

RESOLUTION NO. 2011-04

A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF BALDWIN CITY, KANSAS, UNDER THE PROVISIONS OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED AND SUPPLEMENTED; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID HEARING (SEWER IMPROVEMENTS/AMES AND NORTH 6TH STREET).

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 said 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, K.S.A. 12-6a04 provides that any such governing body may proceed without notice and hearing to make findings by resolution as to the advisability of and authorize improvements provided by the Act, when the proceedings are to improve sanitary storm water sewers and sanitary sewer systems and appurtenances thereto; and

WHEREAS, the governing body of the City of Baldwin City, Kansas (the "City"), hereby finds and determines it to be necessary to make the sanitary sewer improvements set forth in *Section 1* below, but to direct and order a public hearing on the advisability of the improvement, and to give notice of the hearing by publication in a newspaper, 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 hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of a certain sewer improvement in the City, and further to provide for the giving of notice of said hearing; and

WHEREAS, notwithstanding such public hearing, the governing body of the City, after such hearing, may proceed under K.S.A. 12-6a04 without notice and hearing to make findings by resolution as to the advisability of and authorize the sewer improvements referenced herein..

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

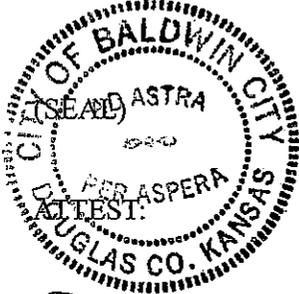
**Section 1. Public Hearing.** It is hereby authorized, ordered and directed that the governing body of the City, shall hold a public hearing on the advisability of the following described improvement:

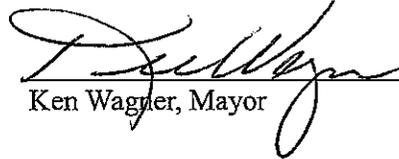
Eight inch sanitary sewer, and all necessary appurtenances, to serve area near Ames Street and North Sixth Street;

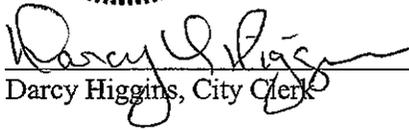
such public hearing to be held on May 16, 2011, at 7:30 p.m., at The American Legion Hall, 803 High Street, Baldwin City, Kansas 66006.

**Section 2. Notice of Hearing.** The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of a Notice of Public Hearing in substantially in the form attached hereto as *Exhibit A* in the official City newspaper, such publication to be at least one week prior to the date of the hearing.

**ADOPTED** by the governing body of the City on April 18, 2011.



  
Ken Wagner, Mayor

  
Darcy Higgins, City 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 April 18, 2011 as the same appears of record in my office.

DATED: April 18, 2011.

  
Darcy Higgins, City Clerk

**EXHIBIT A**

(Published in *The Baldwin City Signal*, on April \_\_\_, 2011.)

**NOTICE OF PUBLIC HEARING**

TO: RESIDENTS OF THE CITY OF BALDWIN CITY, KANSAS:

You and each of you are hereby notified that the governing body of the City of Baldwin City, Kansas (the "City"), will meet for the purpose of holding a public hearing at The American Legion Hall, 803 High Street, Baldwin City, Kansas 66006, in the City Hall, on May 16, 2011, at 7:30 p.m.. Said public hearing is for the purpose of considering the advisability of making certain hereinafter described improvements.

The general nature of the proposed improvements (the "Improvements") is:

Eight inch sanitary sewer, and all necessary appurtenances, to serve area near Ames Street and North Sixth Street;

The estimated or probable cost of the Improvements is: \$191,734, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of a resolution authorizing the Improvements.

The extent of the proposed improvement district (the "Improvement District") to be assessed for the cost of the Improvements is: See *Schedule 1* attached hereto

The proposed method of assessment is: equally per parcel.

The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: [100]% to be assessed against the Improvement District and [0]% to be paid by the City-at-large.

The public hearing may be adjourned from time to time and until the governing body shall have made findings by resolution as to the advisability of the Improvements, the general nature of the Improvements, the estimated cost of the Improvements, the boundaries of the Improvement District, the method of assessment, and the apportionment of the costs between the Improvement District and the City-at-large, all to be as finally determined by the governing body.

