

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF OLATHE, KANSAS
HELD ON APRIL 6, 2021**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Present:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon, and among other business, there was presented to the governing body a Petition which has been filed in the Office of the City Clerk requesting the making of certain internal improvements in the City pursuant to the authority of K.S.A. 12-6a01 *et seq.*

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF
CERTAIN INTERNAL IMPROVEMENTS 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.**

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. _____ and was signed by the Mayor and attested by the Clerk; and the Clerk was further directed to cause the publication of the Resolution one time in the official City newspaper and to record the Resolution in the Office of the Register of Deeds of Johnson County, Kansas, all as required by law.

* * * * *

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Olathe, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS 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 100% of the owners of record in 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, and hereby authorizes and orders the following improvements to be made in accordance with K.S.A. 12-6a01 *et seq.*:

Construction of a 40 feet wide asphalt roadway known as Hedge Lane from 175th Street to the north approximately 2,615 feet, plus 400’ taper. The improvements shall include clearing and grading, asphaltic pavement, curb and gutter, concrete sidewalk, curb inlets, storm sewer, street lights, and related work necessary to complete the project.

(collectively, the “Improvements”).

(b) The estimated or probable cost of the proposed Improvements is:

\$5,105,685.68

(the “Improvement Costs”).

(c) The extent of the improvement district (the “Improvement District”) to be assessed for the cost of the Improvements is the following legally described property, but excluding all dedicated public right of way within such area:

The Southeast Quarter of Section 21, Township 14, Range 23, in the City of Olathe, Johnson County, Kansas, except that part in streets and road.

AND ALSO:

All that part of the Northeast Quarter of Section 21, Township 14 South, Range 23 East, Sixth Principal Meridian, Johnson County, Kansas, described as follows: Commencing at the Southeast corner of the Northeast Quarter of said Section 21; thence South 87 degrees 18 minutes 00 seconds West, along the South line of the Northeast Quarter of said Section 21, a distance of 20.00 feet to the point of beginning; thence continuing South 87 degrees 18 minutes 00 seconds West, along the South line of the Northeast Quarter of said Section 21, a distance of 2574.33 feet to the Southwest corner of the Northeast Quarter of said Section 21; thence North 01 degrees 50 minutes 38 seconds West, along the West line of the Northeast Quarter of said Section 21, a distance of 1338.94 feet to the Northwest corner of the South Half of the Northeast Quarter of said Section 21; thence North 87 degrees 34 minutes 50 seconds East, along the North line of the South Half of the Northeast Quarter of said Section 21, a distance of 2572.77 feet to a point being 20.00 feet West of the Northeast corner of the South Half of the Northeast Quarter of said Section 21; thence South 01 degrees 54 minutes 16 seconds East, parallel to the East line of the Northeast Quarter of said Section 21, a distance of 1326.41 feet to the point of beginning, Except that part in streets and roads.

(d) The method of assessment is:

Equally per square foot located in the Improvement District.

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is:

One hundred percent (100%) to be assessed against the Improvement District and no costs (0%) to be paid by the City-at-large.

(f) Pursuant to the provisions of K.S.A. 12-6a19, there is additional property that benefits from the Improvements, but is not included within Improvement District because the property is currently outside the City limits and will not immediately be served by the Improvements. Whenever any owner of property within the Benefit Fee Area (defined below) requests by petition to be served by the Improvements, the City intends to charge benefit fees in the manner set forth in K.S.A. 12-6a19. The Benefit Fee Area is defined as the tract of land legally described as follows:

The Southwest Quarter of Section 22, Township 14, Range 23, Johnson County, Kansas, except that part in streets and roads.

The total benefit fees to be charged to all property within the Benefit Fee Area will equal 50% of the total cost of the Improvements (i.e., ½ of the cost of the Improvements will be charged to property on the west side of Hedge Lane within the Improvement District and ½ of the cost of the improvements will be charged to the property on the east side of Hedge Lane within the Benefit Fee Area). The total benefit fees will be charged to each lot and unplatted tract of land within the Benefit Fee Area equally per square foot.

Pursuant to K.S.A. 12-6a19, a benefit fee shall be assessed only against the property in the Benefit Fee Area requesting service by the Improvements. The benefit fee will be the amount of the assessment, including principal and interest, which would have been levied against the property had it been included in the original Improvement District. The benefit fee will be due and payable at the time the property begins being served by the Improvements, in a single lump sum.

Benefit fee revenues received by the City will be first applied to reduce the remaining balance of future special assessments to be paid by properties in the Improvement District, in reverse chronological order. If all special assessments have been paid by properties in the Improvement District, then the Benefit Fee revenues received by the City will be repaid to the then current property owners of property liable for special assessments for the Improvements.

(g) The assessments levied against the Improvement District shall be payable in ten (10) equal annual installments.

Section 2. Authorization of Improvements. The above said 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 1* 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. Development Agreement. The Improvement District Development Agreement between the City and Hedge 175 Associates, LLC, related to the Improvements is hereby approved in substantially the form presented to the governing body on this date, and the Mayor and Clerk are hereby authorized and directed to execute such agreement with such changes as shall be acceptable to the Mayor. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents 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 agreement.

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.

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ADOPTED by the governing body of the City on April 6, 2021.

(SEAL)

By: _____
Title: Mayor

ATTEST:

By: _____
Title: City Clerk