

CITY OF SHAWNEE, KANSAS

CHARTER ORDINANCE NO. 34

A CHARTER ORDINANCE EXEMPTING THE CITY OF SHAWNEE, KANSAS, FROM THE PROVISIONS OF K.S.A. 13-1017 RELATING TO THE MAKING OF PUBLIC IMPROVEMENTS.

WHEREAS, the City of Shawnee, Kansas, (the "City") is authorized to exercise the powers, functions, and duties of a city of the first class, including home-rule powers in the manner and subject to the limitations provided by Article XII, Section 5 of the Constitution of the State of Kansas;

WHEREAS, K.S.A. 13-1017 is part of an enactment of the Kansas Legislature relating to the making of public improvements, which enactment does not apply uniformly to all cities; and

WHEREAS, the governing body desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 13-1017, relating to the making of public improvements in the City.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Shawnee, Kansas:

SECTION 1. The City, by the power vested in it by Article XII, Section 5 of the Constitution of the State of Kansas, hereby exempts itself from and makes inapplicable to it the provisions of K.S.A. 13-1017.

SECTION 2. The City does not hereby provide any substitute and additional provisions in lieu of the statutory provisions but may by ordinary ordinance enact substitute and additional provisions.

SECTION 3. Publication. This Charter Ordinance shall be published once each week for two consecutive weeks in an official City newspaper.

SECTION 4. Effective Date. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed as provided in Article XII, Section 5, Subdivision (c)(3) of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective only upon approval by a majority of electors voting at an election held on the Ordinance.

SECTION 5. Recording. Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances of the City and shall be filed with the Secretary of the State of Kansas.

PASSED BY THE GOVERNING BODY, by not less than two-thirds of the members elect voting in favor thereof, this 8th day of November, 2004.

(SEAL)

ATTEST:



Vicki Charlesworth, City Clerk


Jeff Meyers, Mayor

APPROVED AS TO FORM AND LEGALITY:

Marvin E. Rainey, City Attorney

CERTIFICATION

I hereby certify that the foregoing is the original charter ordinance; that said charter ordinance was passed on the 8th day of November, 2004; that the record of the final vote on its passage is found on page 10343 of Journal No. 57; and that it was published in the Shawnee Dispatch, an official City newspaper, on the 17th day of November and the 24th day of November 2004, and that no sufficient petition for a referendum was filed as provided in Article 12, Section 5, Subdivision C3 of the Constitution of the State of Kansas.


Vicki Charlesworth, City Clerk

Affidavit in Proof of Publication

STATE OF KANSAS,
JOHNSON COUNTY

Erica Gray of the
Legal Dept. of

THE DE SOTO EXPLORER being first duly sworn, Deposes and says:

That it is a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas with general paid circulation on a weekly basis In Johnson County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published weekly 52 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than one year prior to the first publication of said notice; and has been admitted at the post offices of De Soto in said County at a periodical rate.

THE SHAWNEE DISPATCH being first duly sworn, Deposes and says:

That it is a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspapers for 2 weeks/consecutive weeks, the first publication thereof being made as aforesaid on 17 November, 2004 with subsequent publications being made on the following dates:

Shawnee Dispatch Dates:	De Soto Explorer Dates:
<u>24 November</u> , 20 <u>04</u>	<u>18 November</u> , 20 <u>04</u>
<u> </u> , 20 <u> </u>	<u>24 November</u> , 20 <u>04</u>
<u> </u> , 20 <u> </u>	<u> </u> , 20 <u> </u>

Erica Gray

Subscribed and sworn to before me this
November 24, 2004

Notary Public

My Appointment expires:

Publication Charges \$

Notary and Affidavit \$

Additional Copies \$

Total Due \$ 91.35

(First published in the Shawnee Dispatch, Wednesday, November 17, 2004
and the De Soto Explorer, Thursday, November 18, 2004)

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/s/ Jeff Meyers
Jeff Meyers, Mayor

ATTEST:
/s/ Vicki Charlesworth
Vicki Charlesworth, City Clerk