

(Published in the *McPherson Sentinel* on September 22, 2017)

RESOLUTION NO. 17-18

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MCPHERSON, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PREMIER SUBDIVISION-STREET, STORM SEWER AND SANITARY SEWER IMPROVEMENTS).

WHEREAS, a petition (the “Petition”) was filed with the City Clerk of the City of McPherson, Kansas (the “City”) proposing certain internal improvements; and the 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. 12-6a01 *et seq.*; and

WHEREAS, K.S.A. 12-6a19 provides that whenever the construction of any water, stormwater, sanitary sewer or arterial street improvement is initiated by petition pursuant to the Act, the City may require the imposition of a benefit fee on property which is benefitted by such improvements but was not included within the original improvement district established for the levy of special assessments for such improvements; and

WHEREAS, the Petition contains a request that the City make improvements that will result in benefit fees being imposed pursuant to K.S.A. 12-6a19 for certain improvements authorized by Resolution No. 17-14 of the City; and

WHEREAS, the governing body of the City hereby finds and determines that the Petition was signed by the 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 K.S.A. 12-6a01 *et seq.* (the “Act”).

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

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

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

Construction of street, storm sewer, and sanitary sewer improvements to serve the area described as the Improvement District, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer. There are 3 separate projects as reflected on *Exhibit A* hereto; described as follows:

- 1) Sanitary sewer improvements #1;
- 2) Storm sewer improvements #2; and
- 3) Street improvements #9.

(b) The aggregate estimated or probable cost of the proposed Improvements is: \$940,751.96; broken down by the following projects:

- 1) Sanitary sewer improvements #1 – estimated cost = \$255,004.20
- 2) Storm sewer improvements #2 – estimated cost = \$249,079.05
- 3) Street improvements #9 – estimated cost = \$436,668.71

The estimated costs are to be increased at the pro rata rate of 1 percent per month from and after the date of adoption this Resolution.

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

Lots 1-14, inclusive, and Lots 16-32, inclusive, Block 1, in Premier Subdivision, an addition to the City of McPherson, McPherson County, Kansas

(d) The method of assessment is: equally per unit for an aggregate of 41 units, as follows:

- 1) Each platted Lot, except Lot 14, will be assigned one benefit fee unit.
- 2) Lot 14 will be assigned 11 benefit fee units.

In the event all or part of the lots or parcels in the proposed Improvement 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 the 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.

(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 above 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 costs of the Improvements, interest on interim financing and associated financing costs to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the “Bonds”). The Bonds may 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. Benefit Fees. Property within the Improvement District is liable for payment of benefit fees pursuant to K.S.A. 12-6a19 for certain improvements authorized by the City in Resolution No. 17-14 (the “Benefit Fee Resolution”) for improvements constructed in the Replat Barnstormer's West Field Subdivision, Barnstormers Field First Addition and an unplatted located in a portion of the Northwest Quarter of Section 34, Township 19 South, Range 3 West of the 6th Principal Meridian, McPherson County, Kansas, as more fully described in Benefit Fee Resolution. The benefit fees relate to the City-at-large

portions of improvements labeled 1, 2, 3, 4, 7, 9 and the 20% balance of 10 (Projects #3, #4, #5, # 6, #10, #12 and #13 described in the Benefit Fee Resolution). The benefit fees shall be assessed against the property within the Improvement District in the same manner and at the same time as assessments for the Improvements set forth requested in 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 McPherson County, Kansas.

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ADOPTED by the governing body of the City on September 19, 2017.

(SEAL)

By: _____
Name: Thomas A. Brown
Title: Mayor

ATTEST:

