

(Published in *The Mulvane News* on February 18, 2021)

RESOLUTION NO. 2021-3

A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MULVANE, KANSAS; SETTING FORTH THE GENERAL NATURE OF THE IMPROVEMENTS, THE ESTIMATED OR PROBABLE COSTS THEREOF, THE EXTENT OF THE BENEFIT DISTRICT TO BE ASSESSED FOR THE COSTS THEREOF, THE METHOD OF ASSESSMENT AND THE APPORTIONMENT OF THE COSTS BETWEEN THE BENEFIT DISTRICT AND THE CITY-AT-LARGE; AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH THE FINDINGS OF THE GOVERNING BODY; AND DIRECTING THE PUBLICATION AND RECORDING OF THIS RESOLUTION (HIDDEN VALLEY ADDITION WATER IMPROVEMENTS, HIDDEN VALLEY ADDITION SEWER IMPROVEMENTS, HIDDEN VALLEY ADDITION STREET IMPROVEMENTS, AND HIDDEN VALLEY ADDITION STORM WATER DRAIN IMPROVEMENTS).

WHEREAS, on February 10, 2021 four petitions (the "Petitions") were filed in the Office of the City Clerk of the City of Mulvane, Kansas (the "City"), requesting that certain water, sanitary sewer, street, and storm water drain improvements be made to the Hidden Valley Addition in the City; and

WHEREAS, the aforementioned Petitions set forth (a) the general nature of the improvements, (b) the estimated or probable costs of the improvements, (c) the extent of the improvement district to be assessed for the costs of the improvements, (d) the method of assessment, (e) the apportionment of the costs between the improvement district and the City-at-Large, (f) a request that the improvements be made without notice and hearing as required by K.S.A. 12-6a04, as amended and supplemented; and (g) a statement that the proposed improvement district does not include all the property that may benefit from the proposed improvements; and

After recording, return to:

City of Mulvane, Kansas
Attn: Debra M. Parker, City Clerk
211 N. 2nd
Mulvane, Kansas 67110
Telephone: (316) 777-1143

WHEREAS, the governing body of the City, upon an examination thereof on February 15, 2021, has considered and found and determined the Petitions to be sufficient, having been signed by the owners of record, whether resident or not, of all of the area liable for assessment for the costs of improvements requested thereby.

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

SECTION 1. It is hereby found and finally determined to be advisable to make certain Improvements (hereinafter defined) in the City, and the following findings are hereby made regarding said Improvements:

A. Hidden Valley Addition Water Improvements (the "Hidden Valley Addition Water Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of certain water line extensions and related appurtenances necessary to serve the Benefit District (as hereinafter defined) in the City of Mulvane, Kansas (such improvements being commonly known as "Hidden Valley Addition Water Improvements").

(2) The estimated or probable costs of the Hidden Valley Addition Water Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, are One Hundred Sixty-Five Thousand Dollars (\$165,000) (said cost may be increased at the rate of 1% per month from and after the date of approval of this resolution).

(3) The extent of the improvement district to be assessed for the costs of the Hidden Valley Addition Water Improvements shall include and consist of the certain real property in the City of Mulvane, Sedgwick County, Kansas, which is described as follows:

Hidden Valley Addition
Block A, Lots 1 through 35, inclusive
Block B, Lots 1 through 3, inclusive

(collectively, the "Benefit District").

The Benefit District does not include all the property that may be deemed benefited by the Hidden Valley Addition Water Improvements. The signers of the petition are the owners of 100% of the property in the Benefit District and have agreed to pay the costs of the Hidden Valley Addition Water Improvements as set forth in the Petition and consented to the levy of special assessments in the Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Hidden Valley Addition Water Improvements to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot of the total cost payable by the Benefit District.

In the event all or part of the lots or parcels in the Benefit District are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(5) The apportionment of the costs of the Hidden Valley Addition Water Improvements, as between the Benefit District and the City-at-Large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

B. Hidden Valley Addition Sewer Improvements (the "Hidden Valley Addition Sewer Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of certain sanitary sewer extension improvements and related appurtenances necessary to serve the Benefit District in the City of Mulvane, Kansas (such improvements being commonly known as "Hidden Valley Addition Sewer Improvements").

(2) The estimated or probable costs of the Hidden Valley Addition Sewer Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, are Three Hundred Twenty-Six Thousand Dollars (\$326,000) (said cost to be increased at the rate of 1% per month from and after the date of approval of this resolution).

