

ATTACHMENT D

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

(Published in the *Gardner News* on January ___, 2020)

RESOLUTION NO. 20-1013

A RESOLUTION AMENDING RESOLUTION NO. 19-1085, APPROVING THE CREATION OF AN IMPROVEMENT DISTRICT FOR CERTAIN INTERNAL IMPROVEMENTS TO CEDAR CREEK PARKWAY SOUTH OF COLLEGE BOULEVARD, PROJECT NO. 3-B-027-19, UNDER THE PROVISIONS OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED AND SUPPLEMENTED; CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE LEVY OF MAXIMUM PRE-CONSTRUCTION SPECIAL ASSESSMENTS FOR SUCH IMPROVEMENTS; AND PROVIDING FOR CERTAIN OTHER ACTIONS AND THE GIVING OF NOTICE OF SAID HEARING.

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.* (the “Act”); and

WHEREAS, on December 17, 2019, the governing body of the City found and determined 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 was therefore sufficient in accordance with the provisions of the Act;

WHEREAS, also on December 17, 2019, the governing body of the City adopted Resolution No. 19-1085 authorizing the creation of an improvement district pursuant to the Act, for the purpose of making the following 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.

(the “Improvements”); and

WHEREAS, 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

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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.

; and

WHEREAS, it was subsequently determined that the estimated total costs of the Improvements as set forth in the Petition and Resolution No. 19-1085 should have been shown as \$9,395,108.94 to comply with parties' intent regarding the maximum cost to be assessed against property within the improvement district; and

WHEREAS, on January 10, 2020, an amended and restated petition (the "Amended Petition") was filed with the City reducing the estimated total cost of the Improvements from \$11,779,981.92 as shown in the Petition to \$9,395,108.94 as shown in the Amended Petition;

WHEREAS, the governing body desires to accept and approve the Amended Petition, amend Resolution No. 19-1085 to reduce the estimated total cost of the Improvements to \$9,395,108.94 as shown in the Amended Petition, and further desires to approve the estimated total cost of the Improvements and the Assessment Roll, and call a public hearing to consider proposed assessments in accordance with the Act; and

WHEREAS, construction of the Improvements has not yet commenced, and pursuant to K.S.A. 12-6a10, the City has determined the maximum amount of the assessment against each lot, and an assessment roll has been prepared and filed with the City Clerk, a copy of which is has been reviewed by the governing body on this date (the "Assessment Roll"); and

WHEREAS, the governing body desires to approve the estimated total cost of the Improvements and the Assessment Roll, and call a public hearing to consider the proposed assessments in accordance with the Act.

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

Section 1. Amendment of Resolution 19-1085, Section 1(b). The governing body hereby approves and accepts the Amended Petition. The estimated or probable cost of the proposed Improvements as set forth in Section 1, subparagraph (b) is hereby amended as follows:

(b) The estimated or probable cost of the proposed Improvements is: \$9,395,108.94.

The remainder of Resolution 19-1085 shall remain in full force and effect and the governing body's adoption thereof is hereby ratified.

Section 2. Estimated of Total Costs; Assessment Roll. The governing body hereby approves the estimated total costs of the Improvements in an amount not to exceed \$9,395,108.94, and further approves the Assessment Roll as prepared by the City and presented to the governing body on this date.

Section 3. Public Hearing. It is hereby authorized, ordered and directed that the governing body of the City shall hold a public hearing on the proposed assessments, such public hearing to be held on February 18, 2020, at 7:00 P.M., at 100 E. Santa Fe, Olathe, Kansas, under the authority of the Act.

Section 4. Notice of Hearing. The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by (a) publication of a Notice of Public Hearing once in the official City newspaper, such publication to be at least ten (10) days prior to the date of the hearing; and (b) mailing to the owners of the property liable for the proposed assessments, at their last known post office address, a notice of public hearing and a statement of the proposed cost to be assessed against the land so owned, such notice to be mailed to be at least ten (10) days prior to the date of the hearing.

Section 5. 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 6. 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.

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ADOPTED by the governing body of the City on January 21, 2020.

(SEAL)

By: _____
Name: Michael Copeland
Title: Mayor

ATTEST:

By: _____
Name: Emily K. Vincent
Title: Clerk