

NOTE: To be recorded with Records and Tax Administration, Johnson County, Kansas

(Published in the *Gardner News* on December 25, 2019)

RESOLUTION NO. 19-1085

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS TO CEDAR CREEK PARKWAY, SOUTH OF COLLEGE, IN THE CITY OF OLATHE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS.

WHEREAS, a petition (the “Petition”) was filed with the City Clerk of the City of Olathe, Kansas (the “City”) proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City-at-large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*; and

WHEREAS, the governing body of the City hereby finds and determines that said Petition was signed by the owners of record of more than one-half of the area liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of K.S.A. 12-6a01 *et seq.* (the “Act”).

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

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements (the “Improvements”):

The construction of Cedar Creek Parkway from College Boulevard south approximately 3,750 linear feet, to consist of two lanes with 12 inches of asphalt pavement. Said construction will be within 120 feet of dedicated right of way and include approximately 3,750 linear feet of 12 inch waterline. The improvements shall also include right of way grading and clearing, curb and gutter, sidewalk, hike/bike trail, erosion control, traffic control, curb inlets, storm sewer piping, landscaping, streets lights, utility relocations and related work necessary for completion of such improvements.

(b) The estimated or probable cost of the proposed Improvements is: \$11,779,981.92.

(c) The extent of the improvement district (the “Improvement District”) to be assessed for the cost of the Improvements is:

Part of Section 17, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast One-Quarter of Said Section 17; thence North 87 degrees 45 minutes 51 seconds East, along the North line of the said Northeast One-Quarter, a distance of 240.00 feet to the Point of Beginning; thence South 51 degrees 47 minutes 58 seconds East, a distance of 1806.95 feet; thence South 01 degrees 51 minutes 59 seconds East, a distance of 1484.07 feet to a point on the South line of the said Northeast One-Quarter; thence North 87 degrees 42 minutes 53 seconds East, along the South line of the said Northeast One-Quarter a distance of 785.45 feet to a corner point on the West line of Lot 3, CLAREVIEW, a subdivision of land in the said City of Olathe; thence along the West line of said CLAREVIEW for the following ten courses, South 02 degrees 51 minutes 00 seconds West, a distance of 114.32 feet; thence South 47 degrees 51 minutes 00 seconds West, a distance of 140.00 feet; thence South 12 degrees 51 minutes 00 seconds West, a distance of 280.00 feet; thence South 02 degrees 51 minutes 00 seconds West, a distance of 170.00 feet; thence South 17 degrees 51 minutes 00 seconds West, a distance of 230.00 feet; thence South 27 degrees 51 minutes 00 seconds West, a distance of 120.00 feet; thence South 62 degrees 51 minutes 00 seconds West, a distance of 190.00 feet; thence South 32 degrees 51 minutes 00 seconds West, a distance of 250.00 feet; thence South 87 degrees 51 minutes 00 seconds West, a distance of 260.00 feet; thence South 32 degrees 51 minutes 00 seconds West, a distance of 97.66 feet to a point on the South line of the North One-Half of the Southeast One-Quarter of Said Section 17; thence South 87 degrees 51 minutes 00 seconds West, along the South line of the said North One-Half a distance of 1449.82 feet to the Southwest corner of the said North One-Half; thence North 69 degrees 11 minutes 50 seconds West, a distance of 680.62 feet; thence North 29 degrees 40 minutes 15 seconds West, a distance of 418.87 feet; thence North 74 degrees 01 minutes 20 seconds West, a distance of 885.90 feet; thence North 32 degrees 11 minutes 27 seconds West, a distance of 376.12 feet; thence North 31 degrees 28 minutes 54 seconds East, a distance of 2407.77 feet; thence North 44 degrees 39 minutes 53 seconds East, a distance of 1078.49 feet to the Point of Beginning. Except that part taken or used for road right of way.

(d) The method of assessment is: equally per square foot.

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

Section 2. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in **Section I** of this Resolution.

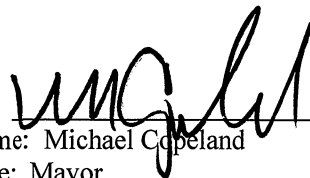
Section 3. Bond Authority; Reimbursement. The Act provides for the costs of the Improvements, interest on interim financing and associated financing costs to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse 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. Further Authority. The officers and officials of the City, including the Mayor and City Clerk, are hereby authorized and directed to execute all documents, publish all notices and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Act, including publishing a notice of public hearing related to assessments, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

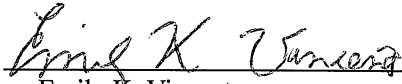
Section 5. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of Records and Tax Administration of Johnson County, Kansas.

ADOPTED by the governing body of the City on December 17, 2019.

(SEAL)

By: 
Name: Michael Copeland
Title: Mayor

ATTEST:

By: 
Name: Emily K. Vincent
Title: Clerk



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 25 December 2019

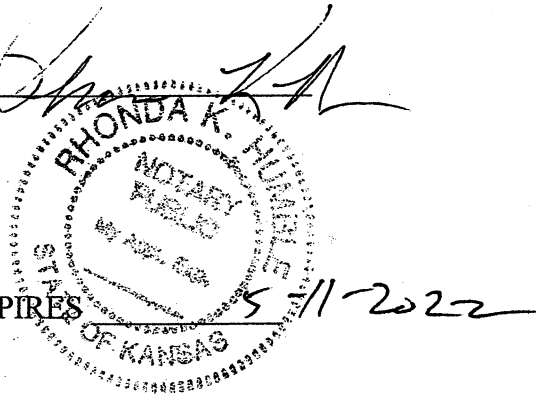
Publications being made on the following:

EDITOR 

SUBSCRIBED AND SWORN TO ME THIS : 12/25/2019

NOTARY PUBLIC 

MY COMMISSION EXPIRES 5/11/2022



COST-----

ADDITIONAL COPIES-----

IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS-----

The within Proof Of Publication approved

-----JUDGE

Public Notice

ATTACHMENT A

First published in *The Gardner News* Wednesday, Dec. 25, 2019

SECTION THREE: A certified copy of this Ordinance shall be filed by the City Clerk with the Department of Records and Tax Administration of Johnson County, Kansas.

PASSED by the Council this 17th day of December, 2019.

SIGNED by the Mayor this 17th day of December, 2019.

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Title: Mayor

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Name: Emily K. Vincent
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