

**ORDINANCE NO. 20-21**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF OLATHE, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NO. 18-1071 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

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**WHEREAS**, the governing body of the City of Olathe, Kansas (the “City”) has previously authorized certain internal improvements (the “Improvements”) to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the “Act”); and

**WHEREAS**, the governing body has previously received waivers (collectively the “Waiver”) of public hearing and right to protest the levy of special assessment from the owners of 100% of the property liable for assessment for the cost of the Improvements; and

**WHEREAS**, the governing body desires to levy assessments on certain property benefited by the construction of the Improvements.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:**

**Section 1. Levy of Assessments.** For the purpose of paying the costs of the following described Improvements:

**LONE ELM COMMERCE CENTER SANITARY SEWER IMPROVEMENT BENEFIT DISTRICT, RESOLUTION NO. 18-1071**

Installation of sanitary sewer lines from existing South Cedar Creek Sanitary Sewer southeast of 167<sup>th</sup> Street and Hedge Lane, north along S. Erickson Street, consisting of approximately 2600 lineal feet of 6, 8, 10 and 12’ sanitary sewer consisting of PVC and DIP pipe.

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) against the property described below:

<b>Parcel ID</b>	<b>Description of Property</b>	<b>Amount of Assessment</b>
DF231415-2007	ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 23 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE S 88°15’04” W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 329.97 FEET; THENCE N 1°44’56” W, A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 167 <sup>TH</sup> STREET, AS NOW ESTABLISHED, SAID POINT ALSO BEING	\$191,445.31

	<p>THE POINT OF BEGINNING; THENCE S 88°15'04" W, ALONG THE NORTH RIGHT OF WAY LINE OF SAID 167<sup>TH</sup> STREET, A DISTANCE OF 320.88 FEET TO A POINT ON THE EAST PLAT LINE OF LONE ELM COMMERCE CENTER, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE N 1°44'54"W, ALONG THE EAST PLAT LINE OF SAID LONE ELM COMMERCE CENTER, A DISTANCE OF 628.00 FEET TO THE NORTHEAST PLAT CORNER OF SAID LONE ELM COMMERCE CENTER; THENCE S 88°15'04" W, ALONG THE NORTH PLAT LINE OF SAID LONE ELM COMMERCE CENTER, A DISTANCE OF 706.05 FEET; THENCE N 1°44'54" W, A DISTANCE OF 1577.84 FEET; THENCE S 40°51'51" E, A DISTANCE OF 1190.12 FEET; THENCE N 48°49'35" E, A DISTANCE OF 575.26 FEET; THENCE S 41°10'43" E, A DISTANCE OF 139.70 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 330.00 FEET, AN ARC DISTANCE OF 227.63 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE S 1°39'27" E, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 953.76 FEET; THENCE S 88°15'04" W, A DISTANCE OF 330.00 FEET; THENCE S 1°39'27" E, A DISTANCE OF 376.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1,643,827 SQUARE FEET, MORE OR LESS.</p> <p>LESS: 15-14-23 BG 650.85' W &amp; 648' N SE CR SW1/4 W 700.12' NE 319.99' NELY CUR LF 30.08' NE 458.18' SLY CUR RT 215.18' S 297.91' TO POB 4.182 ACS M/L</p>	
DF231415-2003	15-14-23 PT SW1/4 BG 500' E SW CR E 855.63' N 2364.17' SW 1054.90' SWLY CUR LF 699.06' S 41.20' E 506.50' SW 177.32' S 371.12' E 109.50' S 720.10' TO POB EX 7.1251 AC PLATTED & EX .18 AC IN ST 34.5949 ACS M/L	\$227,192.57
DP40050000 0T0A	LONE ELM COMMERCE CENTER, TRACT A	\$17,225.28
DP40050000 0001A	LONE ELM COMMERCE CENTER, Lot 1, EX BG NE CR S 588' W 706.05' N 588' E 706.05' TO POB	\$15,024.61
DP40050000 0001	LONE ELM COMMERCE CENTER, PT OF LT 1 BG NE CR S 588' W 706.05' N 588' E 706.05' TO POB	\$59,534.21
DF231415-2008	15-14-23 BG 650.85' W & 648' N SE CR SW1/4 W 700.12' NE 319.99' NELY CUR LF 30.08' NE 458.18' SLY CUR RT 215.18' S 297.91' TO POB 4.182 ACS M/L	\$26,185.86
	<b>TOTALS</b>	<b>\$536,607.85</b>

**Section 2. Payment of Assessments.** The amounts so levied and assessed in *Section 1* of this Ordinance shall be due and payable from and after the date of publication of this Ordinance.

