Gilmore & Bell, P.C.
05/23/2024

ORDINANCE NO. [722]

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF ROSE HILL, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NOS. 610, 612, AND 614 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

WHEREAS, the governing body of the City of Rose Hill, Kansas (the "City") has previously authorized certain internal improvements (the "Improvements") to be constructed pursuant to K.S.A. 12-6a01 *et seq*. (the "Act"); and

WHEREAS, the governing body has conducted a public hearing in accordance with the Act and desires to levy assessments on certain property benefited by the construction of the Improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROSE HILL, KANSAS:

Section 1. Levy of Assessments. For the purpose of paying the costs of the following described Improvements:

Project No. 1 – N. Morris, W. Cox and W. Smith – Street Improvements

Resolution No. 610
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.

Project No. 2 – S. Morris, W. School, W. Showalter and W. Thomas – Street Improvements

Resolution No. 612
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.

Project No. 3 – W. Berlin and N. Munson – Street Improvements

Resolution No. 614
Reconstruction of W. Berlin Drive and N. Munson 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.

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) against the property described on ***Exhibit A*** attached hereto.

Section 2. Payment of Assessments. The amounts so levied and assessed in ***Section 1*** hereof shall be due and payable from and after the date of publication of this Ordinance. Such amounts may be paid in whole or in part by July 19, 2024.

Section 3. Notification. The City Clerk shall notify the owners of the properties described in ***Exhibit A*** attached hereto (insofar as known to the City Clerk) of the amounts of their respective assessments. The notice shall also state that unless such assessments are paid by July 19, 2024, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

Section 4. Certification. Any amount of special assessments not paid within the time prescribed in ***Section 2*** hereof shall be certified by the City Clerk to the Clerk of Butler County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in 20 annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication of the Ordinance or a summary thereof once in the official City newspaper.

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PASSED by the governing body of the City on June 17, 2024 and signed and **APPROVED** by the Mayor.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original Ordinance; that the Ordinance was passed on June 17, 2024; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in the ***Rose Hill Reporter*** on June 27, 2024.

DATED: June 27, 2024.

_____
City Clerk

EXHIBIT A-1

N. MORRIS, W. COX AND W. SMITH - STREET IMPROVEMENTS
RESOLUTION NO. 610

Description of Property	Amount of Proposed Assessment
Baird Addition-Block 1	
Lots 1 and 2	$ 4,908.67
Lot 4	4,908.67
Lot 6	4,908.67
Lots 7 and 8	4,908.67
Lots 9 and 10	4,908.67
Lot 12	4,908.67
Lot 14	4,908.67
Baird Addition-Block 2	
Lot 2	4,908.67
Lots 3 and 4	4,908.67
Lot 6	4,908.67
Lots 7 and 8	4,908.67
Lot 10	4,908.67
Lot 12	4,908.67
Lot 14	4,908.67
Gomer Jones	
Lots 1 and 2, Block A	4,908.67
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	4,908.67
Smith Tracts 1st	
Lot 1	4,908.67
Lot 2	4,908.67
Lot 3	4,908.66
Smith Tracts	
Lots 12 and 13	4,908.66
Lots 17 and 18 excluding south 60 feet	4,908.66
Lot 19	4,908.66
Smith Tracts 2nd	
Lot 4	4,908.66
Lot 5	4,908.66
Lot 6	4,908.66
Lot 7	4,908.66
Lot 8	4,908.66
Smith Tracts 3rd	
Lot 1	4,908.66
Lot 2	4,908.66
Lot 3	4,908.66
Reserve A	4,908.66
TOTAL	**$152,168.64**

EXHIBIT A-2

S. MORRIS, W. SCHOOL, W. SHOWALTER AND W. THOMAS - STREET IMPROVEMENTS RESOLUTION NO. 612

Description of Property	Amount of Proposed Assessment
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.	$ 4,148.01
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.	4,148.01
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 6th 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	4,148.01

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 6th P.M.; thence West 140feet, thence South 100 feet, thence East 140 feet, thence North 100 feet to the point of beginning, in Butler County, Kansas.	4,148.01
Tract 5: That part of the NE1/4 of Section Numbered Six, Township Numbered 29 South, Range Three East of the 6th 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.	4,148.01
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 6th 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.	4,148.01
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 6th 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.	4,148.01
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	4,148.01

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 6th P. M.; thence South 100 feet, West 140 feet, North 100 feet, East 140 feet to the point of beginning, Butler County, Kansas.	4,148.01
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 6th 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.	4,148.01
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 6th 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.	4,148.01
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 6th 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.	4,148.01

