

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

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**RESOLUTION NO. 21-1031**

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS TO COLLEGE BOULEVARD, CLARE ROAD AND CEDAR CREEK PARKWAY, 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.**

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**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”):

**College Boulevard, Cedar Niles to Clare:** 1-16’ lane of travel in each direction separated by a 24’ landscaped median and left and right turn lanes at Cedar Creek Parkway + reconfiguration of College Blvd./Cedar Niles intersection.

**Cedar Creek Parkway, Bluestem to College:** 1-16’ lane of travel in each direction separated by a 24’ landscaped median and left and right turn lanes at Cedar Creek Parkway.

**Clare Road, College to Valley:** 36’ back-of-curb to back-of-curb 2-lane road (no median) with turn lanes at intersecting streets.

All road improvements will be constructed to arterial standard, including 10’ concrete side path and a 5’ concrete sidewalk adjacent to road; storm sewer and streetlights.

(b) The estimated or probable cost of the proposed Improvements is: \$31,911,048.23.

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

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A tract of land lying in the Southeast One-Quarter of Section 7, the Northeast, Southeast and Southwest One-Quarters of Section 8, the West One-Half of Section 9, the Northeast, Northwest and Southwest One-Quarters of Section 17 and the Northeast One-Quarter of Section 18, all within Township 13, Range 23 East in the City of Olathe, Johnson County, Kansas, altogether being more particularly described as follows:

Beginning at the Northeast corner of the Northeast One-Quarter of said Section 17; thence along the East line of said Section 17, South 01 degrees 51 minutes 59 seconds East, a distance of 5.40 feet; thence South 38 degrees 17 minutes 49 seconds West, a distance of 1530.75 feet; thence South 82 degrees 14 minutes 00 seconds West, a distance of 32.89 feet; thence North 51 degrees 47 minutes 58 seconds West, a distance of 1806.95 feet to a point on the North line of said Section 17, said point being 240.00 feet East of the Northwest corner of said Northeast One-Quarter measured along said North line; thence South 44 degrees 39 minutes 53 seconds West, a distance of 1078.49 feet; thence South 31 degrees 28 minutes 54 seconds West, a distance of 2407.77 feet; thence North 82 degrees 26 minutes 37 seconds West, a distance of 502.17 feet; thence North 47 degrees 19 minutes 14 seconds West, a distance of 22.09 feet to a point on the South line of the Northwest One-Quarter of said Section 17; thence South 88 degrees 13 minutes 06 seconds West along the South line of said Northwest One-Quarter, a distance of 273.94 feet to the Southeast corner of the Northeast One-Quarter of said Section 18; thence South 88 degrees 08 minutes 16 seconds West along the South line of said Northeast One-Quarter, a distance of 192.17 feet; thence North 23 degrees 34 minutes 32 seconds West, a distance of 110.70 feet; thence North 67 degrees 17 minutes 59 seconds West, a distance of 286.89 feet; thence North 36 degrees 53 minutes 05 seconds West, a distance of 92.29 feet; thence North 85 degrees 55 minutes 02 seconds West, a distance of 86.39 feet; thence South 81 degrees 52 minutes 26 seconds West, a distance of 43.51 feet; thence North 68 degrees 45 minutes 44 seconds West, a distance of 118.86 feet; thence North 51 degrees 21 minutes 25 seconds West, a distance of 118.21 feet; thence North 26 degrees 35 minutes 01 seconds West, a distance of 82.54 feet; thence North 16 degrees 23 minutes 58 seconds West, a distance of 109.01 feet; thence North 26 degrees 35 minutes 01 seconds East, a distance of 82.54 feet; thence North 16 degrees 16 minutes 18 seconds East, a distance of 153.80 feet; thence North 04 degrees 45 minutes 25 seconds East, a distance of 74.06 feet; thence North 30 degrees 58 minutes 50 seconds East, a distance of 71.75 feet; thence North 04 degrees 05 minutes 27 seconds West, a distance of 86.33 feet; thence North 45 degrees 00 minutes 51 seconds West, a distance of 78.32 feet; thence North 48 degrees 02 minutes 00 seconds West, a distance of 82.78 feet; thence North 18 degrees 26 minutes 24 seconds West, a distance of 116.72 feet; thence North 08 degrees 58 minutes 31 seconds East, a distance of 118.32 feet; thence North 03 degrees 01 minutes 00 seconds East, a distance of 117.03 feet; thence North 10 degrees 47 minutes 23 seconds East, a distance of 131.50 feet; thence North 38 degrees 40 minutes 20 seconds East, a distance of 78.79 feet; thence North 56 degrees 19 minutes 53 seconds East, a distance of 44.38 feet; thence North 18 degrees 56 minutes 03 seconds West, a distance of 227.60 feet; thence North 40 degrees 07 minutes 12 seconds West, a distance of 152.84 feet; thence North 60 degrees 16 minutes 11 seconds West, a distance of 198.47 feet; thence North 66 degrees 22 minutes 59 seconds West, a distance of 107.47 feet; thence North 31 degrees 46 minutes 27 seconds West, a distance of 160.86 feet; thence North 61 degrees 24 minutes 08 seconds East, a distance of 186.76 feet to a point of curvature; thence along a curve to the left, and having an initial tangent bearing of North 17 degrees 08 minutes 46 seconds West, a radius of 275.00 feet, a central angle of 29 degrees 22 minutes 52 seconds and an arc length of 141.02 feet to a point of curvature on the South line of Access Road recorded in easement agreement in book 201807 at page 002952; thence along the said South line for the following four courses, along a curve to the left, having an initial tangent bearing of South 75 degrees 44 minutes 37 seconds East, a radius of 265.00 feet, a central angle of 39 degrees 32 minutes 07 seconds and an arc length of 182.86 feet to a point of reverse curvature; thence along a curve to

