

**RESOLUTION NO. 22-1073**

**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.**

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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 to be assessed for the proposed improvements, and by owners of all of the property located outside of the City limits, and is therefore sufficient in accordance with the provisions of K.S.A. 12-6a01 *et seq.* and K.S.A. 12-693 (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, 3-lane arterial roadway known as Hedge Lane from 171<sup>st</sup> Street to 167<sup>th</sup> Street, terminating near the intersection of 167<sup>th</sup> and Erickson Street. The improvements shall include clearing and grading, 10" asphaltic pavement, curb and gutter, concrete sidewalk, curb inlets, storm sewer, a reinforced concrete box where the proposed roadway crosses the 100-year floodplain near the existing intersection of 167<sup>th</sup> and Hedge Lane, street lights, and related work necessary to complete the project

(collectively, the "Improvements").

(b) The estimated or probable cost of the proposed Improvements is: \$6,096,489.97

(the "Improvement Costs").

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

**Tract #1**

A tract of land in the Northeast Quarter of Section 21, Township 14 South, Range 23 East of the sixth principal meridian, Johnson County, Kansas. As described by Wayne E. Malnicof, PS #1239 on July 12, 2022. Described as follows:

Commencing at the Northeast corner of said Quarter, thence South 01°54'02" East along the East line of said Quarter, a distance of 87.56 feet to the Southerly right-of-way line of 167<sup>th</sup> Street as now established, said point being the Point of Beginning; thence South 01°54'02" East along said East line a distance of 1,238.70 feet to the Southeast corner of the North half of said Quarter; thence South 87°34'54" West along the South line of said North half a distance of 1251.30 feet; thence North 1°51'47" West, a distance of 971.66 feet to the Southerly right-of-way of 167<sup>th</sup> Street as now established; thence South 53°16'49" East along said right-of-way, a distance of 363.45 feet; thence North 60°30'24" East along said right-of-way, a distance of 1,090.70 feet to the East line of said Quarter also being the Point of Beginning. Except that part in streets and roads. Containing 1,201,085 square feet or 27.573 acres.

**Tract#2**

A tract of land in the Northeast Quarter of Section 21, Township 14 South, Range 23 East of the sixth principal meridian, Johnson County, Kansas. As described by Wayne E. Malnicof, PS #1239 on July 12, 2022. Described as follows:

Beginning at the Southeast corner of said Quarter, thence South 87°18'08" West along the South line of said Northeast Quarter, a distance of 2,574.29 feet, to the Southwest corner of said Quarter Section; thence North 01°50'10" West along the West line of said Quarter, a distance of 1,338.99 feet to the North line of the South half of said Quarter; thence North 87°34 '59" East, along said North line a distance of 2,572.63 feet to the Northeast corner of the North half of said Quarter; thence South 1°54'02" East along the East line of said Quarter, a distance of 1326.37 feet to the Point of Beginning. Except that part in streets and roads. Containing 3,429,344 square feet or 78.727 acres.

**Tract #3**

A tract of land in the Northwest Quarter of Section 22, Township 14 South, Range 23 East of the sixth principal meridian, Johnson County, Kansas. As described by Wayne E. Malnicof, PS #1239 on July 12, 2022. Described as follows:

Commencing at the Northwest corner of said Quarter, thence South 1°54'02" East along the West line of said Quarter a distance of 86.83 feet to the Southerly right-of- way of 167<sup>th</sup> Street as now established, said point being the Point of Beginning; the next 3 coursed are along the said right-of-way as recorded in book 201811 at page 000188 at the recorder's office of Johnson County;

thence North 60°44'38" East a distance of 45.04 feet;

thence North 85°41'56" East a distance of 134.78 feet;

thence North 88°15'01" East a distance of 364.57 feet;

the following 13 courses follow along the exterior boundary of VAN DUSS INDUSTRIAL PARK, SECOND PLAT, a subdivision of land in the City of Olathe, Johnson County, Kansas, recorded in book 202107 at page 000741 at the recorders office of Johnson County;

thence South 51°05'46" West a distance of 164.11;

thence South 04°02'39" East a distance of 198.01;

thence South 79°57'33" East a distance of 174.36;

thence South 26°20'00" East a distance of 187.19;

thence North 88°56'13" East a distance of 279.80;

thence South 26°23'29" East a distance of 102.40;  
thence South 66°16'14" East a distance of 151.30;  
thence North 88°15'04" East a distance of 157.74;  
thence South 01°44'43" East a distance of 613.56;  
thence North 88°10'46" East a distance of 309.98;  
thence South 01°49'14" East a distance of 161.74;  
thence South 54°23'37" East a distance of 131.73;  
thence North 88°11'35" East a distance of 1012.77;  
thence South 01°35'25" East a distance of 1078.87 feet to the Southeast corner of said Quarter;  
thence South 88°20'41" West, along the South line of said Quarter, a distance of 2699.49 feet to the Southwest corner of said Quarter;  
thence North 01°54'02" West along the West line of said Quarter, a distance of 2565.79 feet to the Point of Beginning. Except that part in streets and roads.  
Containing 4,492,232 square feet, or 103.127 acres, more or less.

(d) The method of assessment is:

Equally per square foot against all property within 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 zero percent (0%) to be paid by the City-at-large.

(f) 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. 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 the Recorder of Deeds of Johnson County, Kansas.

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**ADOPTED** by the governing body of the City on October 4, 2022.

(SEAL)

ATTEST:

By: Brenda A. Lulearingian  
Title: City Clerk



By:   
Title: Mayor

John WBacon (Oct 5, 2022 09:19 CDT)

# The Legal Record

1701 E. Cedar St., Ste. 111  
Olathe, KS 66062-1775  
(913) 780-5790

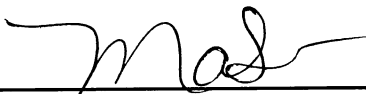
ATTN: CITY CLERK  
CITY OF OLATHE  
100 E SANTA FE ST  
OLATHE KS 66061-3409

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## Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;  
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

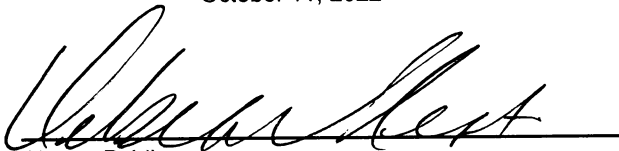
RESOLUTION NO. 22-1073  
10/11/22



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

October 11, 2022



Notary Public

DEBRA VALENTI  
Notary Public-State of Kansas  
My Appt. Expires Aug. 21, 2023

L99227  
Publication Fees: \$105.45

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(SEAL)

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By: Brenda A. Sulewicz  
Title: City Clerk



By: John WBacon (Oct 5, 2022 09:19 CDT)  
Title: Mayor