Resolution No. [718]

A Resolution finding delinquent sewer charges due for real property served by the City of Rose Hill, and directing certification of the unpaid charges to the county clerk for placement on the tax roll.

WHEREAS, the City of Rose Hill, Kansas (the "City"), operates a municipal sewer utility and has provided sewer service to the real property identified in Exhibit A, which is incorporated into this Resolution; and

WHEREAS, the property identified in Exhibit A is located outside the corporate limits of the City, but receives sewer service from the City; and

WHEREAS, K.S.A. 12-808c provides that unpaid utility charges, except charges contracted for by a tenant and not by the landlord or owner of the property to which such service is provided, constitute a lien on the property served; and

WHEREAS, Rose Hill City Code Sections 15-238 and 15-245 apply the City's sewer charges and Sewer System Improvement Fee to users regardless of location, and Section 15-241 provides for unpaid sewer-service charges to be certified for placement on the tax roll; and

WHEREAS, the governing body has reviewed the account records, ownership and contracting evidence, itemized delinquency statement, and proof of notice concerning the delinquent sewer charges identified in Exhibit A; and

WHEREAS, the owner, account holder, and any other person entitled to notice received written notice of the proposed certification to the last known address and has been provided a reasonable opportunity to pay, submit records, and be heard; and

WHEREAS, after considering the record and any objection presented, the governing body finds that the service was not contracted for solely by a tenant without the landlord or owner, and therefore the exception in K.S.A. 12-808c(b) does not prevent a lien from attaching to the property.

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

Section 1. Findings. The governing body adopts the recitals above as findings and further finds that the itemized sewer charges stated in Exhibit A were lawfully imposed for service to the property identified there, are delinquent and unpaid, and total the certification balance stated in Exhibit A.

Section 2. Lien. Under K.S.A. 12-808c and Rose Hill City Code Section 15-241, the unpaid sewer charges constitute a lien on the real property served and identified in Exhibit A.

Section 3. Certification. The governing body directs the City Clerk to transmit a certified copy of this Resolution and Exhibit A to that county clerk for placement on the tax roll, subject to the same penalties and collection in the same manner as other taxes are collected by law.

Section 4. Payments and Corrections. The City Clerk may reduce the amount transmitted to reflect a payment or credit received before the county clerk accepts the certification. If a payment, correction, or resolution occurs after transmission, the City Clerk is authorized and directed to coordinate promptly with the county clerk and issue any release, amended certification, or other document necessary to prevent collection of more than the amount lawfully due.

Section 5. Record. The account ledger, ownership and contracting evidence, itemized delinquency statement, proof of notice, and any written objection or hearing record shall be retained with the City's records supporting this Resolution.

Section 6. Effective Date. This Resolution takes effect upon its adoption.

ADOPTED by the governing body of the City of Rose Hill, Kansas, and APPROVED by the Mayor on September 21, 2026.

Janine Schantz

Janine Schantz, Mayor

ATTEST:

CITY OF ROSE HILL CORPORATE SEAL KANSAS

Kelly Mendoza

Kelly Mendoza, City Clerk

Approved as to Form:

Richard A. Samaniego, City Attorney