

(Published in *The Miami County Republic* on May 16, 2007)

RESOLUTION NO. 2007-006

A RESOLUTION DETERMINING THE ADVISABILITY OF AND AUTHORIZING THE MAKING OF CERTAIN IMPROVEMENTS IN THE CITY OF PAOLA, KANSAS, AND THE CREATION OF AN IMPROVEMENT DISTRICT ACCORDING TO THE FINDINGS OF THE GOVERNING BODY (HIDDEN MEADOWS ESTATES– PHASE I)

WHEREAS, a petition was filed with the City Clerk of the City of Paola, Kansas on May 3, 2007 (the “Petition”), and the Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) a description of the property in 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; (f) a statement that the signers of the petition own 100% of the property proposed to be included in the improvement district; and (g) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04(a).

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

SECTION 1. The governing body of the City of Paola, Kansas (the “City”) hereby finds and finally determines that pursuant to K.S.A. 12-6a01 *et seq.* (the “Act”) and, in particular, K.S.A. 12-6a04(c), the Petition is sufficient and further finds:

(A) It is advisable to make the following improvements:

Design and construction of approximately 1,550 lineal feet of streets to be known as Hidden Meadows Drive and Cedar Court, with 28 foot wide roadway, concrete curb and gutter, and appurtenant storm drainage, and the design and installation of sanitary sewer line improvements, all to serve Hidden Meadows Estates Subdivision – Phase I in the City and including all other necessary and related improvements and professional services, including administrative costs and costs of financing related to the improvements.

(B) The estimated or probable cost of the proposed improvement is \$873,800.00, with 25% of the construction costs, as determined by the construction contracts, to be paid by the petitioners in advance of execution of the construction contract for the improvements, with the remaining costs to be assessed against the improvement district. The estimated costs shall increase at the pro rata rate of 1 percent per month from and after the date this resolution is adopted.

(C) The extent of the improvement district proposed to be assessed for the

costs of the proposed improvement is described as follows:

A part of the Southeast Quarter of Section 9, Township 17, Range 23, now in the City of Paola, Miami County, Kansas, and a resurvey and resubdivision of a part of Prairie Place Addition, Replat of Blocks 1, 5, and 6 to the City of Paola, Miami County, Kansas, described as follows: Commencing at the Southeast corner of said Section 9; thence North 00 degrees 20 minutes 32 seconds West, along the East line of the Southeast Quarter of said Section 9, a distance of 265.00 feet; to the point of beginning; thence North 89 degrees 28 minutes 54 seconds West, a distance of 330.00 feet; thence South 00 degrees 20 minutes 32 seconds East, a distance of 265.00 feet, to a point on the South line of the Southeast Quarter of Section 9, Township 17, Range 23, now in the City of Paola, Miami County, Kansas; thence North 89 degrees 28 minutes 54 seconds West, along the South line of the Southeast Quarter of said Section 9, a distance of 762.12 feet; thence North 18 degrees 21 minutes 35 seconds East, a distance of 142.68 feet; thence Northwesterly, along a curve to the right having a radius of 225.00 feet, an initial tangent bearing of North 71 degrees 38 minutes 25 seconds West, a central angle of 08 degrees 35 minutes 04 seconds a distance of 33.71 feet; thence North 26 degrees 56 minutes 39 seconds East, a distance of 177.97 feet; thence North 04 degrees 59 minutes 58 seconds West, a distance of 258.74 feet; thence North 43 degrees 29 minutes 41 seconds East, a distance of 107.89 feet; thence South 89 degrees 43 minutes 55 seconds East, a distance of 300.00 feet; thence South 00 degrees 20 minutes 37 seconds East, along the West line of Prairie Place Addition, a subdivision of land now in the City of Paola, Miami County, Kansas, a distance of 330.74 feet; thence South 89 degrees 28 minutes 54 seconds East, along the South line of said Prairie Place Addition, a distance of 642.02 feet, to a point on the East, line of the Southeast Quarter of said Section 9; thence South 00 degrees 20 minutes 32 seconds East, along the East line of the Southeast Quarter of said Section 9, a distance of 50.00 feet, to the point of beginning, containing 8.30 acres more or less.

A map of the improvement district is attached as **Exhibit A**.

(D) The method of assessment is equally per square foot against the property in the improvement district, to be assessed over a 10-year period.

(E) The apportionment of the cost of the improvements, between the improvement district and the city at large is: The improvement district will pay 100% of the costs of the improvements and the city at large will pay 0% of such costs.

SECTION 2. The improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body set forth in Section 1 of this Resolution provided that, before the City will award a contract for construction of the improvements, the

petitioners shall deliver an irrevocable letter of credit, naming the City as beneficiary, in an amount and in a form complying with Resolution No. 10-14-03 B of the City and approved by the City.

SECTION 3. The City is authorized to issue its general obligation bonds pursuant to the Act to finance the costs of the improvements. Temporary Notes of the City may be issued to finance the improvements until such time as general obligation bonds may be issued. The obligations authorized by this Resolution, the interest on which is expected to be exempt from federal income taxation, in an amount not exceeding the estimated costs approved in this Resolution, may be used to reimburse the City for expenditures pursuant to United States Treasury Regulation § 1.150-2.

SECTION 4. 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 Miami County, Kansas.

ADOPTED AND APPROVED by the governing body of the City of Paola, Kansas on May 8, 2007.

