

(Published in *The Rose Hill Reporter* on July 4, 2019)

RESOLUTION NO. 612

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS FOR THE CITY OF ROSE HILL, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS, SUBJECT TO PROTEST (STREET IMPROVEMENTS/S. MORRIS, W. SCHOOL, W. SHOWALTER AND W. THOMAS).**

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**WHEREAS**, K.S.A. 12-6a01 *et seq.* (the “Act”) authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and the levying and collecting of special assessments upon property in the area deemed by the the governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements out of the proceeds of such special assessments; and

**WHEREAS**, the Act provides that before any contract is let or any work is ordered or authorized for an improvement, the governing body shall by resolution direct and order a public hearing on the advisability of the improvement, and to give notice of the hearing by not less than two (2) publications in a newspaper, such publications to be a week apart and at least three (3) days shall elapse between the last publication and the hearing; and such notice shall be given as to (a) the time and place of the hearing; (b) the general nature of the proposed improvements; (c) the estimated or probable cost of the proposed improvements; (d) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (e) the proposed method of assessment; and (f) the proposed apportionment of the cost between the improvement district and the City-at-large; and

**WHEREAS**, the governing body of the City of Rose Hill, Kansas (the “City”) has heretofore by Resolution No. 608, directed and ordered a public hearing on the advisability of certain internal improvements in the City, pursuant to the Act; and providing for the giving of notice of said public hearing in the manner required by the Act; and

**WHEREAS**, a Notice of Public Hearing was duly published once each week for two (2) consecutive weeks in *The Rose Hill Reporter*, the official newspaper of the City in accordance with the Act; and

**WHEREAS**, said public hearing was duly held this date, pursuant to such notice; and

**WHEREAS**, the Act provides that the governing body may, by a majority vote of the entire members-elect thereof, at any time within six (6) months after the final adjournment of the hearing on the advisability of making improvements, adopt a resolution authorizing the improvements in accordance with the findings of the governing body upon the advisability of the improvements, which resolution shall be effective upon publication once in the official City newspaper; provided, the improvements shall not be commenced if, within twenty (20) days after publication of the resolution ordering the improvement, written protests signed by both fifty-one per cent (51%) or more of the resident owners of record of

property within the improvement district and the owners of record of more than half of the total area of such improvement district are filed with the City Clerk; and

**WHEREAS**, the governing body hereby finds and determines it to be necessary to make its findings, by resolution, as to the advisability of the proposed improvement, the general nature of the proposed improvement; the estimated or probable cost of the proposed improvement; the extent of the proposed improvement district to be assessed for the cost of the proposed improvement; the proposed method of assessment; and the proposed apportionment of the cost between the improvement district and the City-at-large; and further finds and determines it to be necessary to authorize the making of the improvements, by Resolution, in accordance with its findings, subject to the filing of protest thereto, and to provide for the publication thereof, all as required by the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROSE HILL, KANSAS:**

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

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

Reconstruction of S. Morris Street, W. School Street, W. Showalter Street, and W. Thomas Street 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.

(b) The estimated or probable cost of the proposed Improvements is: \$748,891, 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:

- **Tract 1:** Commencing 160 feet West of point 537 feet South of the Intersection of the South line of the Chicago, Kansas and Western Railway, with the West line of the Public Road, running North and South on the East side of the Northeast Quarter of Section 6, Township 29 South, Range 3 East of the 6th Principal Meridian, thence West 140 feet; thence North 112.5 feet; thence East 140 feet; thence South 112.5 feet to place of beginning (being a Tract 140 feet by 112.5 feet) in the County of Butler, State of Kansas, together with a tract described as Commencing 160 feet West of a point 424.5 feet South of the intersection of the South line of the Chicago, Kansas and Western Railway with the West line of the public road running North and South on the East side of the Northeast Quarter of Section Numbered 6, Township Numbered 29 South, Range Numbered 3 East of the 6th P.M.; thence West 140 feet; thence North to a point 20 feet South of the aforesaid railway right-of-way; thence Northeasterly parallel with said railway right-of-way, to a point due North of the place of commencement, thence South to the place of commencement, EXCEPT Beginning at a point which is 160 feet West and 301.46 feet South of the intersection of the South line of the Chicago, Kansas and Western Railway with the West line of a public road running North and South on the East side of the Northeast Quarter of said Section 6, thence West, perpendicular to the East line of said Section, a distance of 140 feet; thence Northeasterly parallel with the railroad right-of-way line a distance of 188.59 feet; thence South, parallel with and 160 feet perpendicular to the East line of said Section, a distance of 126.92 feet to the point of beginning of excepted tract, in Butler County, Kansas.
- **Tract 2:** A part of the Northeast Quarter of Section 6, Township 29 South, Range 3 East of the 6th P.M.; Commencing at a point on the West line of the public road North and South on the East

line of said Northeast Quarter of Section 6 that is 467 feet South of the intersection of the Right-of-Way of the South line of the Chicago, Kansas and Western Railway Company, with said West line of public road; thence West 140 feet; thence South 70 feet; thence East 140 feet; thence North 70 feet to the point of beginning, in Butler County, Kansas.

