SCANNED

7-31-08 CR

(Published in the Basehor Sentinel, on July 24, 2008)

RESOLUTION NO. 2008-08

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BASEHOR; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (155TH STREET IMPROVEMENTS).

WHEREAS, a Petition was filed with the City Clerk of the City of Basehor, 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. 12-6a04(b) (the "Act"); and

WHEREAS, the governing body of the City hereby finds and determines that said Petition was signed by 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 the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements:

The construction of approximately 1400 Linear Feet of 155th Street from Hickory Street to 1400' South at collector street standards consisting of grading, 10" asphalt paving, curb and gutter storm sewer, street lights, turn lane, sidewalks and all necessary and appurtenant work

(the "Improvements").

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

Nine Hundred and Thirty-seven Thousand and Five Hundred Dollars ($937,500), which at the discretion of the City may include an administrative and supervision fee for the Improvements payable to the City in amount not to exceed 5% of the total cost.

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

Part of the Northwest Quarter and part of the Northeast Quarter and part of the Southwest Quarter of Section 35, T10S, R22 E, also –part of the Southeast Quarter and part of the Northeast Quarter

of Section 34, T10S, R22 E in the City of Basehor, Leavenworth County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence North 01 degrees 24 minutes 41 seconds West, along the West line of said Northwest Quarter, a distance of 752.05 feet to the Point of Beginning of the herein described tract; thence North 87 degrees 57 minutes 12 seconds East, parallel with the South line of said Northwest Quarter, a distance of 390.48 feet; thence North 01 degrees 24 minutes 41 seconds West, parallel with the West line of said Northwest Quarter, a distance of 59.97 feet; thence North 88 degrees 35 minutes 19 seconds East a distance of 13.55 feet; thence Northeasterly, on a curve to the left having a radius of 775 feet and a central angle of 10 degrees 40 minutes 26 seconds, for a distance of 144.38 feet; thence North 77 degrees 54 minutes 54 seconds East a distance of 8.62 feet; thence North 12 degrees 05 minutes 06 seconds West a distance of 11.66 feet; thence Northerly, on a curve to the right having a radius of 225 feet and a central angle of 10 degrees 40 minutes 29 seconds, for a distance of 41.92 feet; thence North 01 degrees 24 minutes 41 seconds West, parallel with the West line of said Northwest Quarter, a distance of 208.43 feet; thence Northwesterly, on a curve to the left having a radius of 60 feet and a central angle of 39 degrees 24 minutes 01 seconds, for a distance of 41.26 feet; thence Northerly and Easterly, on a curve to the right having an initial tangent bearing of North 40 degrees 48 minutes 43 seconds West, a radius of 50 feet, and a central angle of 158 degrees 48 minutes 04 seconds, for a distance of 138.58 feet; thence Easterly, on a curve to the left having an initial tangent bearing of South 62 degrees 00 minutes 39 seconds East, a radius of 60 feet, and a central angle of 39 degrees 24 minutes 01 seconds , for a distance of 41.26 feet; thence North 78 degrees 35 minutes 19 seconds East a distance of 17.28 feet; thence North 11 degrees 24 minutes 41 seconds West a distance of 219.14 feet; thence Northeasterly, along the centerline of the abandoned Kansas City Northern Railroad, on a curve to the right having an initial tangent bearing of North 44 degrees 03 minutes 57 seconds East, a radius of 1,889.10 feet, and a central angle of 43 degrees 53 minutes 23 seconds, for a distance of 1,447.09 feet; thence North 87 degrees 57 minutes 18 seconds East, continuing along said abandoned railroad centerline, a distance of 720.47 feet to a point on the West line of said Northeast Quarter; thence continuing North 87 degrees 57 minutes 18 seconds East, along said abandoned railroad centerline, a distance of 158.78 feet; thence South 01 degrees 58 minutes 00 seconds East a distance of 80.83 feet; thence Southwesterly, on a curve to the right having a radius of 250 feet and a central angle of 20 degrees 58 minutes 43 seconds, for a distance of 91.54 feet; thence South 19 degrees 00 minutes 43 seconds West a distance of 29.43 feet; thence Southeasterly, on a curve to the right having an initial tangent bearing of South 70 degrees 59 minutes 17 seconds East, a radius of 350 feet, and a central angle of 24 degrees 15 minutes 07 seconds, for a distance of 148.15 feet; thence South 46 degrees 44 minutes 10 seconds East a distance of 101.66 feet; thence South 43 degrees 15 minutes 50 seconds West a distance of 71.00 feet; thence Southwesterly, on a curve to the right having a radius of 800 feet and a central angle of 11 degrees 09 minutes 36 seconds, for a distance of 155.82 feet; thence South 54 degrees 25 minutes 26 seconds West a distance of 118.23 feet; thence Southwesterly, on a curve to the left having a radius of 425 feet and a central angle of 10 degrees 59 minutes 03 seconds, for a distance of 81.48 feet to a point on the East line of said Northwest Quarter; thence Southwesterly, on a curve to the left having an initial tangent bearing of South 43 degrees 26 minutes 23 seconds West, a radius of 425 feet, and a central angle of 45 degrees 25 minutes 58 seconds, for a distance of 337.00 feet; thence South 01 degrees 59 minutes 35 seconds East a distance of 50.33 feet; thence Westerly, on a curve to the left having an initial tangent bearing of South 88 degrees 00 minutes 25 seconds West, a radius of 1,120 feet, and a central angle of 08 degrees 41 minutes 50 seconds, for a distance of 170.01 feet; thence South 10 degrees 41 minutes 25 seconds East a distance of 296.61 feet; thence South 40 degrees 11 minutes 24 seconds East a distance of 250.30 feet; thence South 28 degrees 54 minutes 28 seconds East a distance of 62.87