By: _____
Name: Tamra K. Seely
Title: Clerk

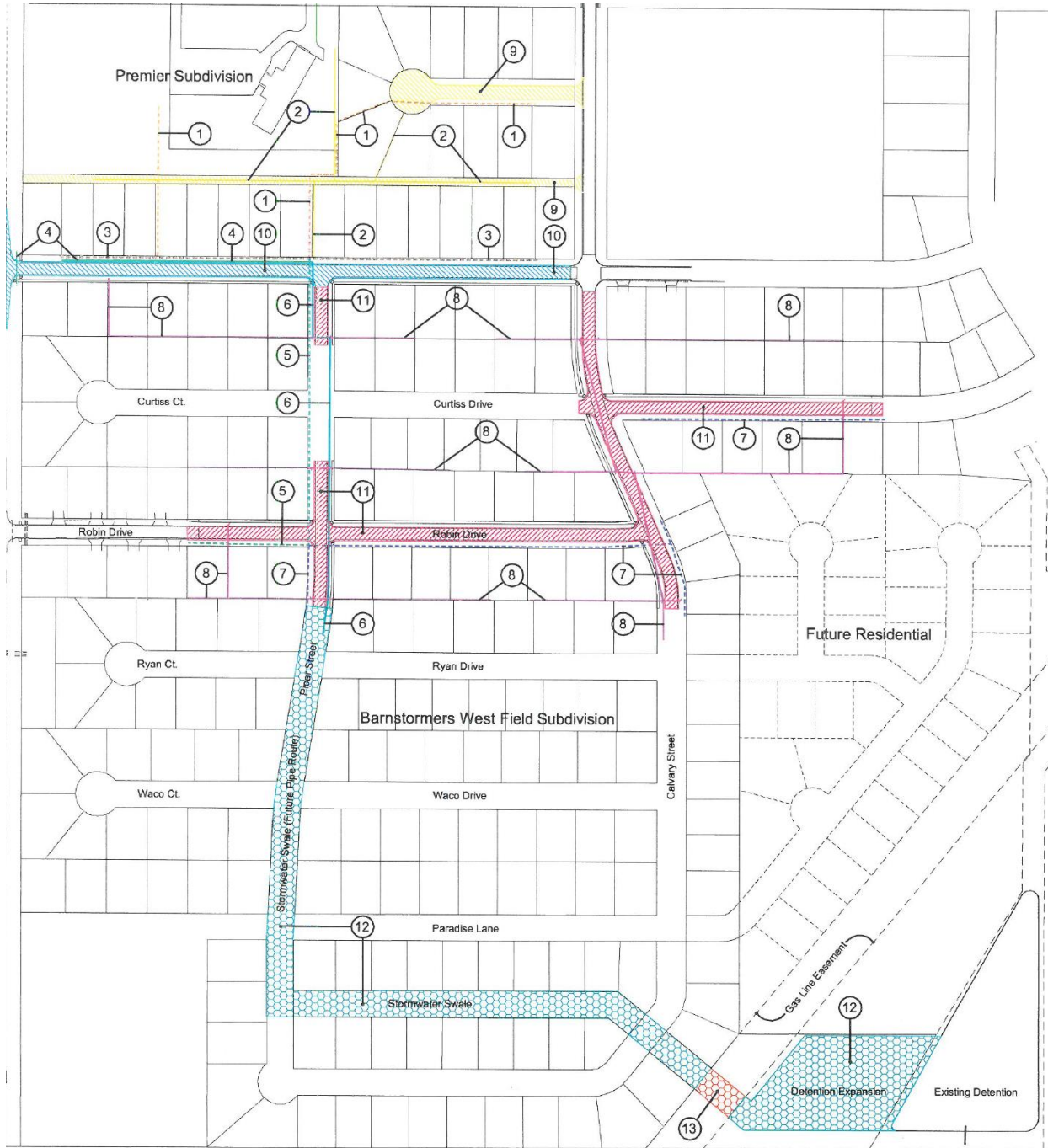
CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on September 19, 2017, as the same appears of record in my office.

DATED: September 19, 2017

By: _____
Name: Tamra K. Seely
Title: Clerk

EXHIBIT A GENERAL MAP OF THE IMPROVEMENTS



Legend	
①	Sanitary Sewer - Premier 100%
②	Storm Sewer - Premier 100%
③	Sanitary Sewer - Premier 50%, Barnstormers 50%
④	Storm Sewer - Premier 50%, Barnstormers 50%
⑤	Sanitary Sewer - Barnstormers 80%, Premier 20%
⑥	Storm Sewer - Barnstormers 80%, Premier 20%
⑦	Sanitary Sewer - Barnstormers 100%
⑧	Storm Sewer - Barnstormers 100%
⑨	Street - Premier 100%
⑩	Street and Sidewalk - Premier 50%, Barnstormers 50%
⑪	Street and Sidewalk - Barnstormers 100%
⑫	Initial Stormwater Routing and Future Storm Sewer Pipe Barnstormers 80%, Premier 20%
⑬	Storm Drain Pipe @ Gas Crossing City of McPherson 100%

**DEVELOPERS
AGREEMENT
GRAPHIC**