- **Tract 3:** Beginning at a point 597 feet South of the intersection of South line of right-of-way of Chicago, Kansas, and Western Railroad with the West line of public road on East side of Northeast Quarter of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P.M., thence South 100 feet, thence West 140 feet, thence North 100 feet, thence East 140 feet to the point of beginning, Butler County, Kansas
- **Tract 4:** Beginning at a point 160 feet West of a point 597 feet South of the intersection of the South line of the railroad right-of-way and the West line of the public road running North and South on the East side of the Northeast Quarter of Section Numbered 6, Township Numbered 29 South, Range Numbered 3 East of the 6<sup>th</sup> P.M.; thence West 140 feet, thence South 100 feet, thence East 140 feet, thence North 100 feet to the point of beginning, in Butler County, Kansas.
- **Tract 5:** That part of the NE1/4 of Section Numbered Six, Township Numbered 29 South, Range Three East of the 6<sup>th</sup> PM described as beginning at a point that is 160 feet West of a point on the West line of the public road running North and South along the East line of said Quarter Section that is 697 feet South of the intersection of said West line of the public road and the Southerly line of the right of way of the Atchison, Topeka and Santa Fe Railway Company, thence running West 140 feet, South 100 feet, East 140 feet, North 100 feet to the point of beginning, in Butler County, Kansas.
- **Tract 6:** Beginning at a point that is 797 feet South and 160 feet West of the Intersection of the South line of the Chicago, Kansas and Western Railway Company, now the Atchison, Topeka, and Santa Fe, with the West line of the public road running North and South on the East side of the Northeast Quarter of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P.M.; thence running South a distance of 100 feet, thence West 140 feet, thence North 100 feet, thence East 140 feet to the place of beginning, Butler County, Kansas.
- **Tract 7:** Beginning at a point 847 feet South of the interception of the South line of the Chicago, Kansas and Western Railway Company, now the Atchison, Topeka and Santa Fe, with the West line of a public road running North and South on the East side of the Northeast Quarter of Section Numbered 6, Township Numbered 29 South, Range 3 East of the 6<sup>th</sup> P.M.; thence South 50 feet, thence West 140 feet; thence North 50 feet; thence East 140 feet to the point of beginning, in Butler County, Kansas.
- **Tract 8:** Beginning at a point 547 feet South and 360 feet West of the intersection of the South line of the right of way of the Atchison, Topeka and Santa Fe Railway with the West line of public road, running North and South on the East side of Section Numbered 6, Township Numbered 29 South, Range Numbered 3 East of the Sixth Principal Meridian, thence South 150 feet, thence West 100 feet, thence North 150 feet, thence East 100 feet to a point of beginning, in Butler County, Kansas. And beginning at a point 537 feet South and 460 feet West of the intersection of the South line of right of way of the Atchison, Topeka and Santa Fe Railway with the West line of public road running North and South on the East side of Section Numbered 6, Township Numbered 29 South, Range Numbered 3 East of the Sixth Principal Meridian, thence South 260 feet, thence west 40 feet, thence North 260 feet, thence East 40 feet to the point of beginning, in Butler County, Kansas and beginning at a point 437 feet South and 360 feet West of the intersection of the South line of the right of way of the Atchison, Topeka and Santa Fe Railway with the West line of public road running North and South on the East side of Section Numbered 6, Township Numbered 29 South, Range Numbered 3 East of the Sixth Principal Meridian, thence South 10 feet, thence West 100 feet, thence North 10 feet, thence East 100 feet to the point of beginning, in Butler County, Kansas, and beginning at a point 697 feet South and 360 feet West of the intersection of the South line of the right of way of the Atchison, Topeka and

Santa Fe Railway with the West line of public road running North and South on the East side of Section Numbered 6, Township Numbered 29 South, Range Numbered 3 East of the Sixth Principal Meridian, thence South 100 feet, thence West 100 feet, thence North 100 feet, thence East 100 feet to the point of beginning, in Butler County, Kansas.

