

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

(Published in the *Gardner News* on May \_\_\_, 2021)

**RESOLUTION NO. 21-1038**

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS TO CLARE ROAD, 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 proposed improvement district does not include all properties which may be deemed to benefit from the proposed improvement; and

**WHEREAS**, the governing body of the City hereby finds and determines that said Petition was signed by the owners of record of 100% 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”), and specifically the provisions of K.S.A. 12-6a04(c).

**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”):

**Clare Road, College to 106<sup>th</sup> Terrace:** 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: \$8,972,735.93.

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

A tract of land lying in Section 8 and the West One-Half of Section 9, both within Township 13, Range 23 East in the City of Olathe, Johnson County, Kansas, said tract being more particularly described as follows:

A tract of land lying in the Southeast One-Quarter of Section 8, Township 13, Range 23 East in the City of Olathe, Johnson County, Kansas being more particularly described as follows:

Beginning at the Southeast corner of the said Southeast One-Quarter; thence along the South line of the said Southeast One-Quarter, South 87 degrees 45 minutes 51 seconds West, a distance of 1607.10 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 60.05 feet; thence North 37 degrees 42 minutes 52 seconds West, a distance of 213.06 feet; thence North 08 degrees 11 minutes 51 seconds West, a distance of 500.00 feet; thence North 30 degrees 46 minutes 27 seconds East, a distance of 139.15 feet; thence North 08 degrees 35 minutes 49 seconds East, a distance of 195.00 feet; thence North 64 degrees 44 minutes 31 seconds East, a distance of 469.71 feet; thence South 66 degrees 56 minutes 39 seconds East, a distance of 467.29 feet; thence South 44 degrees 23 minutes 51 seconds East, a distance of 204.00 feet; thence South 66 degrees 23 minutes 00 seconds East, a distance of 597.00 feet; thence North 78 degrees 58 minutes 05 seconds East, a distance of 60.05 feet; thence South 13 degrees 25 minutes 04 seconds East, a distance of 272.50 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 1400.00 feet, a central angle of 11 degrees 04 minutes 44 seconds and an arc length of 270.71 feet to a point on the East line of the said Southeast One-Quarter; thence along said East line, South 02 degrees 20 minutes 20 seconds East, a distance of 84.41 feet to the Point of Beginning,

... Except for that part platted as "CEDAR CREEK CORPORATE PARK E.J., FIRST PLAT", "CEDAR CREEK CORPORATE PARK E.J., SECOND PLAT", "CEDAR CREEK CORPORATE PARK CAMPUS E.J. THIRD PLAT",

...and Except the following tract Commencing at the Southeast corner of the Southeast One-Quarter of Section 8; thence South 87 degrees 45 minutes 51 seconds West, along the South line of the said Southeast One-Quarter; a distance of 712.61 feet to a point; thence North 02 degrees 42 minutes 24 seconds West a distance of 75.00 feet to a point on the Northerly right-of-way line of 111th Street (College Boulevard) as filed in Book 7419, Page 838, said point begin the point of beginning; thence continuing North 02 degrees 42 minutes 24 seconds West a distance of 233.01 feet to a point of curvature on the Southerly right-of-way line of Shady Bend Road, as platted in Cedar Creek Corporate Park E.J., First Plat; thence Northeasterly, along the said right-of-way line and along a curve to the left having a radius of 60.00 feet, a central angle of 64 degrees 21 minutes 46 seconds, an initial tangent bearing of North 87 degrees 17 minutes 36 seconds East, and an arc length of 67.40 feet to a point; thence South 67 degrees 04 minutes 10 seconds East a distance of 25.00 feet to a point; thence North 87 degrees 45 minutes 51 seconds East a distance of 246.00 feet to a point; thence South 02 degrees 14 minutes 09 seconds East a distance of 256.85 feet to a point on the said Northerly right-of-way line of 111th Street; thence South 87 degrees 45 minutes 51 seconds West, along the said right-of-way line, a distance of 320.40 feet to the point of beginning.

