

Published in *The Baldwin City Signal*, on October 6th, 2011

RESOLUTION NO. 2011-13

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF BALDWIN CITY, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH SUCH FINDINGS (SEWER IMPROVEMENTS/AMES AND NORTH 6TH STREET); AND RESOLUTION NO. 2011-07 OF THE CITY.

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"), has found and determined it to be necessary to consider the making of the sanitary sewer improvements set forth in *Section I* below; and

WHEREAS, the governing body of the City hereby finds and determines it to be necessary to make findings by this resolution as to the advisability of, and authorize, the sanitary sewer improvements referenced herein, and this resolution, findings and the improvements are not subject to the filing of a protest.

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

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

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

Eight inch sanitary sewer, and all necessary appurtenances, to serve area near Ames Street and North Sixth Street; (jointly, the "Improvements").

(b) The estimated or probable cost of the Improvements is: \$248,086 to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this resolution authorizing the Improvements.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is as follows, all of which is located in the City of Baldwin City, Douglas County, Kansas:

Parcel Number	Street Address	Parcel Legal Description
1	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
2	504 Ames St. and 516 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 PALMYRA IN 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) and 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,EXCEPTING LTS 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 TOWNSITE OF PALMYRA & DESC AS FOLLOWS: BEG 6.2 CHS E OF SW COR 34-14-20 TH N 2.73 CHS TH 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(DIV 1992 B02654A)
3	602 Ames St and 700 Ames St, Blk 1	MURPHY'S FIRST ADD LT 1 and A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 14 SOUTH, RANGE 20 EAST OF THE 6 TH P.M., DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER; THENCE SOUTH 89°56'38" WEST 165.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH LINE OF THE SOUTHEAST QUARTER; THENCE CONTINUING ALONG SAID LINE SOUTH 89°56'38" WEST 165.00 FEET; THENCE NORTH 00°04'36" EAST 396.00 FEET; THENCE NORTH 89°56'38" EAST 165.00 FEET; THENCE SOUTH 00°04'36" EAST 396.00 FEET TO THE POINT OF BEGINNING.
4	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)

5	502 Ames St. and 100 Jasper St, Blk 1A	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) and BLK 91 LT LT 12 & N 1/2 LT 11 (DIV 2008 B02445A01)
6	700 Jasper St Blk 2 and 100 Jasper St Blk 3A	BLK 86 LTS 7 & 8 (B02436 & B02437A COMBINED 1993) and 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
7	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)
8	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
9	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)
10	151 N. Sixth St	MURPHY'S FIRST ADD LOT 2

(d) The proposed method of assessment is: equally per parcel, among each parcel identified above. In the event a parcel with unplatted property within the Improvement District is platted, or any parcel in the Improvement District is divided or subdivided, the assessment against a parcel that is so platted, divided or subdivided shall be apportioned ratably, on a per square foot basis, among the properties that originally comprised such parcel.

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 84.4% to be assessed against the Improvement District and 16.6% to be paid by the City-at-large.

Section 2. Authorization of Improvements. The above said Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

Section 3. Bond Authority. The Act provides for the Improvements to be paid by the issuance of general 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 effective upon adoption. 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 Douglas County, Kansas.

Section 5. Repealer. Resolution No. 2011-07 of the City is hereby repealed.


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ADOPTED AND APPROVED by the governing body of the City of Baldwin City, Kansas, on October 3, 2011.





Mayor



City Clerk

Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

(Published in the Baldwin City Signal, Thursday, October 6, 2011)

RESOLUTION NO. 2011-13

Erika Gray of the Legal Dept. of the Baldwin City Signal being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a weekly basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Baldwin City Signal

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Baldwin in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 10/06/2011 with publications being made on the following dates:

10/06/2011

Subscribed and sworn to before me this

Notary Public

My Appointment expires



Publication Charges	\$213.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<u> </u>
	\$213.00

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF BALDWIN CITY, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH SUCH FINDINGS (SEWER IMPROVEMENTS/AMES AND NORTH 6TH STREET); AND RESOLUTION NO. 2011-07 OF THE CITY.