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the right, having an initial tangent bearing of North 64 degrees 43 minutes 17 seconds East, a radius of 785.00 feet, a central angle of 19 degrees 32 minutes 55 seconds and an arc length of 267.83 feet; thence North 84 degrees 16 minutes 12 seconds East, a distance of 166.72 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 615.00 feet, a central angle of 02 degrees 31 minutes 27 seconds and an arc length of 27.10 feet to a point on the West line of Tract "99", "Cedar Glen, Sixth Plat", a subdivision in the said city of Olathe; thence along said West line North 26 degrees 31 minutes 12 seconds West, a distance of 33.65 feet to the Northwest corner of said Tract "99", said point also being a corner point on the Southeasterly line Tract "89", "Cedar Glen, Fifth Plat", a subdivision in the said city of Olathe; thence along the Southeasterly line of said Tract "89" for the following seven courses, North 73 degrees 36 minutes 09 seconds East, a distance of 307.33 feet(platted 303.95); thence North 08 degrees 22 minutes 00 seconds East, a distance of 220.00 feet; thence North 67 degrees 15 minutes 41 seconds East, a distance of 184.32 feet; thence South 53 degrees 41 minutes 26 seconds East, a distance of 121.93 feet; thence North 49 degrees 20 minutes 36 seconds East, a distance of 50.15 feet; thence North 01 degrees 00 minutes 26 seconds West, a distance of 92.23 feet; thence North 40 degrees 41 minutes 40 seconds East, a distance of 250.23 feet; thence along the Southeast lines of said Tract "89", and Tract "86", "Cedar Glen, Fourth Plat", a subdivision in the said city of Olathe, North 45 degrees 29 minutes 33 seconds East, a distance of 180.91 feet to the Northwest corner of Lot 81 of said Fourth Plat; thence along the North line of said Lot 81, North 83 degrees 26 minutes 52 seconds East, a distance of 154.00 feet to the Northeast corner of said Lot 81; thence North 60 degrees 07 minutes 28 seconds East, a distance of 53.25 feet to the Northwest corner of Lot 84 of said Fourth Plat; thence along the North line of said Lot 84 North 67 degrees 40 minutes 00 seconds East, a distance of 128.48 feet to the Northeast corner of said Lot 84, said point also being the Southwest corner of Lot 90 of said Fourth Plat; thence along the West line of said Lot 90, North 20 degrees 31 minutes 40 seconds West, a distance of 86.00 feet to the Northwest corner of said Lot 90; thence along the North line of said Lot 90, North 67 degrees 40 minutes 00 seconds East, a distance of 140.50 feet to a point of curvature on the West line of Cedar-Niles Boulevard as platted in said Fourth Plat; thence along said West line, along a curve to the right having an initial tangent bearing of North 01 degrees 47 minutes 39 seconds East, a radius of 245.00 feet, a central angle of 12 degrees 23 minutes 50 seconds and an arc length of 53.01 feet; thence South 66 degrees 13 minutes 20 seconds East, a distance of 158.57 feet to a point on the East line of said Cedar-Niles Boulevard, said point also being the Northwest corner of Lot 32 of "Cottages Of Glen View, Second Plat" a subdivision in the said City of Olathe; thence along the North line of said Lot 32 for the following three courses, thence North 54 degrees 12 minutes 47 seconds East, a distance of 30.00 feet; thence North 40 degrees 36 minutes 53 seconds East, a distance of 52.53 feet; thence North 58 degrees 13 minutes 56 seconds East, a distance of 179.66 feet to the Northeast corner of said Lot 32; thence North 31 degrees 44 minutes 28 seconds East, a distance of 54.93 feet to a point on the West line of Tract "113" of said "Cottages Of Glen View, Second Plat"; thence North 68 degrees 18 minutes 11 seconds East, a distance of 63.91 feet to a point on the East line of said Tract "113"; thence South 57 degrees 30 minutes 05 seconds East, a distance of 1070.86 feet; thence North 87 degrees 30 minutes 26 seconds East, a distance of 529.74 feet to a point on the West line of Southeast One-Quarter of said section 8; thence along said West line, North 02 degrees 29 minutes 34 seconds West, a distance of 472.07 feet; thence North 67 degrees 00 minutes 17 seconds East, a distance of 155.00 feet; thence North 20 degrees 28 minutes 25 seconds West, a distance of 221.69 feet; thence North 41 degrees 22 minutes 41 seconds West, a distance of 389.70 feet; thence North 08 degrees 02 minutes 12 seconds East, a distance of 344.46 feet; thence North 30 degrees 14 minutes 32 seconds East, a distance of 103.10 feet; thence North 03 degrees 34 minutes 43 seconds East, a distance of 344.92 feet; thence North 35 degrees 23 minutes 55 seconds West, a distance of 367.43 feet; thence North 01 degrees 50 minutes 44 seconds East, a distance of 519.62 feet; thence North 15 degrees 48 minutes 56 seconds East, a distance of 429.36 feet to a corner point