AND

A tract of land lying in the Southeast One-Quarter of Section 8, Township 13, Range 23 East in the City of Olathe, Johnson County, Kansas being more particularly described as follows:

All of Lot 1, "CEDAR CREEK CORPORATE PARK E.J., THIRD PLAT"

AND

Commencing at the Southwest corner of the Southeast One-Quarter of said Section 8; thence along the South line of the said Southeast One-Quarter, North 87 degrees 45 minutes 51 seconds East, a distance of 240.00 feet to the midpoint of the North line of Street Dedication recorded in book 201101 at page 005969, said point being the Point of Beginning; thence North 02 degrees 14

minutes 09 seconds West, a distance of 204.29 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 750.00 feet, a central angle of 45 degrees 49 minutes 31 seconds and an arc length of 599.85 feet; thence North 48 degrees 03 minutes 40 seconds West, a distance of 445.39 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 1000.00 feet, a central angle of 60 degrees 36 minutes 11 seconds and an arc length of 1057.72 feet to a point of reverse curvature; thence along a curve to the left, having an initial tangent bearing of North 12 degrees 32 minutes 31 seconds East, a radius of 850.00 feet, a central angle of 51 degrees 31 minutes 06 seconds and an arc length of 764.29 feet to a point of reverse curvature; thence along a curve to the right, having an initial tangent bearing of North 38 degrees 58 minutes 34 seconds West a radius of 750.00 feet, a central angle of 02 degrees 22 minutes 28 seconds and an arc length of 31.08 feet; thence North 38 degrees 19 minutes 10 seconds East, a distance of 273.04 feet; thence North 13 degrees 09 minutes 27 seconds West, a distance of 254.28 feet; thence North 01 degrees 25 minutes 50 seconds East a distance of 355.58 feet; thence North 04 degrees 15 minutes 25 seconds East a distance of 292.49 feet; thence North 14 degrees 47 minutes 36 seconds West, a distance of 320.00 feet; thence North 87 degrees 13 minutes 16 seconds West, a distance of 261.55 feet; thence North 63 degrees 14 minutes 29 seconds West, a distance of 228.34 feet to a point on the South line of Block 2, "Cedar Creek Village I, Ninth Plat", a subdivision in the said City of Olathe; thence along the South line of said Block 2, North 45 degrees 13 minutes 42 seconds East, a distance of 350.25 feet to the Northwest corner of Tract "36", "Cedar Creek Village I, Fifth Plat", a subdivision in the said City of Olathe; thence along the North line of said Tract "36" for the following four courses South 57 degrees 20 minutes 29 seconds East, a distance of 91.05 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 32 degrees 39 minutes 31 seconds West, a radius of 50.00 feet, a central angle of 185 degrees 31 minutes 41 seconds and an arc length of 161.90 feet; thence South 84 degrees 49 minutes 12 seconds East, a distance of 78.61 feet; thence North 63 degrees 34 minutes 27 seconds East, a distance of 595.34 feet to the Northeast corner of said Tract "36", said point being on the North Quarter line of said Section 8, said point also being the Southwest corner of Lot 6 "Cedar Creek Village I, Twenty-Eighth Plat", a subdivision in the said City of Olathe; thence along the South line of said Lot 6 for the following two courses, North 74 degrees 54 minutes 19 seconds East, a distance of 98.86 feet; thence North 37 degrees 47 minutes 08 seconds East, a distance of 50.41 feet; thence South 66 degrees 30 minutes 14 seconds East, a distance of 37.23 feet; thence North 34 degrees 46 minutes 03 seconds East, a distance of 42.24 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 220.00 feet, a central angle of 87 degrees 07 minutes 50 seconds and an arc length of 334.56 feet to a point of reverse curvature; thence along a curve to the left, having an initial tangent bearing of South 58 degrees 06 minutes 07 seconds East, a radius of 400.00 feet, a central angle of 44 degrees 27 minutes 29 seconds and an arc length of 310.38 feet; thence North 77 degrees 24 minutes 44 seconds East, a distance of 87.05 feet to a corner point of Bluestem Parkway right-of-way as platted in "Hidden Lake Estates, Second Plat", a subdivision in the said City of Olathe; thence along the North line of said "Hidden Lake Estates, Second Plat", South 78 degrees 42 minutes 40 seconds East, a distance of 87.29 feet; thence continuing along said North line and its Southeasterly extension South 83 degrees 01 minutes 24 seconds East, a distance of 379.47 feet; thence South 26 degrees 01 minutes 24 seconds East, a distance of 309.99 feet; thence South 78 degrees 01 minutes 48 seconds East, a distance of 159.97 feet; thence South 38 degrees 01 minutes 24 seconds East, a distance of 389.99 feet; thence South 64 degrees 31 minutes 24 seconds East, a distance of 500.02 feet; thence South 51 degrees 01 minutes 24 seconds East, a distance of 209.99 feet; thence South 24 degrees 01 minutes 28 seconds East, a distance of 275.03 feet; thence North 89 degrees 43 minutes 17 seconds East, a distance of 319.94 feet; thence South 81 degrees 01 minutes 24 seconds East, a distance of 265.00 feet; thence South 87 degrees 52 minutes 16 seconds East, a distance of 315.36 feet to a point on the West right-of-way line of Clare Road as platted in "College Point, First Plat", a subdivision in the said City of Olathe; thence along

