

After recording, return to:
City of Mulvane, Kansas
Attn: Debra M. Parker, City Clerk
102 W. 2nd
Mulvane, Kansas 67110
Telephone: (316) 777-1143

(Published in *The Mulvane News* on April 8, 2021)

RESOLUTION NO. 2021-6

A RESOLUTION AMENDING RESOLUTION NO. 2021-2 OF THE CITY OF MULVANE, KANSAS.

WHEREAS, the governing body of the City of Mulvane, Kansas (the "City") previously adopted Resolution No. 2021-2 (the "Original Resolution") on January 18, 2021, which Original Resolution was published in the official newspaper of the City on January 21, 2021; and

WHEREAS, the Original Resolution found and finally determined to be advisable to make certain Emerald Valley Estates Water Improvements Phase 2, Emerald Valley Estates Sewer Improvements Phase 2, and Emerald Valley Estates Street and Storm Sewer Improvements Phase 2 (collectively herein, the "Improvements") in the City, all as defined and described therein; and

WHEREAS, the Original Resolution authorized, ordered and directed that the Improvements be made at total estimated costs defined therein (said cost to be increased at the pro-rata rate of 1% per month from and after the date of the Original Resolution) which estimated costs were to be paid from the proceeds of the City's general obligation bonds to be issued by the City; and

WHEREAS, the City has received one revised petition on March 31, 2021 (the "Revised Petition"), and upon examination of the Revised Petition on April 5, 2021, determined the Revised Petition to be sufficient and the governing body finds and determines it desirable to ratify the acquisition and construction of the Emerald Valley Estates Sewer Improvements Phase 2 and that the estimated cost of said improvements be adjusted in accordance with the Revised Petition; and

WHEREAS, in connection with the foregoing, the governing body of the City finds and determines it necessary and advisable to amend the Original Resolution.

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

SECTION 1. Amendment to Recitals of the Original Resolution. The recitals of the Original Resolution (as defined above) are hereby amended by deleting and replacing them with the following:

WHEREAS, on August 2, 2017 three petitions were filed in the Office of the City Clerk of the City of Mulvane, Kansas (the "City") requesting that certain water, sewer, street and storm sewer improvements be made to the Emerald Valley Estates in the City; and

WHEREAS, the aforementioned petitions (the "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

WHEREAS, the governing body of the City, upon an examination thereof on August 7, 2017, 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; and

WHEREAS, the City has received one revised petition on March 31, 2021 (the "Revised Petition"), and upon examination of the Revised Petition on April 5, 2021, determined the Revised Petition to be sufficient and the governing body finds and determines it desirable to ratify the acquisition and construction of the Emerald Valley Estates Sewer Improvements Phase 2 and that the estimated cost of said improvements be adjusted in accordance with the Revised Petition; and

WHEREAS, the Revised Petition 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, and (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

SECTION 2. Amendment to Section 1(B) (Emerald Valley Estates Sewer Improvements Phase 2). Section 1(B) entitled Emerald Valley Estates Sewer Improvements Phase 2 of the Original Resolution is hereby amended by deleting the section and replacing it with the following:

(1) The internal improvements are described as and consist of the excavation and construction of certain sanitary sewer extensions and related

appurtenances necessary to serve the Emerald Valley Estates Sewer Benefit District (as hereinafter defined) in the City of Mulvane, Kansas (such improvements being commonly known as “Emerald Valley Estates Sewer Improvements Phase 2”).

(2) The estimated or probable costs of the Emerald Valley Estates Sewer Improvements Phase 2, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Twenty Thousand Seven Hundred Dollars (\$220,700) (said cost to be increased at the rate of 1% per month from and after the date of approval of the Original Resolution).

(3) The extent of the improvement district to be assessed for the costs of the Emerald Valley Estates Sewer Improvements Phase 2 shall include and consist of the certain real property in the City of Mulvane, Sedgwick County, Kansas, which is described as follows:

Emerald Valley Estates:

Block 1, Lots 18 through 24, inclusive

Block 2, Lots 10 through 16, inclusive

Block 3, Lots 18 through 30, inclusive

(collectively, the “Emerald Valley Estates Sewer Benefit District”).

(4) The method of assessment proposed for assessing costs of the proposed Emerald Valley Estates Sewer Improvements Phase 2 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 Emerald Valley Estates Sewer Benefit District.

In the event all or part of the lots or parcels in the Emerald Valley Estates Sewer 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 Emerald Valley Estates Sewer Improvements Phase 2, as between the Emerald Valley Estates Sewer Benefit District and the City-at-Large, is that one hundred percent (100%) of the costs shall be assessed against the proposed Emerald Valley Estates Sewer Benefit District, and zero percent (0%) of the cost shall be apportioned to the City-at-Large.

SECTION 3. Amending Resolution. This resolution supplements and amends the Original Resolution only to the extent necessary and, except to the extent specifically amended hereby, the Original Resolution, shall remain in full force and effect.

SECTION 4. Publishing and Recording. 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 because it makes additional findings affecting the following described real property in the City of Mulvane, Sedgwick County, Kansas:

Emerald Valley Estates:

Block 1, Lots 18 through 24, inclusive

Block 2, Lots 10 through 16, inclusive

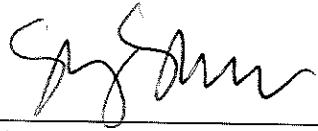
Block 3, Lots 18 through 30, inclusive

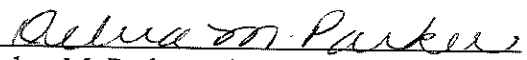
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PASSED, ADOPTED AND APPROVED by the governing body of the City of Mulvane, Kansas on the 5th day of April, 2021.



CITY OF MULVANE, KANSAS

By 
Shelly Steadman, Mayor

By 
Debra M. Parker, City Clerk