on the West line of Lot 21, Hidden Lake Estates, First Plat, a subdivision in the said City of Olathe; thence along the West line of said Hidden Lake Estates, First Plat for the following two courses, North 03 degrees 04 minutes 31 seconds West, a distance of 216.21 feet; thence North 26 degrees 24 minutes 14 seconds East, a distance of 57.78 feet to a point on the West line of the said Northeast One-Quarter of said section 8; thence along the West line of the said Northeast One-Quarter, North 03 degrees 04 minutes 31 seconds West, a distance of 841.78 feet; thence North 88 degrees 53 minutes 02 seconds East, a distance of 842.96 feet; thence South 45 degrees 40 minutes 38 seconds East, a distance of 284.07 feet; thence North 78 degrees 19 minutes 22 seconds East, a distance of 215.00 feet; thence South 51 degrees 10 minutes 38 seconds East, a distance of 960.87 feet; thence North 04 degrees 46 minutes 00 seconds East, a distance of 105.73 feet; thence South 67 degrees 44 minutes 39 seconds East, a distance of 230.61 feet; thence North 73 degrees 01 minutes 18 seconds East, a distance of 1640.00 feet; thence South 21 degrees 21 minutes 17 seconds East, a distance of 1233.83 feet; thence South 33 degrees 03 minutes 47 seconds East, a distance of 584.94 feet; thence South 31 degrees 02 minutes 41 seconds East, a distance of 645.28 feet; thence South 23 degrees 00 minutes 00 seconds West, a distance of 1100.00 feet; thence South 01 degrees 59 minutes 15 seconds East, a distance of 645.24 feet to the Northeast corner of "Olathe Fire Station No. 6" a platted Subdivision in the said City of Olathe; thence along the East line of said plat, South 02 degrees 00 minutes 47 seconds East(platted, South 02 degrees 00 minutes 26 seconds East), a distance of 430.00 feet to a point on the South line of the Southwest One-Quarter of said Section 9; thence along said South line, South 87 degrees 59 minutes 13 seconds West, a distance of 1640.00 feet, to the Point of Beginning.

(d) The method of assessment is: equally per square foot, excluding right of way.

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: The City at large shall pay the first \$5,400,000 of costs of the project, and 100% of the balance of the costs of the project shall be assessed against the improvement district.

**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 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. 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 publication once in the newspaper. This Resolution shall be filed of record in the office of Records and Tax Administration of Johnson County, Kansas.

## ATTACHMENT A

**ADOPTED** by the governing body of the City on May 4, 2021.

(SEAL)

By: \_\_\_\_\_

Name: John Bacon

Title: Mayor

ATTEST:

By: \_\_\_\_\_

Name: Brenda Long

Title: City Clerk