- **Tract 9:** Beginning at a point that is 797 feet South and 360 feet West of the intersection of the South line of the Right of Way of the Atchison Topeka and Santa Fe Railroad with the West line of a public road running North and South on the East side of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P. M.; thence South 100 feet, West 140 feet, North 100 feet, East 140 feet to the point of beginning, Butler County, Kansas.
- **Tract 10:** Beginning at a point that is 797 feet South and 500 feet West of the intersection of the South line of the right of way of the Atchison, Topeka and Santa Fe Railroad with the West line of a public road running North and South on the East side of Section Numbered 6, Township Numbered 29 South, Range Numbered 3 East of the 6<sup>th</sup> P.M.; thence running South 100 feet to the North side of Thomas Street, thence West 140 feet thence North 100 feet, thence East 140 feet to the point of beginning, in Butler County, Kansas.
- **Tract 11:** Beginning at a point 730.0 feet West and 525.0 feet North of the Southeast Corner of the Northeast Quarter (NE/4) of Section Six (6), Township Twenty-nine (29) South, Range Three (3) East of the 6<sup>th</sup> P.M., Butler County, Kansas; and on the West line of West Street in the City of Rose Hill, Kansas, thence West and parallel to the South Line of said Northeast Quarter (NE/4) 539.77 feet to the East Right-of-Way Line of the A.T. & S.F. Railroad, thence deflecting right 138°52'00" to the Northeast along said right-of-way for 208.51 feet, thence Northwest at Right angles along said right-of-way for 25.0 feet, thence Northeast at Right angles along said right-of-way 623.0 feet, thence deflecting right 90° for 208.07 feet to a point, thence South 195.15 feet, thence West 140.0 feet, thence South 100.0 feet to the North Line of Thomas Street, thence West 60.0 feet, thence South along the West Line of West Street 118.0 feet to the point of beginning.
- **Tract 12:** Beginning at a point that is 947 feet South and 360 feet West of the intersection of the South line of the Right of Way of the Atchison, Topeka and Santa Fe Railroad with the West Line of the public road running North and South on the East side of the Northeast Quarter of Section Numbered 6, Township Numbered 29 South, Range Numbered 3 East of the 6<sup>th</sup> P.M., thence running South a distance of 100 feet, thence West 140 feet, thence North 100 feet, thence East 140 feet to the point of beginning, in Butler County, Kansas.
- **Tract 13:** Beginning at a point that is 947 feet South and 500 feet West of the intersection of the South line of the Right of Way of the Atchison, Topeka and Santa Fe Railway Company with the West Line of the public road running North and South on the East side of the Northeast Quarter of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P.M.; thence South 100 feet, thence West 140 feet, thence North 100 feet, thence East 140 feet to the place of beginning, in Butler County, Kansas.
- **Tract 14:** Beginning at a point 1255 feet South and 500 feet West of the intersection of the South line of the right of way of the Atchison, Topeka and Santa Fe Railway with the West line of the public road running North and South on the East side of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P.M., thence West 140 feet; thence South 253.55 feet; thence East 140 feet; thence North 250.32 feet to place of beginning, Butler County, Kansas.
- **Tract 15:** Beginning at a point 1362 feet South and 360 feet West of the Intersection of the South line of the railroad right of way and the West line of the public road running North and South on the East side of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P.M.; thence South 140.74 feet to the North side of School Street, thence West 140 feet to the West line of Poston Tracts, thence North 143.32 feet, thence East 140 feet to the point of beginning, Butler County, Kansas.
- **Tract 16:** Beginning at a point 1222 feet South and 360 feet West of the intersection of the South line of the right of way of the Atchison, Topeka and Santa Fe Railway with the West line of the

public road running North and South on the East side of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> Principal Meridian, thence South 140 feet, thence West 140 feet, thence North 140 feet, thence East 140 feet to the beginning, in Butler County, Kansas.

