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.

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 167th 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:

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<tr>
<th>Parcel ID</th>
<th>Description of Property</th>
<th>Amount of Assessment</th>
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THE POINT OF BEGINNING; THENCE S 88°15’04” W, ALONG THE NORTH RIGHT OF WAY LINE OF SAID 167TH 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 OLA THE, 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.

LESS: 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

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

TOTALS $536,607.85

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

(SEAL)

ATTEST:

(Signature page to Ordinance)