

RESOLUTION NO. 2006-04

RESOLUTION STATING THE INTENT OF THE CITY COUNCIL OF THE CITY OF BASEHOR, KANSAS TO CONSIDER LEVYING A PROPOSED TRANSPORTATION DEVELOPMENT DISTRICT SALES TAX IN AN AREA WITHIN THE CITY LIMITS AND PROVIDING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING THE TRANSPORTATION DEVELOPMENT DISTRICT, THE CITY'S INTENT TO LEVY SUCH TRANSPORTATION DEVELOPMENT DISTRICT SALES TAX AND THE METHOD OF FINANCING OF THE PROJECT ALL PURSUANT TO K.S.A. 12-17,144 (WOLF CREEK JUNCTION)

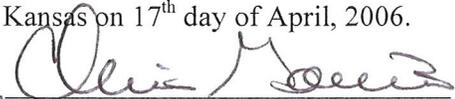
WHEREAS, pursuant to K.S.A. 12-17,140 et seq., as amended (the "Act"), cities are authorized to create a transportation development districts as a method of financing transportation related improvements in a defined area within the city; and

WHEREAS, in order to promote and stimulate economic development in the city of Basehor, Kansas, ("City") the governing body of the City has determined and hereby expresses its intent to hold a public hearing on the advisability of creating a transportation development district ("District"), its intention to levy a transportation development district sales tax within a District, and the method of financing the transportation project costs, all in accordance with the Act.

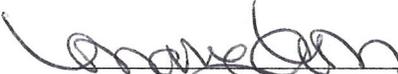
THEREFORE, be it resolved by the governing body of the City of Basehor, Kansas as follows:

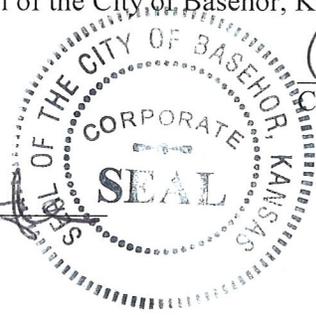
1. Public Hearing to consider the City's intention to levy a transportation development district sales tax and the advisability of creating a transportation development district shall be held on May 8, 2006 at 6:00 p.m., Central Daylight Time at City Hall, 2620 N. 155th Street, Basehor, Kansas.
2. The Notice of the Public Hearing attached hereto as Exhibit A shall be published at least once each week for two consecutive weeks in the newspaper and shall be sent by certified to all owners of real property within the boundaries of the proposed District. The second notice shall be published at least 7 days prior to the date of the hearing and the certified mail notice shall be sent at least 10 days prior to the date of the hearing all pursuant to K.S.A. 12-17, 144.
3. This Resolution shall be in full force and effective from and after its adoption.

ADOPTED BY the City Council of the City of Basehor, Kansas on 17th day of April, 2006.


Chris Garcia, Mayor

Attest:


Mary A. Mogle, City Clerk



SCANNED
1-23-07 

EXHIBIT A

NOTICE OF PUBLIC HEARING REGARDING THE ADVISABILITY OF CREATING THE TRANSPORTATION DEVELOPMENT DISTRICT, THE CITY'S INTENT TO LEVY SUCH TRANSPORTATION DEVELOPMENT DISTRICT SALES TAX AND THE METHOD OF FINANCING THE PROJECT ALL PURSUANT TO K.S.A. 12-17,144 (WOLF CREEK JUNCTION)

Pursuant to K.S.A. 12-17,144, you are hereby notified that a public hearing will be held regarding the formation of the Wolf Creek Junction Transportation Development District (the "District") and will be held at 6:00 p.m., Monday, May 8, 2006 at Basehor City Hall meeting room.

The general nature of the proposed District projects (the "Projects") to be constructed within the proposed District is to provide transportation related improvements including, but not limited to grading, demolition, paving, curbs, gutters, signage, storm drainage, landscaping, signalization, internal sanitary sewers, underground electric services, gas lines, and water mains.

The total maximum cost of the proposed District Projects is \$3,564,160, plus costs of issuance and the costs of interest on any temporary financing and associated reserves.

The proposed District Projects will be financed through bonds issued by the City, which will be secured solely by the pledge of revenue received from the imposition of a Transportation Development District sales tax (the "TDD Tax") in the Transportation Development District.

A TDD Tax will be imposed in the amount of three-fourths of one percent (.75%) on the selling of tangible personal property at retail or rendering or furnishing of taxable services within the proposed District.

There will be no special assessments on property within the boundaries of the proposed District to pay the costs of the Projects.

