

**RESOLUTION NO. 6803**

**A RESOLUTION SETTING OUT THE FINDINGS AND DETERMINATIONS OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND ORDERING THE CONSTRUCTION OF A RIGHT TURN LANE ALONG NORTHBOUND STONERIDGE DRIVE AT THE INTERSECTION OF STONERIDGE DRIVE AND KELLY DRIVE, INCLUDING PROPERTY ACQUISITION, BICYCLE FACILITIES, SIDEWALKS ON BOTH SIDES, SUBGRADE STABILIZATION, STORMWATER IMPROVEMENTS, WATERLINES WITHIN THE PUBLIC RIGHT OF WAY, AND OTHER NECESSARY AND APPROPRIATE IMPROVEMENTS. ( Project # PW0825)**

**WHEREAS**, on September 9, 2008, certain property owners filed a petition pursuant to K.S.A. 12-6a01 *et seq.*, requesting that the governing body of the City of Lawrence, Kansas (the "City") make certain improvements within the City without notice and hearing, and assess the costs of such improvements against the property described in said petition; and

**WHEREAS**, the Governing Body hereby finds that the petition has been signed by 100% of the owners of property to be included in the proposed improvement district; and

**WHEREAS**, the Governing Body hereby finds that all of the property benefited by the proposed improvement is included in the proposed improvement district; and

**WHEREAS**, the Governing Body hereby finds that the following improvements and the creation of the following improvement district is necessary and advisable.

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

**Section 1.** The Governing Body of the City hereby finds and determines that it is advisable to construct the following improvement, and hereby authorizes and orders the following improvements to be made in accordance with K.S.A. 12-6a01 *et seq.*:

THE CONSTRUCTION OF A RIGHT TURN LANE ALONG NORTHBOUND STONERIDGE DRIVE AT THE INTERSECTION OF STONERIDGE DRIVE AND KELLY DRIVE, INCLUDING PROPERTY ACQUISITION, BICYCLE FACILITIES, SIDEWALKS ON BOTH SIDES, SUBGRADE STABILIZATION, STORMWATER IMPROVEMENTS, WATERLINES WITHIN THE PUBLIC RIGHT OF WAY, AND OTHER NECESSARY AND APPROPRIATE IMPROVEMENTS.

(The "Improvements").

**Section 2.** The estimated or probable cost of the Improvements is \$32,000.00 (to be increased at the pro-rata rate of 1 percent per month from and after the adoption date of this Resolution), plus costs of issuance and plus costs of interest on any temporary financing.

**Section 3.** The improvement district shall consist of those tracts and legally described as follows:

TRACT 1 – Douglas County Plate No. U13970A, Pear Tree Village, LP

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE, 344.49 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF WEST 6<sup>TH</sup> STREET; THENCE NORTH 02°01'38" WEST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 982.13 FEET TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 88°04'08" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 1339.07 FEET TO THE NORTHEAST CORNER THEREOF, AND THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 02°04'08" EAST, ALONG SAID EAST LINE, 807.31 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF WEST 6<sup>TH</sup> STREET; THENCE SOUTH 87°55'20" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 40.00 FEET; THENCE SOUTH 02°02'40" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 134.51 FEET; THENCE SOUTH 00°06'04" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 39.59 FEET; THENCE SOUTH 04°31'31" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 238.54 FEET; THENCE SOUTH 42°40'40" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 46.72 FEET; THENCE SOUTH 88°04'34" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 1167.98 FEET; THENCE NORTH 46°28'55" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 42.08 FEET; THENCE NORTH 02°11'30" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 239.58 FEET; THENCE SOUTH 87°58'01" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 40.00 FEET TO THE POINT OF BEGINNING LESS THE DEDICATION OF RIGHT OF WAY RECORDED AT THE DOUGLAS COUNTY REGISTER OF DEEDS AT BOOK 1027, PAGE 2246., SAID AREA CONTAINS 37.705 ACRES, MORE OR LESS.

**Section 4.** The method of assessment shall be:

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

**Section 5.** One hundred percent (100%) of the cost of the improvement shall be paid by the improvement district.

**Section 6.** Pursuant to K.S.A. 12-692, the Governing Body hereby exempts from special assessments related to acquisition of property necessary for the Improvements, certain property which 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.

**Section 7.** The City may adopt an ordinance establishing the maximum amount of special assessments prior to construction of the Improvements, all as provided by K.S.A. 12-6a09, as amended.

**Section 8.** 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 \$32,000.00 (to be


increased at the pro-rata rate of 1 percent per month from and after the date of adoption of this Resolution) plus costs of issuance and plus interest on any temporary financing.

**Section 9.** The City Clerk shall record this Resolution in the real estate records of Douglas County, Kansas.

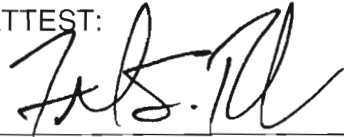
**Section 10.** This Resolution shall become effective upon its publication once in the official City newspaper.

**ADOPTED** by the Governing Body of the City of Lawrence, Kansas, this 23<sup>rd</sup> day of September, 2008.

**PASSED:**

  
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Michael Dever, Mayor

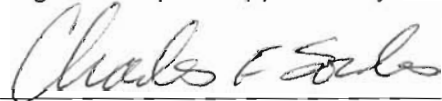
**ATTEST:**

  
\_\_\_\_\_  
Frank S. Reeb, City Clerk      Date

Approved as to form and legality:

  
\_\_\_\_\_  
Toni Ramirez Wheeler      Date  
Director of Legal Services

Legal description approved by:

  
\_\_\_\_\_  
Charles F. Soules, P.E.      Date  
Director of Public Works