

RESOLUTION NO. 6701

A RESOLUTION SETTING OUT THE FINDINGS AND DETERMINATIONS OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND ORDERING THE CONSTRUCTION OF PUBLIC IMPROVEMENTS OF STONERIDGE DRIVE (FORMERLY KNOWN AS FENCELINE ROAD) FROM THE INTERSECTION OF WEST 6TH STREET (U.S. HIGHWAY 40) SOUTH APPROXIMATELY 630 FEET, INCLUDING A RIGHT-TURN LANE ON 6TH STREET, SIDEWALKS ON BOTH SIDES, PROPERTY ACQUISITION, TRAFFIC CALMING/CONTROL DEVICES, INTERSECTION IMPROVEMENTS, BICYCLE FACILITIES, SUBGRADE STABILIZATION, STORMWATER IMPROVEMENTS, WATERLINES AND OTHER NECESSARY AND APPROPRIATE IMPROVEMENTS.

WHEREAS, the Governing Body of the City of Lawrence, Kansas, did on February 6, 2007 conduct the public hearing on the advisability of the following improvement:

The construction of Stoneridge Drive (formerly known as Fenceline Road) from the intersection of West 6th Street (U.S. Highway 40) south approximately 630 feet, including a right-turn lane on 6th Street, sidewalks on both sides, property acquisition, traffic calming/control devices, intersection improvements, bicycle facilities, subgrade stabilization, waterlines, stormwater improvements, and other necessary and appropriate improvements.

WHEREAS, notice of such hearing was duly published as required by law; and

WHEREAS, the Governing Body did on March 6, 2007 find and determine, and does hereby find and determine, in accordance with K.S.A. 12-6a01 et seq., all as hereinafter set forth;

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

SECTION I. That the Governing Body hereby finds, and finally determines, that it is advisable to make the following improvements:

a) General Nature of the Improvement:

THE CONSTRUCTION OF STONERIDGE DRIVE (FORMERLY KNOWN AS FENCELINE ROAD) FROM THE INTERSECTION OF WEST 6TH STREET (U.S. HIGHWAY 40) SOUTH APPROXIMATELY 630 FEET, INCLUDING A RIGHT-TURN LANE ON 6TH STREET, SIDEWALKS ON BOTH SIDES, PROPERTY ACQUISITION, TRAFFIC CALMING/CONTROL DEVICES, INTERSECTION IMPROVEMENTS, BICYCLE FACILITIES, SUBGRADE STABILIZATION, WATERLINES, STORMWATER IMPROVEMENTS, AND OTHER NECESSARY AND APPROPRIATE IMPROVEMENTS.

(the "Improvements").

b) Estimated or Probable Cost:

The estimated or probable cost of the improvements is \$1,395,000 (to be increased at the pro-rata rate of 1 percent per month from and after the adoption date of this resolution authorizing the Improvements) plus costs of issuance and plus costs of interest on any temporary financing.

- c) The boundaries of the improvement district to be assessed are:

Tract 1 (COLLISTER – Plate No. U15801A)

A TRACT OF LAND IN THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SOUTH 88°04'34" WEST, 669.61 FEET ALONG THE NORTH LINE, AND SOUTH 01°55'26" EAST, 75.00 FEET FROM THE NORTHEAST CORNER OF THE WEST ONE-HALF OF SAID QUARTER SECTION; THENCE NORTH 88°04'34" EAST, 598.56 FEET; THENCE SOUTH 46°31'21" EAST, 46.72 FEET; THENCE SOUTH 01°48'52" EAST, 236.30 FEET; THENCE SOUTH 02°08'26" EAST, 354.44 FEET; THENCE SOUTH 87°56'58" WEST, 628.87 FEET; THENCE NORTH 02°14'02" WEST, 625.40 FEET TO THE POINT OF BEGINNING. CONTAINS 9.018 ACRES, MORE OR LESS.