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 6th 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.	4,148.01
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 6th 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.	4,148.01
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 6th 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.	4,148.01
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 6th 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.	4,148.01
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 6th 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.	4,148.01
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 6th 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.	4,148.01
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 6th 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.	4,148.01

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 6th 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.	4,148.01
Tract 21: That part of the Northeast Quarter of Section 6, Township 29 South, Range 3 East of the 6th 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.	4,148.01
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 6th 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.	4,148.01
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 6th 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.	4,148.01
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 6th 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.	4,148.00
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 6th 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.	4,148.00
TOTAL	**$103,700.23**

EXHIBIT A-3

W. BERLIN AND N. MUNSON - STREET IMPROVEMENTS
RESOLUTION NO. 614

Description of Property	Amount of Proposed Assessment
Gomer Jones Addition	
Block C	
Lot 2 and Reserve G	$ 6,844.26
Lot 3	6,844.26
Lot 4	6,844.26
Lot 5	6,844.26
Lot 6	6,844.26
Block D	
Lot 1	6,844.26
Lot 2	6,844.26
Lot 3	6,844.26
Block E	
Lot 1	6,844.26
Lot 2	6,844.26
Lot 3	6,844.26
Lot 4	6,844.27
TOTAL	**$82,131.13**

NOTICE OF ASSESSMENT

June 27, 2024
City of Rose Hill, Kansas

Property Owner:

You are hereby notified, as owner of record of the property described on ***Schedule I*** attached hereto, that pursuant to Ordinance No. [___] (the "Ordinance") of the City of Rose Hill, Kansas (the "City") there has been assessed against the property the costs of certain internal improvements previously authorized by the governing body of the City (the "Improvements"). The description of the Improvements, the resolution number authorizing the same and the amount of assessment are set forth on ***Schedule I*** attached hereto.

You may pay this assessment in whole or in part to the City Treasurer of the City by July 19, 2024; and if the amount is not paid within the time period, bonds will be issued therefor, and the balance of such assessment will be collected in 20 annual installments, together with interest on such amounts remaining unpaid at a rate not exceeding the maximum rate therefor as prescribed by K.S.A. 12-6a01 *et seq*. Interest accruing between the date set forth above and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

Kelly Mendoza, City Clerk

SCHEDULE I

[PROJECT NAME] - STREET IMPROVEMENTS
RESOLUTION NO. _____

Description of Property	Amount of Assessment

CERTIFICATE OF MAILING

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The undersigned, City Clerk of the City of Rose Hill, Kansas, does hereby certify that on May 30, 2024, the date on which Ordinance No. [___] (the "Ordinance") of the City was published, I caused to be mailed to the owners of the properties liable for the assessments set out in the Ordinance, at their last known post office addresses, a Notice of Assessment showing the respective assessments levied against their properties and stating the manner in which the assessments will be collected.

A sample copy of the form of such Notice of Assessment is attached hereto.

WITNESS my hand and seal as of June 27, 2024.

(Seal)

_____
Kelly Mendoza, City Clerk

[attach sample copy of form]

CERTIFICATE OF CITY TREASURER

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The undersigned, City Treasurer of the City of Rose Hill, Kansas (the "City"), does hereby certify that within the time allowed by Ordinance No. [___] of the City for the payment of special assessments in cash, property owners specially assessed for the costs of certain internal improvements previously authorized by the governing body of the City, paid in cash the amounts set forth below:

Resolution No.	**Amount**
TOTAL	***$_____***

WITNESS my hand on July 22, 2024.

_____
City Treasurer

(Published in the ***Rose Hill Reporter*** on June 27, 2024)

SUMMARY OF ORDINANCE NO. [722]

On June 17, 2024, the governing body of the City of Rose Hill, Kansas, passed an ordinance entitled:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF ROSE HILL, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NOS. 610, 612, AND 614 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

The Ordinance levies special assessments on certain property located in the City of Rose Hill which have been benefitted from certain street improvements to N. Morris, W. Cox and W. Smith; S. Morris, W. School, W. Showalter and W. Thomas; W. Berlin and N. Munson, which improvements were constructed pursuant to K.S.A. 12-6a01 *et seq*. The Ordinance provides an opportunity for prepayment, in whole or in part, of the special assessments. A schedule of the amounts of the special assessments and the property benefitted are attached to the Ordinance. Any amount of special assessments not paid within the time prescribed in the Ordinance shall be certified by the City Clerk to the Clerk of Butler County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by law. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 125 W. Rosewood, Rose Hill, Kansas 67133. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at https://cityofrosehill.com.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: June 17, 2024.

_____
City Attorney