The boundary description of the proposed district is as follows:

A tract of land in the South half of Section 2, Township 11 South, Range 22 East of the 6th Principal Meridian, in the City of Basehor, Leavenworth County, Kansas, described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said section; thence along the West line of said Southeast Quarter N2°04'41"W a distance of 127.22' to a point on the North right of way of US Hwy 24-40 as now established, said point being on the South line of "Wolf Creek Junction" a subdivision of record in Leavenworth County, KS and Point of Beginning; thence along said right of way and plat line the following

courses: S 88°31'29"W a distance of 121.05'; S88°30'35"W a distance of 381.37'; N34°02'04"W a distance of 153.55' to a point on the East right of way of 155th Street, as now established; thence along said right of way and plat line N1°51'07"W a distance of 69.03'; thence departing said right of way and along the South line of Lot 1, Block 2 in said subdivision N88°08'53"E a distance of 257.00'; thence along the East side of said Lot N1°51'07"W a distance of 87.10'; thence along a tangent curve to the right along said East line having a radius of 100.00' and a central angle of 20°16'44" an arc length of 35.39'; thence continuing along said line N18°25'37"E a distance of 72.40' to the Northeast corner of said lot; thence along the North line of said Lot on a non tangent curve to the left having a radius of 470.00', a central angle of 12°02'07" and a chord bearing of N85°50'03"W, an arc length of 98.73'; thence S88°08'53"W a distance of 190.29' to a point on the East right of way of said 155th St.; thence along said line N1°51'07"W a distance of 316.43' to the Northwest corner of said plat; thence along the North line thereof N88°31'33"E a distance of 430.00' to the Northeast corner of said plat: thence departing said plat line continuing N88°31'33"E a distance of 1475.30' to a point on the West line of "Prairie Lakes Estates Phase 3" a subdivision of record in Leavenworth County, KS; thence along the West line of said plat S1°41'36"E a distance of 29.25' to the Southwest corner of said plat; thence along the South line of said plat N88°11'09"E a distance of 448.74'; thence continuing along said south plat line S74°50'40"E a distance of 122.29'; thence continuing along said line S60°32'39"E a distance of 297.28'; thence N88°11'09"E a distance of 403.69' to a point on the West right of way of 150th Street, as now established; thence along said West right of way S23°05'35"W a distance of 33.96' to a point on the North right of way line of US Hwy 24-40; thence along said North right of way the following courses: Along a non tangent curve to the right having a radius of 395.00', a central angle of 38°01'34" and a chord bearing of S40°37'07"W, an arc length of 262.15'; S59°37'06"W a distance of 204.55'; along a tangent curve to the left having a radius of 280.00' and a central angle of 46°31'15", an arc length of 227.34'; thence S86°07'21"W a distance of 404.07'; N82°53'33"W a distance of 202.24'; S82°38'16"W a distance of 117.62'; S82°43'15"W a distance of 83.96'; S88°31'29"W a distance of 1235.54' to the Point of Beginning, containing 45.06 acres, more or less.

All interested persons shall be given an opportunity to be heard at the public hearing.

PETITION

FOR THE CREATION OF A TRANSPORTATION DEVELOPMENT DISTRICT

TO: The Governing Body of the City of Basehor, Kansas (the "Governing Body")

The undersigned, being the owners of record, whether resident or not, of all of the land area contained within the hereinafter described proposed Transportation Development District (the "District") to be located within the city of Basehor, Kansas (the "City"), do hereby request that the Governing Body create such District and authorize the construction of the District project improvements herein after set forth, all in the manner provided by K.S.A. 12-17,140 *et seq.* (the "Act"). In furtherance of such request, the petitioners state as follows:

General Nature of the Proposed District Projects

The general nature of the proposed District projects (the "Projects") to be constructed within the proposed District is to provide transportation related improvements including, but not limited to grading, demolition, paving, curbs, gutters, signage, storm drainage, landscaping, and signalization.

Maximum Costs of the Proposed District Projects

The total maximum cost of the proposed District Projects is \$3,564,160, plus costs of issuance and the costs of interest on any temporary financing and associated reserves. An itemized list of the maximum costs of the Projects is set forth on Exhibit A attached hereto and incorporated by reference herein.

Proposed Method of Financing the Proposed District Projects

The proposed District Projects will be financed through bonds issued by the City, which will be secured by the pledge of revenue received from the imposition of a Transportation Development District sales tax (the "TDD Tax").

Proposed Amount and Method of Assessment

There will be no special assessments on property within the boundaries of the proposed District.

Proposed Amount of Transportation Development District Sales Tax

A TDD Tax will be imposed in the amount of three-fourths of one percent (.75%) on the selling of tangible personal property at retail or rendering or furnishing of taxable services within the proposed District.

