

RESOLUTION NO. 6637

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 IN THE DELAWARE STREET COMMONS PROJECT, INCLUDING SANITARY SEWER AND STORMWATER IMPROVEMENTS, SIDEWALK CONSTRUCTION AND OTHER NECESSARY AND APPROPRIATE IMPROVEMENTS.

WHEREAS, the Governing Body of the City of Lawrence, Kansas, did on April 4th, 2006 conduct the public hearing on the advisability of the following improvement:

THE CONSTRUCTION OF PUBLIC IMPROVEMENTS IN THE DELAWARE STREET COMMONS PROJECT, INCLUDING SANITARY SEWER AND STORMWATER IMPROVEMENTS, SIDEWALK CONSTRUCTION, 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 April 4th, 2006 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 PUBLIC IMPROVEMENTS IN THE DELAWARE STREET COMMONS PROJECT, INCLUDING SANITARY SEWER AND STORMWATER IMPROVEMENTS, SIDEWALK CONSTRUCTION, AND OTHER NECESSARY AND APPROPRIATE IMPROVEMENTS.

(the "Improvements").

b) **Estimated or Probable Cost:**

The estimated or probable cost of the improvements is \$190,000 (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 proposed improvement district:**

Delaware Street Commons, Block 1, Lot 3 (Douglas County Plate No. U02597 - Delaware Street, LC)

BLOCK ONE, LOT 3 OF DELAWARE STREET COMMONS ADDITION II, A REPLAT OF LOTS 1-4, BLOCK ONE, DELAWARE COMMONS ADDITION, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

d) The method of assessment:

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:

The apportionment of costs shall be one hundred percent (100%) of the cost of the improvement shall be assessed to the improvement district and zero percent (0%) of the cost of the Improvement shall be paid by the City-at-large.

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 or improvement of such proposed or existing storm sewer or drain, the owner or owners or predecessors in title to which have dedicated or conveyed property necessary for the storm sewer or drain improvements. It is the intent of the governing body to require properties that have not dedicated the necessary property for the storm sewer or drain improvement to bear the cost of acquiring such property.

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 \$190,000, (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.

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.

This resolution shall be come effective upon its publication in the official city newspaper.

ADOPTED and passed this 4th day of April, 2008.

PASSED:

Michael Byrne
Mayor



Approved as to form and legality:

David L. Corliss 4.4.08
David L. Corliss Date
Interim City Manager & Director of Legal Services

Legal description approved by:

Charles F. Soules 4/4/08
Charles F. Soules, P.E. Date
Director of Public Works

17-858

Douglas County Register of Deeds
Book: 1009 Page: 3640



Receipt #: 084433
Pages Recorded: 3
Cashier Initials: rec

Recording Fee: Other

Authorized By: *Ken Pearson*

Date Recorded: 7/13/2008 10:31:00 AM

