue System revenue bonds, in an amount not to exceed \$8,961,950 (the “Bonds”) in one or more series, under the authority of K.S.A. 10-1201 *et seq.* (the “Act”). The Bonds will **not** be general obligations of the Issuer payable from taxation but shall be payable only from net revenues of the System. The proceeds of the Bonds will be used to pay the costs of the Projects and related bond reserves and financing costs.

This Notice shall be published one time in the official newspaper of the Issuer, and if within fifteen (15) days after the date of said publication there shall be filed with the Clerk, a written protest against the Projects or the issuance of the Bonds, signed by not less

than twenty percent (20%) of the qualified electors of the City, then the governing body shall submit such proposed Projects and the proposed Bonds to the electors of the Issuer at a special election to be called for that purpose as provided by the Act. If no sufficient protest is filed within said period of time, the governing body shall proceed with the Projects and the issuance of the Bonds.

DATED: April 21, 2026.

ATTEST: /s/ John Bacon, Mayor

/s/ Brenda Swearingian, City Clerk