**ALL PERSONS DESIRING TO BE HEARD WITH REFERENCE TO THE PROPOSED IMPROVEMENTS SHALL BE HEARD AT THE PUBLIC HEARING.**

**DATED:** April 18, 2011.

/s/Darcy Higgins, City Clerk

**SCHEDULE 1**

**Proposed Improvement District--all in the City of Baldwin City, Douglas County, Kansas**

<b>Street Address</b>	<b>Parcel Legal Description</b>
522 Ames St	34-14-20 BEG 40 FT E OF SW CORSEC 34 TH E 250 FT N 430 FT W 250 FT TH S TO BEG IN CITY OF BALDWIN 2.46A
504 Ames St	34-14-20 TR I:W 130 FT OF A TRBEG AT PT 290 FT E OF SW COR 34-14-20 TH N 457 FT TH E 250 FT TH S 457 FT TH W TO PT BEG,EXCEPTING LTS 5 & 6 BLK 90 ALL IN VACATED TOWNSITE OF PALMYRAIN CITY OF BALDWIN;TR II:W 9 FT LTS 5 & 6 BLK 90 IN VACATED TOWNSITE OF PALMYRA & DESC AS FOLLOWS:BEG 6.2 CHS E OF SW COR 34-14-20 TH N 2.73 CHS E 1.97 CHS TH S 2.73 CHS TH W 1.97 CHS TO PT BEG,BEING SITUATED IN 34-14-20 & BEING IN CITY OF BALDWIN,LESS S 120 FT OF ABOVE TWO DESC TRACTS OF LAND (DIV 1992 B02654A)
602 Ames St	Murphy's First Add Lot 1
215 N. Sixth St	33-14-20 COM AT SE COR SEC 33 TH N 0DEG01'13"W 660 FT TO PT BEG ON E LINE SE 1/4 TH N90DEGW 237.8 FT TH N 0DEG47'44"E 231.62 FT TH S90DEGE 124 FT TH N0DEG01'13"W 47.4 FT TH S90DEGE110.5 FT TO E LINE SD SE 1/4 TH S 0DEG01'13"E 279 FT TO PT BEG 1.38A TCW82 (ANNEXED TO CITY OF BALDWIN ORD NO 1009 ADOPTED 06/15/1998 BK 623/1050 REPLACES 700345B)
502 Ames St	34-14-20 COM AT SW COR SW 1/4 TH S89DEG41'56"E 431.89 FT TO PT BEG,SD PT BEING ON S LINE SW 1/4;TH N 0DEG25'02"E 180.06 FT,SD PT BEING 9 FT E OF NW COR LT 5;TH N89DEG41'53"W 9 FT,SD PT BEING SW COR LT 4;TH N 0DEG25'02"E 280.13 FT,SD PT BEING CENTERLINE KIBBEE ST OR 2ND ST (VAC 02/14/1871);TH ALONG SD LINE S89DEG41'51"E 121.25 FTTH S 0DEG24'49"W 220.1 FT,SD PT BEING SE COR LT 3;TH S89DEG41'52"E 40 FT,SD PT BEING CENTERLINE JASPER ST (VAC 03/22/1999 BK 640/1848);TH ALONG SD LINE S 0DEG24'49"W 240.09 FT,SD PT BEING ON S LINE SW 1/4;TH N89DEG41'56"W 152.28 FT TO PT BEG (CONTAINING LTS 1,2,3 & 4;ALSO LTS 5 & 6,LESS W 9 FT THEREOF;AND ALSO VAC SOUTH HALF KIBBEE ST N OF LT 1 & VAC WEST HALF JASPER ST,E OF LTS 4,5 & 6 BLK 90 IN VAC TOWNSITE OF PALMYRA)(NEW LEGAL DESC 2000)
700 Jasper St Blk 2	BLK 86 LTS 7 & 8 (B02436 & B02437A COMBINED 1993)
100 Jasper St Blk 3A	BLK 86 LTS 9 THRU 12 INCL & VAC S 20 FT OF 3RD ST (NOW QUAYLE ST) ADJ TO LT 12 ORD #288 PASSED 1-12-1977 BK 315/969
512 Quayle St	34-14-20 BEG 457 FT (M) (463 FT DEED) N & 290 FT (M) (291 FTDEED) E OF SW COR SD SEC TH N 403 FT TH E 250 FT (M) (251 FTDEED) TH S 403 FT TH W 250 FT (M) (251 FT DEED) TO PT BEG 2.32A (NEW LEGAL DESC 1991)
210 N. Sixth St	34-14-20 BEG 430 FT N & 40 FT E OF SW COR SEC 34 TH N 430 FTE 250 FT S 430 FT W 250 FT TO PT BEG IN CITY OF BALDWIN 2.46A
201 N. Sixth St	33-14-20 COM AT SE COR SD SEC TH N 0DEG01'13"W 396 FT TO PT BEG,SD PT BEING ON E LINE SE 1/4;TH N90DEGW 165 FT TH N 0DEG01'13"W 264 FT TH S90DEGE 165 FT,SD PT BEING ON E LINE SE 1/4;TH S 0DEG01'13"E 264 FT TO PT BEG (1A);ALSO 33-14-20 COM AT SE COR SE 1/4 TH S89DEG56'38"W 165 FT,SD PT BEING ON S LINE SE 1/4;TH N 0DEG04'36"W 396 FT TO PT BEG:TH S89DEG56'38"W 165 FT TH N 0DEG04'36"W 264 FTTH N89DEG56'38"E 165 FT TH S 0DEG04'36"E 264 FT TO PT BEG (1A) 2A (B02663B & B02664 COMBINED 2003)
151 N. Sixth St	Murphy's First Add Lot 2
516 Ames St	34-14-20 S 120 FT OF THE FOLLOWING TWO DESC TRACTS OF LAND: TR I:W 130 FT OF A TR BEG AT PT 290 FT E OF SW COR 34-14-20 TH N 457 FT TH E 250 FT TH S 457 FT TH W TO PT BEG,EXCEPTINGLTS 5 & 6 BLK 90 ALL IN VACATED TOWNSITE OF PALMYRA IN CITY OF BALDWIN;TR II:W 9 FT LTS 5 & 6 BLK 90 IN VACATED TOWNSITEOF PALMYRA & DESC AS FOLLOWS: BEG 6.2 CHS E OF SW COR 34-14-20 TH N 2.73 CHS TH E 1.97 CHSTH S 2.73 CHS TH W 1.97 CHS TOPT BEG BEING SITUATED IN 34-14-20 & BEING IN CITY OF BALDWIN(DIV 1992 B02654A)