

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

RESOLUTION NO. 610

**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/N. MORRIS, W. COX AND W. SMITH).**

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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. 607, 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 N. Morris Street, W. Cox Street, and W. Smith 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: \$805,891, 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:

- **Baird Addition:** Lots 1, 2, 4, 6, 7, 8, 9, 10, 12, and 14, Block 1; and Lots 2, 3, 4, 6, 7, 8, 10, 12, and 14, Block 2, all in Baird Addition to the City of Rose Hill, Butler County, Kansas.
- **Smiths Tracts 1<sup>st</sup> Addition:** Lots 1, 2, 3, 12, 13, 17, 18 excluding south 60 feet, and 19, all in 1<sup>st</sup> Addition to Smiths Tracts to the City of Rose Hill, Butler County, Kansas.
- **Smiths Tracts 2<sup>nd</sup> Addition:** Lots 4, 5, 6, 7, and 8, all in 2<sup>nd</sup> Addition to Smith Tracts to the City of Rose Hill, Butler County, Kansas.
- **Smiths Tracts 3<sup>rd</sup> Addition:** Lots 1, 2, 3, Reserve A, all in 3<sup>rd</sup> Addition to Smith Tracts to the City of Rose Hill, Butler County, Kansas.
- **Gomer Jones Addition:** Lots 1, 2, Block A; and Part of Block C, B, and VAC ST BEG SE/C LT 7 BLK B W337.8 NW531.23 NE255 SE181.24 NE50 E240 S500 TO POB, all in Gomer Jones Addition to the City of Rose Hill, Butler County, Kansas.

(d) The method of assessment is: equally per unit (31 units) as follows:

| <i>Property</i>               | <i>Number of units</i> | <i>Property</i>         | <i>Number of units</i> |
|-------------------------------|------------------------|-------------------------|------------------------|
| <b>Baird Addition-Block 1</b> |                        | <b>Smith Tracts 1st</b> |                        |
| Lots 1 and 2                  | 1                      | Lot 1                   | 1                      |
| Lot 4                         | 1                      | Lot 2                   | 1                      |
| Lot 6                         | 1                      | Lot 3                   | 1                      |
| Lots 7 and 8                  | 1                      | Lots 12 and 13          | 1                      |

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|--|---|---|---|
| Lots 9 and 10  | 1 | Lots 17 and 18<br>excluding south 60 feet | 1 |
| Lot 12   | 1 | Lot 19                                    | 1 |
| Lot 14   | 1 |   |   |
| <b>Baird Addition-Block 2</b>  |   | <b>Smith Tracts 2nd</b>                   |   |
| Lot 2  | 1 | Lot 4                                     | 1 |
| Lots 3 and 4   | 1 | Lot 5                                     | 1 |
| Lot 6  | 1 | Lot 6                                     | 1 |
| Lots 7 and 8   | 1 | Lot 7                                     | 1 |
| Lot 10   | 1 | Lot 8                                     | 1 |
| Lot 12   | 1 | <b>Smith Tracts 3rd</b>                   |   |
| Lot 14   | 1 | Lot 1                                     | 1 |
| <b>Gomer Jones</b>   |   | Lot 2                                     | 1 |
| Lots 1 and 2, Block A  | 1 | Lot 3                                     | 1 |
| Part of Block C, B, and<br>VAC ST BEG SE/C LT 7<br>BLK B W337.8<br>NW531.23 NE255<br>SE181.24 NE50 E240<br>S500 TO POB | 1 | Reserve A                                 | 1 |

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 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