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Gilmore & Bell, P.C.

11/08/2018

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RM  
CORRECTED RESOLUTION NO. 18-19

**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 (BARNSTORMERS WEST FIELD SUBDIVISION, BARNSTORMERS FIELD FIRST ADDITION & UNPLATTED TRACTS-STORM 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**, the City has adopted regulations regarding the subdivision of land in the unincorporated areas of McPherson, Kansas, within three miles of the City pursuant to K.S.A. 12-693; 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.* and K.S.A. 12-693 (collectively, 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 storm sewer improvements connecting to the existing storm sewer on Piper Street, south of Robin Drive, south to the drainage ditch just south of Paradise Lane, and connecting to the existing storm sewer on Eastlinks Drive, just south of Robin Drive, south to the drainage ditch located just south of Paradise Lane.

(b) The estimated costs of the proposed Improvements is: \$319,573.06, exclusive of interest on financing and administrative and financing costs; said estimated costs to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this resolution.

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

**The "Platted Lots":**

Lots 1-24 and 33-65, inclusive, Block A; Lots 1-10, inclusive, Block B; Lots 1-13, inclusive, Block C; Lots 1-16, inclusive, Block D; Lots 1-18, inclusive, Block E; and Lots 1-18, inclusive, Block F; all in Replat Barnstormer's West Field Subdivision, an addition to the City of McPherson, McPherson County, Kansas; and

Lots 15-21, inclusive, Block C; Lots 1-6, inclusive, Block D; Lots 1-2, inclusive, Block E; and Lot 1, Block F; all in Barnstormers Field First Addition, an addition to the City of McPherson, McPherson County, Kansas (collectively, the "Platted Lots").

**Unplatted "Tract 1":**

An Unplatted Tract 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 described as follows:

Commencing at the Southeast corner of Replat Barnstormer's West Field Subdivision a portion of the Northwest Quarter of Section 34, Township 19 South, Range 3 West of the 6th P.M., McPherson County, Kansas as recorded in Plat Book C, Page 29 on file at the McPherson County Register of Deeds Office; thence North 00°00'00" East (basis of bearing is the East line of said Replat Barnstormer's West Field Subdivision) along the East line of said Replat Barnstormer's West Field Subdivision 741.57 feet for the point of beginning; thence continuing North 00°00'00" East along the East line of said Replat Barnstormer's West Field Subdivision 38.62 feet; thence following the arc of a curve to the left having a radius of 233.00 feet Northwesterly along the East line of said Replat Barnstormer's West Field Subdivision 96.54 feet (record) (chord bears North 11°52'10" West 95.85 feet); thence North 23°44'20" West along the East line of said Replat Barnstormer's West Field Subdivision 201.97 feet (record) to the South line of Barnstormer's Field First Addition a portion of the Northwest Quarter of Section 34, Township 19 South, Range 3 West of the 6th P.M., City of McPherson, McPherson County, Kansas as recorded in Plat Book B, Page 92 on file at the McPherson County Register of Deeds Office, said point being 198.62 feet East of the Southwest corner of said Barnstormer's Field First Addition; thence North 90°00'00" East along the South line of said Barnstormer's Field First Addition 131.09 feet; thence South 23°44'20" East parallel with the East line of said Replat Barnstormer's West Field Subdivision 223.39 feet; thence South 00°00'00" East parallel with the East line of said Replat Barnstormer's West Field Subdivision 112.81 feet; thence North 90°00'00" West 120.00 feet to the point of beginning, containing 0.933 Acres, subject to any rights-of-way and easements of record.

**Unplatted "Tract 2":**

A portion of the Northwest Quarter of Section 34, Township 19 South, Range 3 West of the 6th Principal Meridian, McPherson County, Kansas described as follows:

Commencing at the Southeast corner of Replat Barnstormer's West Field Subdivision a portion of the Northwest Quarter of Section 34, Township 19 South, Range 3 West of the 6th P.M., McPherson County, Kansas as recorded in Plat Book C, Page 29 on file at the McPherson County Register of Deeds Office; thence North 00°00'00" East (basis of bearing is the East line of said Replat Barnstormer's West Field Subdivision) along the East line of said Replat Barnstormer's West Field Subdivision 60.00 feet for the point of beginning;

thence continuing North 00°00'00" East along the East line of said Replat Barnstormer's West Field Subdivision 681.57 feet; thence North 90°00'00" East 120.00 feet; thence South 00°00'00" East parallel with the East line of said Replat Barnstormer's West Field Subdivision 650.84 feet; thence South 39°17'22" West 18.33 feet; thence following the arc of a curve to the right having a radius of 45.00 feet Southwesterly 39.80 feet (chord bears South 64°37'47" West 38.52 feet); thence South 89°58'13" West parallel with the South line of said Replat Barnstormer's West Field Subdivision 73.59 feet to the point of beginning, containing 1.867 Acres, subject to any rights-of-way and easements of record.

(d) The method of assessment is: equally per unit for an aggregate of 159 units, as follows:

- 1) Platted Lots: 148 units, with each Lot assigned one unit.
- 2) Tract 1: ~~6 units~~ <sup>4 units</sup> ~~8m~~
- 3) Tract 2: ~~5 units~~ <sup>7 units</sup> ~~8m~~

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. In the event that unplatte property within the Improvement District is platted after adoption of this resolution, each platted lot shall be equally assessed for the costs associated with the unplatte property. 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 costs of the Improvements between the Improvement District and the City-at-large is: the City-at-large will pay an amount equal to \$23,370.11, as well as the inspection costs of the Improvements. The remaining balance of the costs of the Improvements will be assessed against the Improvement District. In addition, 100% of the interest on financing and administrative and financing costs associated with the Improvements will be assessed against the Improvement District and 0% of such costs will be paid by the City-at-large.

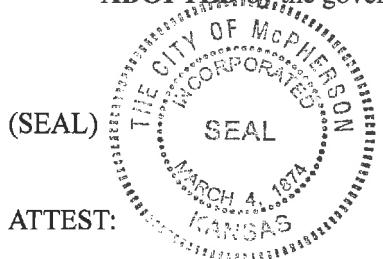
**Section 2. Authorization of Improvements.** The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in **Section 1** of this Resolution.

**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. 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 November 13, 2018.



ATTEST:

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

By: Tamra K. Seely

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 November 13, 2018, as the same appears of record in my office.

DATED: November 26, 2018.

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

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CITY OF  
mcpherson  
PO Box 1008  
600457.20006RESOLUTION-BARNSTORMERS STORM SEWER PIPE  
(Signature page to Resolution)