**Section 3. Notification.** The City Clerk shall notify the owners of the properties described in *Section 1* insofar as known to the City Clerk, of the amounts of their respective assessments; and, the

notice shall further state that pursuant to the Waiver, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

**Section 4. Certification.** The special assessments shall be certified by the City Clerk to the County Clerk in the same manner and at the same time as other taxes are certified and will be collected in *10* annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

**Section 5. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication of the Ordinance or a summary thereof once in the official City newspaper.

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**PASSED** by the governing body of the City on June 2, 2020 and signed and **APPROVED** by the Mayor.

(SEAL)

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Mayor

ATTEST:

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City Clerk

## NOTICE OF ASSESSMENT

\_\_\_\_\_, 2020

Dale and Delores George Trust  
15990 S. Lone Elm Rd.  
Olathe, Kansas 66062

Dale and Delores George Trust:

You are hereby notified, as owner of record of the property described on ***Schedule I*** attached hereto, that pursuant to Ordinance No. 20-21 (the “Ordinance”) of the City of Olathe, Kansas (the “City”) there has been assessed against the property, the costs of certain internal improvements previously authorized by the governing body of the City (the “Improvements”). The description of the Improvements, the resolution number authorizing the same and the amount of assessment are set forth on ***Schedule I*** attached hereto.

Pursuant to the Waiver of Assessment Proceedings previously submitted to the City, bonds will be issued by the City for the amount of such assessment, and the balance of such assessment remaining unpaid will be collected in 10 annual installments, together with interest on such amounts remaining unpaid at a rate not exceeding the maximum rate therefor as prescribed by K.S.A. 12-6a01 *et seq.* Interest accruing between the date set forth above and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

Brenda Long, City Clerk

## NOTICE OF ASSESSMENT

\_\_\_\_\_, 2020

BHJ Holdings, LLC  
6559 High Dr.  
Mission Hills, Kansas 66208

BHJ Holdings, LLC:

You are hereby notified, as owner of record of the property described on ***Schedule I*** attached hereto, that pursuant to Ordinance No. 20-21 (the “Ordinance”) of the City of Olathe, Kansas (the “City”) there has been assessed against the property, the costs of certain internal improvements previously authorized by the governing body of the City (the “Improvements”). The description of the Improvements, the resolution number authorizing the same and the amount of assessment are set forth on ***Schedule I*** attached hereto.

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Brenda Long, City Clerk

## NOTICE OF ASSESSMENT

\_\_\_\_\_, 2020

LE Commerce Center, LLC  
800 E. 101st Terrace, Suite 120  
Kansas City, Missouri 64131

LE Commerce Center, LLC:

You are hereby notified, as owner of record of the property described on ***Schedule I*** attached hereto, that pursuant to Ordinance No. 20-21 (the “Ordinance”) of the City of Olathe, Kansas (the “City”) there has been assessed against the property, the costs of certain internal improvements previously authorized by the governing body of the City (the “Improvements”). The description of the Improvements, the resolution number authorizing the same and the amount of assessment are set forth on ***Schedule I*** attached hereto.

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Brenda Long, City Clerk

**CERTIFICATE OF MAILING**

STATE OF KANSAS                                 )  
  ) ss:  
COUNTY OF JOHNSON                         )

The undersigned, City Clerk of the City of Olathe, Kansas, does hereby certify that on June 10, 2020, the date on which Ordinance No. 20-21 of the City (the “Ordinance”) was published, I caused to be mailed to the owners of the properties liable for the assessments set out in the Ordinance, at their last known post office addresses, a Notice of Assessment showing the respective assessments levied against their properties and stating the manner in which the assessments will be collected.

A sample copy of the form of such Notice of Assessment is attached hereto.

WITNESS my hand and seal as of June \_\_, 2020.

(Seal)

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Brenda Long, City Clerk

[attach sample copy of form]



(Published in the *The Gardner News* on June 10, 2020)

**SUMMARY OF ORDINANCE NO. 20-21**

On June 2, 2020, the governing body of the City of Olathe, Kansas, passed an ordinance entitled:

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF OLATHE, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NO. 18-1071 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

The Ordinance levies special assessments on certain property located in Lone Elm Commerce Center Sanitary Sewer Improvement Benefit District which have been benefitted from certain internal improvements constructed pursuant to K.S.A. 12-6a01 *et seq.* A schedule of the amounts of the special assessments and the property benefitted are included in the Ordinance. Any amount of special assessments not previously paid shall be certified by the City Clerk to the Clerk of Johnson County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in annual installments together with interest, as prescribed by law. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 100 E Santa Fe Street, Olathe, KS 66061. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at [olatheks.org](http://olatheks.org).

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: June 2, 2020.

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City Attorney