CITY OF PAOLA, KANSAS

[seal]

By _____
Artie Stuteville, Mayor

ATTEST:

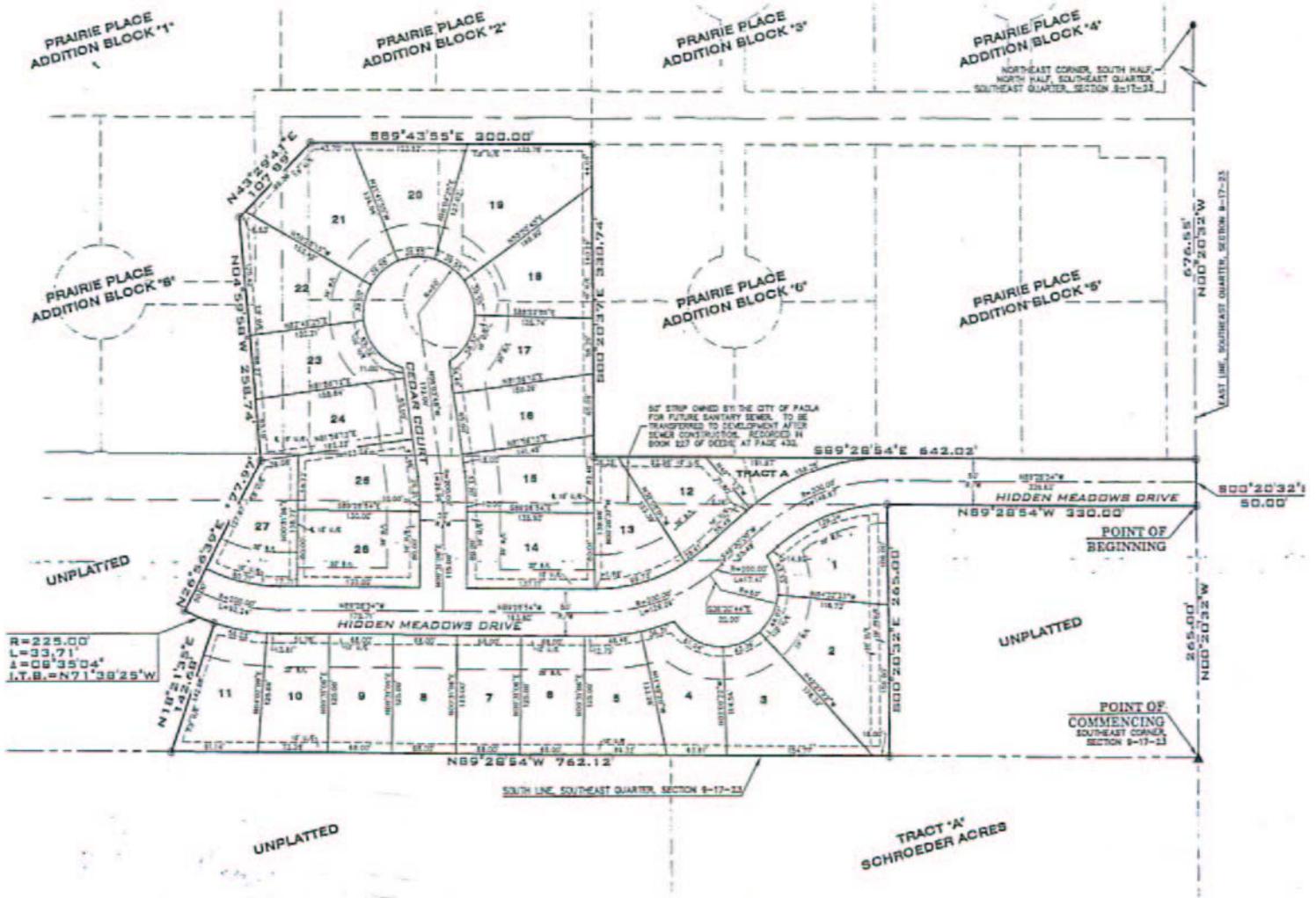
By _____
Daniel G. Droste, City Clerk

EXHIBIT A

MAP OF IMPROVEMENT DISTRICT

HIDDEN MEADOWS ESTATES

CITY OF PAOLA
MIAMI COUNTY, KANSAS



R=225.00'
L=33.71'
I=08°35'04"
J.T.B.=N71°38'25"W



- LEGEND**
- 1/2" BAR 24" IN LENGTH WITH PLASTIC CAP KS. C.L.S. 93, SET IN CONC.
 - 1/2" BAR FOUND IN CONC.
 - ▲ MONUMENT FOUND
 - B/L BUILDING LINE
 - U/E UTILITY EASEMENT



EXCERPT OF MINUTES

The governing body of the City of Paola, Kansas met at the usual meeting place in the City on May 8, 2007, at 5:30 p.m., with Mayor Artie Stuteville presiding, and the following members of the governing body present: Councilmembers Jim Pritchard, Johna Dial, Jack Rowlett, and Michael Hamilton;

and the following members of the governing body were absent: None.

Among other business, there was presented to the governing body a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF AND
AUTHORIZING THE MAKING OF CERTAIN IMPROVEMENTS IN THE
CITY OF PAOLA, KANSAS, AND THE CREATION OF AN IMPROVEMENT
DISTRICT ACCORDING TO THE FINDINGS OF THE GOVERNING BODY
(HIDDEN MEADOWS ESTATES– PHASE I)

The Resolution was assigned No. 2007-006 and was considered and discussed; and on motion of Johna Dial, seconded by Michael Hamilton, the Resolution was adopted by a majority vote of all members present.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of the Minutes of the May 8, 2007 meeting of the governing body of the City of Paola, Kansas relating to the adoption of Resolution No. 2007-006.

[seal]

By _____
Daniel G. Droste, City Clerk