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"), has found and determined it to be necessary to consider the making of the sanitary sewer improvements set forth in Section 1 below; and

WHEREAS, the governing body of the City hereby finds and determines it to be necessary to make findings by this resolution as to the advisability of, and authorize, the sanitary sewer improvements referenced herein, and this resolution, findings and the improvements are not subject to the filing of a protest.

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

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

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

Eight inch sanitary sewer, and all necessary appurtenances, to serve area near Ames Street and North Sixth Street; (jointly, the "Improvements").

(b) The estimated or probable cost of the Improvements is: \$248,086 to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this resolution authorizing the Improvements.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is as follows, all of which is located in the City of Baldwin City, Douglas County, Kansas:

Parcel Number	Street Address	Parcel Legal Description
1	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

Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

Erika Gray of the Legal Dept. of the Baldwin City Signal being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a weekly basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Baldwin City Signal

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Baldwin in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 10/06/2011 with publications being made on the following dates:

10/06/2011

Erika Gray
Subscribed and sworn to before me this _____
[Signature]
Notary Public
My Appointment expires _____
[Signature]
NOTARY PUBLIC
My Appt. Expires 3-15-2015
STATE OF KANSAS

- | | | |
|---|--|---|
| 2 | 504 Ames St. and
516 Ames St | 34-14-20 TR 1: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 PALMYRA IN 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) and 34-14-20 S 120 FT OF THE FOLLOWING TWO DESC TRACTS OF LAND: TR 1: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,EXCEPTING LTS 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 TOWNSITE OF PALMYRA & DESC AS FOLLOWS: BEG 6.2 CHS E OF SW COR 34-14-20 TH N 2.73 CHS TH 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(DIV 1992 B02654A) |
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| 6 | 700 Jasper St
Blk 2 and 100
Jasper St Blk 3A | BLK 86 LTS 7 & 8 (B02436 & B02437A COMBINED 1993) and 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 |
| 7 | 512 Quayle St | 34-14-20 BEG 457 FT (M) (463 FT DEED) N & 290 FT (M) (291 FT DEED) E OF SW COR SD SEC TH N 403 FT |

Publication Charges	\$213.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	\$213.00

Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

TH E 250 FT (M) (251 FT DEED) TH S 403 FT TH W 250 FT (M) (251 FT DEED) TO PT BEG 2.32A (NEW LEGAL DESC 1991)

Erika Gray of the Legal Dept. of the Baldwin City Signal being first duly sworn, deposes and says:

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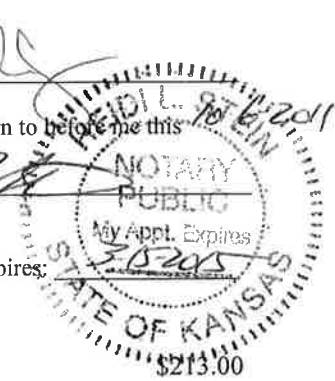
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Subscribed and sworn to before me this

[Signature]
Notary Public

My Appointment expires:



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- 10 151 N. Sixth St MURPHY'S FIRST ADD LOT 2

(d)The proposed method of assessment is: equally per parcel, among each parcel identified above. In the event a parcel with unplatted property within the Improvement District is platted, or any parcel in the Improvement District is divided or subdivided, the assessment against a parcel that is so platted, divided or subdivided shall be apportioned ratably, on a per square foot basis, among the properties that originally comprised such parcel.

(e)The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 84.4% to be assessed against the Improvement District and 16.6% to be paid by the City-at-large.

Section 2. Authorization of Improvements. The above said Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in Section 1 of this Resolution.

Section 3. Bond Authority. The Act provides for the Improvements to be paid by the issuance of general 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.

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Section 5. Repealer. Resolution No. 2011-07 of the City is hereby repealed.

ADOPTED AND APPROVED by the governing body of the City of Baldwin City, Kansas, on October 3, 2011.

(Seal)

/s/ Ken Wagner
Mayor

/s/ Darcy Higgins
City Clerk