Tract 2 (MS CONSTRUCTION - Plate No. 400345A)

A TRACT OF LAND IN THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 88°04'34" EAST, 73.31 FEET ALONG THE NORTH LINE, AND SOUTH 01°55'26" EAST, 75.00 FEET FROM THE NORTHWEST CORNER OF THE EAST ONE-HALF OF SAID QUARTER SECTION; THENCE NORTH 88°04'34" EAST, 787.75 FEET; THENCE SOUTH 01°57'13" EAST, 445.34 FEET TO THE NORTH LINE OF STONECREEK DRIVE; THENCE ALONG SAID NORTH LINE ON A 355.00 FOOT RADIUS CURVE TO THE LEFT WITH A 136.13 FOOT CHORD BEARING SOUTH 60°07'21" WEST, AN ARC DISTANCE OF 136.98 FEET; THENCE NORTH 40°55'53" WEST, 31.60 FEET; THENCE ALONG A 200.00 FOOT RADIUS CURVE TO THE RIGHT, WITH A 29.96 FOOT CHORD BEARING NORTH 36°46'50" WEST, AN ARC DISTANCE OF 29.99 FEET TO THE NORTH LINE OF FOX CHASE ADDITION NO. 6, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 88°04'34" WEST, ALONG SAID NORTH LINE, 28.49 FEET; THENCE SOUTH 68°09'05" WEST, ALONG SAID NORTH LINE, 196.32 FEET; THENCE SOUTH 86°44'12" WEST, 397.42 FEET; THENCE SOUTH 39°44'36" EAST, 167.22 FEET; THENCE ALONG A 75.00 FOOT RADIUS CURVE TO THE LEFT, WITH A 43.22 FOOT CHORD BEARING SOUTH 36°11'53" WEST, AN ARC DISTANCE OF 43.84 FEET; THENCE NORTH 71°24'28" WEST, 135.34 FEET; THENCE NORTH 02°07'12" WEST, 621.61 FEET; THENCE NORTH 42°40'52" EAST, 46.73 FEET TO THE POINT OF BEGINNING. CONTAINS 9.934 ACRES, MORE OR LESS.

d) The method of assessment shall be:

Each lot and parcel within the improvement district shall be assessed based on a ratio of the square footage of each lot or parcel to the square footage of the entire improvement district

e) The apportionment of costs shall be:

One hundred percent (100%) of the cost of the improvement shall be paid by the improvement district; except that the City at-large shall pay up to \$50,000 for the additional width of Stoneridge Drive required at the intersection of Stoneridge Drive and West 6th Street and the improvement district shall pay any costs in excess of \$50,000 for the additional width of the improvement required at the intersection of Stoneridge Drive and West 6th Street.

f) Pursuant to K.S.A. 12-692, the governing body may exempt, in whole or in part, certain property from special assessments made to pay the costs of acquiring land necessary for the construction of the improvements, the owner or owners or predecessors in title to which have dedicated or conveyed property necessary for the improvements. It is the intent of the governing body to require properties that have not dedicated the necessary property for the improvements to bear the cost of acquiring such property.

g) This public hearing is to amend the benefit district previously approved by the City Commission on July 18, 2006 by Resolution 6656. The amended project includes: the construction of a right turn lane on 6th Street, additional traffic calming/control devices for the intersection at 6th Street, updated cost estimates, and right-of-way acquisition.

SECTION II. The Improvement is hereby authorized and ordered to be made in accordance with the findings of the governing body upon the advisability of the improvement.

SECTION III. The City may adopt an ordinance establishing the maximum amount of special assessments prior to the construction of the improvement, all as provided by K.S.A. 12-6a09, as amended.

SECTION IV. The City expects to make capital expenditures on and after the date of adoption of this Resolution in connection with the Improvements, and intends to reimburse itself for such expenditures with the proceeds of one or more series of general obligation bonds and temporary notes of the City in the estimated maximum principal amount of \$1,395,000, (to be increased at the pro-rata rate of 1 percent per month from and after the adoption date of this resolution authorizing the Improvements) plus costs of issuance and plus costs of interest on any temporary financing.

SECTION V. The improvement shall not be commenced if, within 20 days after publication of this resolution, written protest signed by both 51% or more of the resident owners of record of property within the improvement district and the owners of record of more than half of the total area of said district are filed with the City Clerk.

SECTION VI. The City Clerk shall file a certified copy of this Resolution with the Register of Deeds of Douglas County, Kansas.

SECTION VII. This resolution shall be come effective upon its passage and publication once in the official city newspaper.

ADOPTED and passed this 6th day of March, 2007.

PASSED:

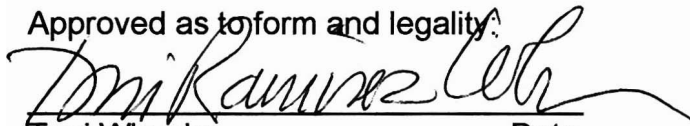

Mike Amyx, Mayor

ATTEST:



Frank S. Reeb, City Clerk

Approved as to form and legality:



Toni Wheeler

Date

Director of Legal Services

Legal description approved by:



Charles F. Soules, P.E.

Date

Director of Public Works