(3) The extent of the improvement district to be assessed for the costs of the Hidden Valley Addition Sewer Improvements shall include and consist of the certain real property in the Benefit District.

The Benefit District does not include all the property that may be deemed benefited by Hidden Valley Addition Sewer Improvements. The signers of the petition are the owners of 100% of the property in the Benefit District and have agreed to pay the costs of the Hidden Valley Addition Sewer Improvements as set forth in the Petition and consented to the levy of special assessments in the Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Hidden Valley Addition Sewer Improvements to the properties in the

proposed benefit district is that all the lots shall pay an equal share per lot of the total cost payable by the Benefit District.

In the event all or part of the lots or parcels in the Benefit District are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(5) The apportionment of the costs of the Hidden Valley Addition Sewer Improvements, as between the Benefit District and the City-at-Large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

C. Hidden Valley Addition Street Improvements (the "Hidden Valley Addition Street Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of street and drainage improvements and related appurtenances necessary to serve the Benefit District in the City of Mulvane, Kansas (such improvements being commonly known as "Hidden Valley Addition Street Improvements").

(2) The estimated or probable costs of the Hidden Valley Addition Street Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, are Three Hundred Eighty Thousand Dollars (\$380,000) (said cost to be increased at the rate of 1% per month from and after the date of approval of this resolution).

(3) The extent of the improvement district to be assessed for the costs of the Hidden Valley Addition Street Improvements shall include and consist of the certain real property in the Benefit District.

The Benefit District does not include all the property that may be deemed benefited by the Hidden Valley Addition Street Improvements. The signers of the petition are the owners of 100% of the property in the Benefit District and have agreed to pay the costs of the Hidden Valley Addition Street Improvements as set forth in the Petition and consented to the levy of special assessments in the Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Hidden Valley Addition Street Improvements to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot of the total cost payable by the Benefit District.

In the event all or part of the lots or parcels in the Benefit District are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(5) The apportionment of the costs of the Hidden Valley Addition Street Improvements, as between the Benefit District and the City-at-Large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

D. Hidden Valley Addition Storm Water Drain Improvements (the "Hidden Valley Addition Storm Water Drain Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of certain storm water drainage improvements and necessary appurtenances such as pipe, curbs and related appurtenances necessary to serve the Benefit District in the City of Mulvane, Kansas (such improvements being commonly known as "Hidden Valley Addition Storm Water Drain Improvements").

(2) The estimated or probable costs of the Hidden Valley Addition Storm Water Drain Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, are Three Hundred Fifty-Six Thousand Dollars (\$356,000) (said cost to be increased at the rate of 1% per month from and after the date of approval of this resolution).

(3) The extent of the improvement district to be assessed for the costs of the Hidden Valley Addition Storm Water Drain Improvements shall include and consist of the certain real property in the Benefit District.

The Benefit District does not include all the property that may be deemed benefited by the Hidden Valley Addition Storm Water Drain Improvements. The signers of the petition are the owners of 100% of the property in the Benefit District and have agreed to pay the costs of the Hidden Valley Addition Storm Water Drain Improvements as set forth in the Petition and consented to the levy of special assessments in the Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Hidden Valley Addition Storm Water Drain Improvements to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot of the total cost payable by the Benefit District.

In the event all or part of the lots or parcels in the Benefit District are replatted before assessments have been levied, the assessments against the replatted

area shall be recalculated on the basis of the method of assessment set forth herein. Where ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(5) The apportionment of the costs of the Hidden Valley Addition Storm Water Drain Improvements, as between the Benefit District and the City-at-Large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Hidden Valley Addition Water Improvements, Hidden Valley Addition Sewer Improvements, Hidden Valley Addition Street Improvements, and Hidden Valley Addition Storm Water Drain Improvements (collectively herein, the "Improvements") are hereby authorized and ordered to be made in accordance with the findings set forth in Section 1 hereof, under the authority of and as provided by K.S.A. 12-6a01 *et seq.*, as amended and supplemented.

SECTION 3. This Resolution shall be published one time in the City's official newspaper, and shall be recorded in the Office of the Register of Deeds of Sedgwick County, Kansas in accordance with the provisions of K.S.A. 12-153.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Mulvane, Kansas on the 15th day of February, 2021.



CITY OF MULVANE, KANSAS

Shelly Steadman, Mayor

Debra M. Parker, City Clerk