feet; thence South 18 degrees 43 minutes 42 seconds East a distance of 73.43 feet; thence South 03 degrees 28 minutes 46 seconds East a distance of 47.40 feet; thence South 17 degrees 41 minutes 20 seconds West a distance of 145.00 feet; thence North 72 degrees 18 minutes 40 seconds West a distance of 65.03 feet; thence Westerly, on a curve to the left having a radius of 350 feet, for a distance of 308.54 feet; thence South 57 degrees 10 minutes 46 seconds West a distance of 129.00 feet; thence Southwesterly, on a curve to the left having a radius of 500 feet, for a distance of 118.60 feet thence South 43 degrees 35 minutes 19 seconds West a distance of 18.32 feet to a point on the North line of said Southwest Quarter; thence continuing South 43 degrees 35 minutes 19 seconds West a distance of 128.87 feet; thence Southwesterly, on a curve to the left having a radius of 300 feet and a central angle of 45 degrees 38 minutes 07 seconds, for a distance of 238.95 feet; thence South 02 degrees 02 minutes 48 seconds East a distance of 315.54; thence South 22 degrees 10 minutes 26 seconds East a distance of 161.89 to the Easterly extension of the North line of Rickelminutess subdivision and Rickelminutess subdivision No.3, both subdivisions of land in the City of Basehor, Leavenworth County, Kansas; thence South 87 degrees 57 minutes 12 seconds West along said North line a distance of 1537.29 feet; thence North 01 degrees 25 minutes 06 seconds West a distance of 147.13 feet; thence South 87 degrees 57 minutes 38 seconds West a distance of 330.00 feet to a point on the West line of Southwest Quarter; thence North 01 degrees 24 minutes 41 seconds West along said West line a distance of 71.71 feet; thence South 88 degrees 02 minutes 08 seconds West a distance of 290.00 feet to the West line of Lot 77, Creatwood County Estates Phase I; thence North 01 degrees 24 minutes 41 seconds West along said West line a distance of 353.42 feet to the Northwest corner of said Lot 77; thence North 59 degrees 32 minutes 51 seconds East a distance of 125.80 feet to a point on the South line of Lot 76 in said Creatwood County Estates Phase I; thence North 01 degree 24 minutes 41 seconds West a distance of 140.00 feet to the North line of said Lot 76; thence North 01 degree 24 minutes 41 seconds West along the center line of 155th Lane a distance of 194.70 feet; thence South 88 degrees 34 minutes 57 seconds West along the center line of Willow Street a distance of 145.23 feet; thence North 01 degrees 32 minutes 25 seconds West along the center line of 155th Terrace a distance of 322.32 feet; thence North 88 degrees 02 minutes 02 seconds East a distance of 160.17 feet; thence North 01 degrees 24 minutes 41 seconds West a distance of 233.25 feet; thence North 87 degrees 57 minutes 12 seconds East a distance of 195.81 feet to the POINT OF BEGINNING.

Contains: 5,757,328.73 Sq. Ft. or 132.17008 Acres

(d) The method of assessment is: equally per square foot.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to 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 1*** of this Resolution.

Section 3. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds July 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. Prior to the City paying any costs of the Improvements, a development agreement satisfactory to the City shall be executed and delivered to the City, which shall provide for the prepayment, on behalf of those owners of property within the Improvement District

located west of 155th Street, of all assessments levied against such property in accordance with this Resolution.

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 the Register of Deeds of Leavenworth County, Kansas.

ADOPTED by the governing body of the City on July 7, 2008.

(SEAL)

Mayor

ATTEST:

Clerk

APPROVED:

Gilmore & Bell, P.C., City Bond Counsel

EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF BASEHOR, KANSAS
HELD ON JULY 7, 2008

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:

Mayor Garcia, Council Members Dysart, Hill, Sifford, McDowell, Washington

Absent: none.

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

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(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; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (155TH STREET IMPROVEMENTS).

Thereupon, Councilmember Washington moved that said Resolution be adopted. The motion was seconded by Councilmember Dysart. 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: Washington, McDowell, Dysart.

Nay: Sifford, Hill.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2008-08 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 Leavenworth County, Kansas, all as required by law.

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(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 Basehor, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE
SEAL

Clerk