Boundaries of Proposed Transportation District

The legal description of the proposed District is set forth on Exhibit B attached hereto and incorporated by reference herein.

A map generally outlining the boundaries of the proposed District is attached as Exhibit C hereto, and incorporated by reference herein.

Notice to Petition Signers

The names of the signers of this Petition may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first. The signers of this Petition consent to any assessments to the extent described herein without regard to benefits conferred by the Project.

IN WITNESS WHEREOF, we the undersigned petitioners have executed the above foregoing Petition to create a Transportation Development District at the dates recorded below:

BENCHMARK ENTERPRISES, LLC,
a Kansas Limited Liability Company

By: Ed McIntosh
Ed McIntosh, Managing Member

By: John Bell
John Bell, Managing Member

BASEHOR PROPERTIES, LLC,
a Kansas Limited Liability Company

By: Ed McIntosh
Ed McIntosh, Managing Member

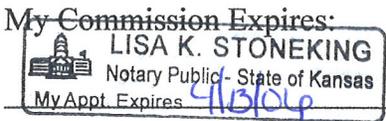
By: John Bell
John Bell, Managing Member

STATE OF Kansas)
) ss.
COUNTY OF Leavenworth

On this 3rd day of April, 2006, before me personally appeared Ed McIntosh to me personally known, who being by me duly sworn did say that he is a Managing Member of Benchmark Enterprises, LLC, a Kansas Limited Liability Company, and that said instrument was signed and delivered in behalf of said Limited Liability Company and acknowledged to me that he executed the same as the free act and deed of said Limited Liability Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


NOTARY PUBLIC

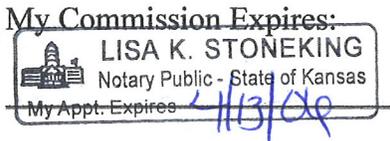
My Commission Expires:


STATE OF Kansas)
) ss.
COUNTY OF Leavenworth

On this 3rd day of April, 2006, before me personally appeared John Bell to me personally known, who being by me duly sworn did say that he is a Managing Member of Benchmark Enterprises, LLC, a Kansas Limited Liability Company, and that said instrument was signed and delivered in behalf of said Limited Liability Company and acknowledged to me that he executed the same as the free act and deed of said Limited Liability Company.

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NOTARY PUBLIC

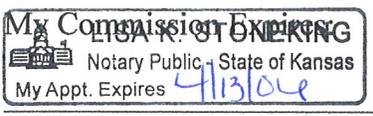
My Commission Expires:


STATE OF Kansas)
) ss.
COUNTY OF Leavenworth

On this 3rd day of April, 2006, before me personally appeared Ed McIntosh to me personally known, who being by me duly sworn did say that he is a Managing Member of Basehor Properties LLC, a Kansas Limited Liability Company, and that said instrument was signed and delivered in behalf of said Limited Liability Company and acknowledged to me that he executed the same as the free act and deed of said Limited Liability Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


NOTARY PUBLIC



STATE OF Kansas)
) ss.
COUNTY OF Leavenworth

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My Commission Expires:

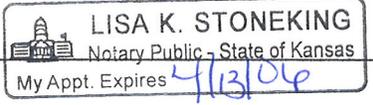


EXHIBIT A

Maximum Costs

Grading of Site	\$650,000
Asphalt Paving	240,510
Type B Curb	74,250
Sanitary Sewer	83,700
Sanitary Sewer Manholes	37,500
Storm Drainage	325,765
Storm Structure	51,000
Underground Electric	100,000
Gas Lines	100,000
Water mains	175,400
Sidewalks 5'	74,200
Install Wrought Iron Fence	180,900
Stone Piers for Fence	61,500
Engineering Fees	95,000
Construction of Bridge on Wolf Creek Parkway	275,000
Street Lights and Trees	325,000
Retention Area including Rock Work around ponds and water falls	350,000
Removal of Existing Improvements	60,000
Concrete Paving	204,435
Purchase of Additional Right of Way	100,000
GRAND TOTAL	\$3,564,160