said West right-of-way, South 06 degrees 48 minutes 21 seconds East, a distance of 527.61 feet to a point of curvature, said point being the Northwest corner of "Prairie Brook, Fourth Plat", a subdivision in the said City of Olathe; thence continuing along the West right-of-way line of Clare Road as platted in said "Prairie Brook, Fourth Plat", "Prairie Brook, Seventh Plat", a subdivision in the said City of Olathe and Street Dedication recorded in book 200506 at Page 013651 for the following two courses, along a curve to the right, tangent to the previous course and having a radius of 825.00 feet, a central angle of 47 degrees 49 minutes 12 seconds and an arc length of 688.56 feet; thence South 41 degrees 00 minutes 51 seconds West, a distance of 665.21 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 950.00 feet, a central angle of 54 degrees 25 minutes 55 seconds and an arc length of 902.52 feet; thence South 13 degrees 25 minutes 04 seconds East, a distance of 242.00 feet to the Northeast corner of Street Dedication recorded in book 8598 at Page 47; thence along the North line of said Street Dedication, South 76 degrees 34 minutes 56 seconds West, a distance of 60.00 feet; thence North 66 degrees 23 minutes 00 seconds West, a distance of 597.00 feet; thence North 44 degrees 23 minutes 51 seconds West, a distance of 204.00 feet; thence along the North line of "Cedar Creek Corporate Park E.J., Second Plat", a subdivision in the said City of Olathe and it Southeasterly extension, North 66 degrees 56 minutes 39 seconds West, a distance of 467.29 feet to the Northern most corner of said plat; thence continuing along the North line of said plat, South 64 degrees 44 minutes 31 seconds West, a distance of 469.71 feet; thence along the West line of said plat and the West line of "Cedar Creek Corporate Park E.J., Third Plat", a subdivision in the said City of Olathe and it Southerly extension, for the following three courses, South 07 degrees 19 minutes 42 seconds West, a distance of 185.00 feet; thence South 30 degrees 46 minutes 27 seconds West, a distance of 150.00 feet; thence South 08 degrees 11 minutes 51 seconds East, a distance of 500.00 feet; thence South 37 degrees 11 minutes 54 seconds East, a distance of 211.71 feet; thence South 02 degrees 14 minutes 09 seconds East, a distance of 60.00 feet to a point on the South line of the said Section 8; thence along said South line, South 87 degrees 45 minutes 51 seconds West, a distance of 795.80 feet to the Point of Beginning.

But specifically excluding the following properties:

<b>Johnson County Parcel ID Number</b>	<b>Property Address</b>	<b>Legal Description</b>
DP12540000 0T36	0 NS NT	Cedar Creek Village I Fifth Plat, Tract 36
DP31720000 0002	25204 W 104TH PL	Hidden Lake Estates First Plat, Lot 2
DP31720000 0003	25232 W 104TH PL	Hidden Lake Estates First Plat, Lot 3
DP31720000 0004	25260 W 104TH PL	Hidden Lake Estates First Plat, Lot 4
DP31720000 0005	25288 W 104TH PL	Hidden Lake Estates First Plat, Lot 5
DP31720000 0006	25316 W 104TH PL	Hidden Lake Estates First Plat, Lot 6
DP31720000 0007	25344 W 104TH PL	Hidden Lake Estates First Plat, Lot 7
DP31720000 0008	25372 W 104TH PL	Hidden Lake Estates First Plat, Lot 8
DP31720000 0009	25345 W 104TH PL	Hidden Lake Estates First Plat, Lot 9
DP31720000 0010	25303 W 104TH PL	Hidden Lake Estates First Plat, Lot 10
DP31720000 0011	10486 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 11
DP31720000 0012	10498 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 12
DP31720000 0013	10510 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 13
DP31720000 0014	10522 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 14
DP31720000 0015	10534 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 15
DP31720000 0016	10546 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 16
DP31720000 0017	25286 W 105TH TER	Hidden Lake Estates First Plat, Lot 17
DP31720000 0018	25324 W 105TH TER	Hidden Lake Estates First Plat, Lot 18
DP31720000 0019	25359 W 105TH TER	Hidden Lake Estates First Plat, Lot 19