- **Tract 17:** Beginning at a point 1122 feet South and 360 feet West of the Intersection of the South line of the Right-of-Way of the Atchison, Topeka and Santa Fe Railroad with the West line of the public road running North and South on the East side of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P.M.; thence South 100 feet; thence West 140 feet; thence North 100 feet; thence East 140 feet to the place of beginning, Butler County, Kansas.
- **Tract 18:** Beginning at a point that is 1047 feet South and 360 feet West of the Intersection of the Southerly line of the Right-of-Way of the Atchison, Topeka and Santa Fe Railway Company and the West line of a public road running North and South on the East side of the Northeast Quarter of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P.M.; thence running South 75 feet; thence West 140 feet; thence North 75 feet; thence East 140 feet to the point of beginning, Butler County, Kansas.
- **Tract 19:** Beginning at a point 947 feet South of the intersection of the South line of the Railroad Right of Way of the Chicago, Kansas and Western Railway, and the West line of the public road on the East side of the Northeast Quarter (NE/4 ) of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P.M., thence South 100 feet, thence West 140 feet, thence North 100 feet, thence East 140 feet to the point of beginning , in Butler county, Kansas.
- **Tract 20:** Beginning at a point that is 947 feet South and 160 feet West of the intersection of the Southerly line of the right-of-way of the Atchison, Topeka and Santa Fe Railway Company and the West line of the public road running North and South on the East side of the Northeast Quarter of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P.M., thence running South 65 feet, thence West 140 feet, thence North 65 feet, thence East 140 feet to the point of beginning in Butler County, Kansas.
- **Tract 21:** That part of the Northeast Quarter of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P.M., described as Beginning at a point 1012 feet South and 160 feet West of the intersection of the Southerly line of the Railroad Right-of-Way and the West line of the public road running North and South on the East side of the said Northeast Quarter, thence South 150 feet, West 140 feet, North 150 feet, East 140 feet to the place of beginning, in Butler County, Kansas.
- **Tract 22:** Beginning at a point that is 1162 feet South and 160 feet West of the intersection of the South line of the right-of-way of the Atchison, Topeka and Santa Fe Railway Company with the West line of the public road running North and South on the East side of Section Numbered 6, Township Numbered 29 South, Range Numbered 3 East of the 6<sup>th</sup> P.M.; thence running South 150 feet, thence West 140 feet, thence North 150 feet, thence East 140 feet to the point of beginning, in Butler County, Kansas.
- **Tract 23:** Beginning at a point 1312 feet South and 160 feet West of the intersection of the South line of Right-of-Way of the Atchison, Topeka and Santa Fe Railway with the West side of the public road running North and South on the East side of Section 6, Township 29 South, Range 3 East of the 6<sup>th</sup> P.M.; thence South 80 feet; thence West 140 feet; North 80 feet; thence East 140 feet to the place of beginning, Butler County, Kansas.
- **Tract 24:** Beginning at a point 1392 feet South and 160 feet West of the intersection of the South line of the right of way of the Atchison, Topeka, and Santa Fe Railway with the West side of the public road North and South on the East side of Section Numbered 6, Township Numbered 29 South, Range Numbered 3 East of the 6<sup>th</sup> P.M., thence South 106.94 feet, thence West 140 feet, thence North 110.57 feet, thence East 140 feet to the place of beginning, in Butler County, Kansas.
- **Tract 25:** Commencing 30 feet North of the South line of the Northeast Quarter of Section Numbered 6, Township Numbered 29 South, Range Numbered 3 East of the 6<sup>th</sup> P.M. and on the

West line of the public road running North and South along the East side of said Section, thence North 100 feet, thence West 140 feet, thence South 100 feet, thence East 140 feet to the place of beginning. Being a tract 100 feet North and South by 140 feet East and West in Butler County, Kansas.

(d) The method of assessment is: equally per tract (25 tracts).

In the event all or part of the lots 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 or tract 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: 20% to be assessed against the Improvement District and 80% to be paid by the City-at-large.

**Section 2. Authorization of Improvements.** The Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body as set forth in *Section 1* of this Resolution; except that, the Improvement shall not be commenced if, within twenty (20) days after publication of this Resolution, written protests signed by both fifty-one per cent (51%) or more of the resident owners of record of property within the Improvement District *and* the owners of record of more than half of the total area of the Improvement District are filed with the City Clerk. The City Clerk shall report to the governing body at the end of said protest period as to whether or not any such protest petition has been filed.

**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 published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Butler County, Kansas, and shall be effective upon publication.

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**ADOPTED** by the governing body of the City on July 1, 2019.

(SEAL)

By: \_\_\_\_\_

Name: Steve Huckaby

Title: Mayor

ATTEST:

By: \_\_\_\_\_

Name: Kelly Mendoza

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 July 1, 2019, as the same appears of record in my office.

DATED: July 1, 2019.

By: \_\_\_\_\_

Name: Kelly Mendoza

Title: Clerk