EXHIBIT B

A tract of land in the South half of Section 2, Township 11 South, Range 22 East of the 6th Principal Meridian, in the City of Basehor, Leavenworth County, Kansas, described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said section; thence along the West line of said Southeast Quarter N2°04'41"W a distance of 127.22' to a point on the North right of way of US Hwy 24-40 as now established, said point being on the South line of "Wolf Creek Junction" a subdivision of record in Leavenworth County, KS and Point of Beginning; thence along said right of way and plat line the following courses: S 88°31'29"W a distance of 121.05'; S88°30'35"W a distance of 381.37'; N34°02'04"W a distance of 153.55' to a point on the East right of way of 155th Street, as now established; thence along said right of way and plat line N1°51'07"W a distance of 69.03'; thence departing said right of way and along the South line of Lot 1, Block 2 in said subdivision N88°08'53"E a distance of 257.00'; thence along the East side of said Lot N1°51'07"W a distance of 87.10'; thence along a tangent curve to the right along said East line having a radius of 100.00' and a central angle of 20°16'44" an arc length of 35.39'; thence continuing along said line N18°25'37"E a distance of 72.40' to the Northeast corner of said lot; thence along the North line of said Lot on a non tangent curve to the left having a radius of 470.00', a central angle of 12°02'07" and a chord bearing of N85°50'03"W, an arc length of 98.73'; thence S88°08'53"W a distance of 190.29' to a point on the East right of way of said 155th St.; thence along said line N1°51'07"W a distance of 316.43' to the Northwest corner of said plat; thence along the North line thereof N88°31'33"E a distance of 430.00' to the Northeast corner of said plat: thence departing said plat line continuing N88°31'33"E a distance of 1475.30' to a point on the West line of "Prairie Lakes Estates Phase 3" a subdivision of record in Leavenworth County, KS; thence along the West line of said plat S1°41'36"E a distance of 29.25' to the Southwest corner of said plat; thence along the South line of said plat N88°11'09"E a distance of 448.74'; thence continuing along said south plat line S74°50'40"E a distance of 122.29'; thence continuing along said line S60°32'39"E a distance of 297.28'; thence N88°11'09"E a distance of 403.69' to a point on the West right of way of 150th Street, as now established; thence along said West right of way S23°05'35"W a distance of 33.96' to a point on the North right of way line of US Hwy 24-40; thence along said North right of way the following courses: Along a non tangent curve to the right having a radius of 395.00', a central angle of 38°01'34" and a chord bearing of S40°37'07"W, an arc length of 262.15'; S59°37'06"W a distance of 204.55'; along a tangent curve to the left having a radius of 280.00' and a central angle of 46°31'15", an arc length of 227.34'; thence S86°07'21"W a distance of 404.07'; N82°53'33"W a distance of 202.24'; S82°38'16"W a distance of 117.62'; S82°43'15"W a distance of 83.96'; S88°31'29"W a distance of 1235.54' to the Point of Beginning, containing 45.06 acres, more or less.

EXHIBIT C

Map of District Boundaries

LOT DESCRIPTION

LOT	LOT AREA (AC)	BUILDING SIZE (SF)	PARKING PROVIDED	PARKING RATIO
A	120	4000	18	18/4000 SF
B	120	4000	18	18/4000 SF
C	120	4000	18	18/4000 SF
D	120	4000	18	18/4000 SF
E	4000	4000	18	18/4000 SF
F	4000	4000	18	18/4000 SF
G	120	4000	18	18/4000 SF
H	120	4000	18	18/4000 SF
I	120	4000	18	18/4000 SF
J	4000	4000	18	18/4000 SF
K	4000	4000	18	18/4000 SF
L	120	4000	18	18/4000 SF
M	120	4000	18	18/4000 SF
N	120	4000	18	18/4000 SF
O	120	4000	18	18/4000 SF
P	120	4000	18	18/4000 SF
Q	120	4000	18	18/4000 SF
R	120	4000	18	18/4000 SF
S	120	4000	18	18/4000 SF
T	120	4000	18	18/4000 SF
U	120	4000	18	18/4000 SF
V	120	4000	18	18/4000 SF
W	120	4000	18	18/4000 SF
X	120	4000	18	18/4000 SF
Y	120	4000	18	18/4000 SF
Z	120	4000	18	18/4000 SF



Concept Plan

Wolf Creek Junction

03.09.06



STATE OF KANSAS
 COUNTY OF LEAVENWORTH-SS
 FILED FOR RECORD

2006 SEP 12 A 9:17 AM

STACY R. DRISCOLL
 REGISTER OF DEEDS

The City of Basehor



2620 N. 155th Street
P.O. Box 406
Basehor, Kansas 66007-0406

(913) 724-1370
FAX (913) 724-3388
www.basehor.org

CERTIFICATION

I, Mary A. Mogle, City Clerk for the City of Basehor, Kansas, do hereby certify that the attached and foregoing Petition for Transportation Development District (“TDD”) Taxing District is a true and complete original document to the best of my knowledge.

IN WITNESS WHEREOF I have here unto set my hand and the official seal of said city this 17th day of August, 2006.




Mary A. Mogle, City Clerk