DP31720000 0020	25321 W 105TH TER	Hidden Lake Estates First Plat, Lot 20
DP31720000 0021	25283 W 105TH TER	Hidden Lake Estates First Plat, Lot 21
DP31720000 0022	25245 W 105TH TER	Hidden Lake Estates First Plat, Lot 22
DP31720000 0023	25207 W 105TH TER	Hidden Lake Estates First Plat, Lot 23
DP31720000 0024	25193 W 105TH TER	Hidden Lake Estates First Plat, Lot 24
DP31720000 0025	25179 W 105TH TER	Hidden Lake Estates First Plat, Lot 25
DP31720000 0026	25165 W 105TH TER	Hidden Lake Estates First Plat, Lot 26
DP31720000 0027	25151 W 105TH TER	Hidden Lake Estates First Plat, Lot 27
DP31720000 0028	25137 W 105TH TER	Hidden Lake Estates First Plat, Lot 28
DP31720000 0029	25123 W 105TH TER	Hidden Lake Estates First Plat, Lot 29
DP31720000 0030	25109 W 105TH TER	Hidden Lake Estates First Plat, Lot 30
DP31720000 0031	25102 W 105TH TER	Hidden Lake Estates First Plat, Lot 31
DP31720000 0032	25116 W 105TH TER	Hidden Lake Estates First Plat, Lot 32
DP31720000 0033	25130 W 105TH TER	Hidden Lake Estates First Plat, Lot 33
DP31720000 0034	25144 W 105TH TER	Hidden Lake Estates First Plat, Lot 34
DP31720000 0035	10547 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 35
DP31720000 0036	10535 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 36
DP31720000 0037	10523 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 37
DP31720000 0038	10511 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 38
DP31720000 0039	10499 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 39
DP31720000 0040	10475 S RED BIRD ST	Hidden Lake Estates First Plat, Lot 40
DP31720000 0042	25070 W 105TH TER	Hidden Lake Estates Second Plat, Lot 42
DP31720000 0043	25060 W 105TH TER	Hidden Lake Estates Second Plat, Lot 43
DP31720000 0044	25040 W 105TH TER	Hidden Lake Estates Second Plat, Lot 44
DP31720000 0045	25020 W 105TH TER	Hidden Lake Estates Second Plat, Lot 45
DP31720000 0046	25035 W 105TH TER	Hidden Lake Estates Second Plat, Lot 46
DP31720000 0047	25055 W 105TH TER	Hidden Lake Estates Second Plat, Lot 47
DP31720000 0048	25075 W 105TH TER	Hidden Lake Estates Second Plat, Lot 48
DP31720000 0051	25076 W 106TH CT	Hidden Lake Estates Third Plat, Lot 51
DP31720000 0052	25062 W 106TH CT	Hidden Lake Estates Third Plat, Lot 52
DP31720000 0053	25048 W 106TH CT	Hidden Lake Estates Third Plat, Lot 53
DP31720000 0054	25034 W 106TH CT	Hidden Lake Estates Third Plat, Lot 54
DP31720000 0055	25020 W 106TH CT	Hidden Lake Estates Third Plat, Lot 55
DP31720000 0056	25006 W 106TH CT	Hidden Lake Estates Third Plat, Lot 56
DP31720000 0057	24994 W 106TH CT	Hidden Lake Estates Third Plat, Lot 57
DP31720000 0060	24958 W 106TH CT	Hidden Lake Estates Third Plat, Lot 60
DP31720000 0068	24953 W 106TH CT	Hidden Lake Estates Third Plat, Lot 68
DP31720000 0076	25132 W 106TH CT	Hidden Lake Estates Third Plat, Lot 76
DP31720000 0077	25131 W 106TH CT	Hidden Lake Estates Third Plat, Lot 77
DP31720000 0081	10622 S BLUESTEM PKWY	Hidden Lake Estates Third Plat, Lot 81
DP31720000 0082	10634 S BLUESTEM PKWY	Hidden Lake Estates Third Plat, Lot 82
DP31720000 0085	10670 S BLUESTEM PKWY	Hidden Lake Estates Third Plat, Lot 85

(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: 70% of the costs shall be assessed to the improvement district and 30% of the costs shall 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 publication once in the newspaper. This Resolution shall 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 May 18, 2021.

(SEAL)

By: \_\_\_\_\_  
Name: John Bacon  
Title: Mayor

ATTEST:

By: \_\_\_\_\_  
Name: Brenda Long  
Title: Clerk