

(Published in The Lawrence Journal-World on _____, 2013)

ORDINANCE NO. 8871

AN ORDINANCE AMENDING ORDINANCE NO. 8834 SETTING FORTH FINDINGS AND DETERMINATIONS OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS ON THE ADVISABILITY OF AND AUTHORIZING THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT PURSUANT TO K.S.A. 12-6a26 *et seq.*

WHEREAS, a petition was filed with the City Clerk for the City of Lawrence, Kansas (the “City”) on January 25, 2013, proposing certain improvements pursuant to K.S.A. 12-6a26 *et seq.* (the “Petition”); and

WHEREAS, the Petition set forth: (a) a map of the proposed community improvement district, (b) a legal description of the proposed community improvement district, (c) the general nature of the proposed project; (d) the estimated or probable cost of the proposed project; (e) the proposed method of financing the project; and (f) the proposed method and amount of assessment; and

WHEREAS, all the owners of record of property located within the proposed community improvement district signed the Petition; and

WHEREAS, no signatures were withdrawn from the petition before the Governing Body began consideration of the Petition; and

WHEREAS, K.S.A. 12-6a28(c) provides that, after a sufficient petition has been filed, the Governing Body may proceed without notice or hearing to make findings by ordinance as to the nature, advisability and estimated cost of the project, the boundaries of the district and the amount and method of assessment, and upon making such findings, the governing body by majority vote may authorize the project in accordance with such findings; and

WHEREAS, on February 12, 2013, the governing body adopted Ordinance No. 8834 authorizing the creation of the community improvement district as described in the Petition; and

WHEREAS, on May 21, 2013, an amended petition was filed with the City Clerk, proposing additional improvements in connection with the community improvement district (the “Amended Petition”); and

WHEREAS, all the owners of record of property located within the proposed community improvement district signed the Amended Petition; and

WHEREAS, no signatures were withdrawn from the petition before the Governing Body began consideration of the Amended Petition; and

WHEREAS, the governing body finds that the additional improvements and the cost thereof, and the amount of the assessments, to be advisable, and hereby amends Ordinance No. 8834 authorizing the amendment of the community improvement district as described in the Amended Petition.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AS FOLLOWS:

Section 1. The Governing Body hereby amends **Section 1** of Ordinance No. 8834 as follows:

Section 1. The Governing Body hereby finds that the Petition and the Amended Petition are sufficient, and further finds and determines that it is necessary and advisable to authorize the Project described below:

(a) The nature of the project is as follows:

the construction of underground electric, cable and phone lines including excavation, materials and equipment in the public right of way along Pennsylvania Avenue between 8th Street and 9th Street, relocating Westar poles with Westar and Knology lines on the east side of the 800 block of Pennsylvania Street, Westar poles with Westar and Knology lines from the north end of the alley between the 800 block of Pennsylvania Street and Delaware Street, and AT&T poles with AT&T lines from the south end of the alley between the 800 block of Pennsylvania Street and Delaware Street to underground conduit and utility junction boxes in the alley between the 800 block of Pennsylvania Street and Delaware Street, and other necessary and appropriate improvements

(the “Project”).

(b) The estimated cost of the Project is:

\$150,000.00, including an administrative fee imposed by the City in an amount equal to 5% of the total final costs of the Project.

(c) The method of financing the Project is:

The Project shall be funded by the City using Capital Improvement Reserve Funds, which shall be reimbursed to the City on a pay-as-you-go basis from special assessments imposed within the District.

(d) boundaries of the improvement district to be assessed are:

<u>Plate</u>	<u>Lot or Parcel Description</u>
U00110A	NORTH 122.07 FEET OF BLOCK A, LOT 3 IN THE 8TH AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT SUBDIVISION, FORMERLY KNOWN AS THE SOUTH 1/2 OF LOT 28 AND ALL OF LOT 30 AND LOT 32 OF PENNSYLVANIA STREET SUBDIVISION, ALL IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.
U00006A	LOT 2 IN THE 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NUMBER 1, SECTION 31 TOWNSHIP 12 SOUTH, RANGE 20 EAST IN THE CITY OF LAWRENCE, DOUGLAS COUNTY , KANSAS
U00110B	SOUTH 100 FEET OF BLOCK A, LOT 3 IN THE 8TH AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT SUBDIVISION FORMALLY KNOWN AS LOT 34 AND LOT 36 PENNSYLVANIA STREET SUBDIVISION ALL IN SECTION

	31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.
U00001B	LOT 1, 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO. 2, A MINOR SUBDIVISION REPLAT OF LOT 1 BLOCK A OF 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO 1 IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.
U00002C	LOT 2, 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO. 2, A MINOR SUBDIVISION REPLAT OF LOT 1 BLOCK A OF 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO 1 IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.
U00087A	LOT 1, 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO. 3, A MINOR SUBDIVISION REPLAT OF LOTS 1 AND 2 BLOCK A OF 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.
U00097A	LOT 3, 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO. 3, A MINOR SUBDIVISION REPLAT OF LOTS 1 AND 2 BLOCK A OF 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.
U00087B	LOT 2, 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO. 3, A MINOR SUBDIVISION REPLAT OF LOTS 1 AND 2 BLOCK A OF 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

(e) The method and estimated total amount of assessment shall be:

Property located in the District shall be assessed for 100% of the costs of the Project, with each lot or parcel being assessed based on the ratio of the square footage of such lot or parcel to the entire square footage of the District.

The assessment shall be levied in 20 equal annual installments.

Based on the proposed method of assessment and the estimated or probable cost of the Project, the total amount of assessment against each lot or parcel within the District, to be levied in 20 equal annual installments, is estimated to be as follows:

<u>Plate</u>	<u>Lot or Parcel Description</u>	<u>Estimated Total Assessment Amount</u>
U00110A	NORTH 122.07 FEET OF BLOCK A, LOT 3 IN THE 8TH AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT SUBDIVISION, FORMERLY KNOWN AS THE SOUTH 1/2 OF LOT 28 AND ALL OF LOT 30 AND LOT 32 OF PENNSYLVANIA STREET SUBDIVISION, ALL IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.	\$15,216.73

U00006A	LOT 2 IN THE 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NUMBER 1, SECTION 31 TOWNSHIP 12 SOUTH, RANGE 20 EAST IN THE CITY OF LAWRENCE, DOUGLAS COUNTY , KANSAS	\$26,451.73
U00110B	SOUTH 100 FEET OF BLOCK A, LOT 3 IN THE 8TH AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT SUBDIVISION FORMALLY KNOWN AS LOT 34 AND LOT 36 PENNSYLVANIA STREET SUBDIVISION ALL IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.	\$12,624.59
U00001B	LOT 1, 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO. 2, A MINOR SUBDIVISION REPLAT OF LOT 1 BLOCK A OF 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO 1 IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.	\$26,146.53
U00002C	LOT 2, 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO. 2, A MINOR SUBDIVISION REPLAT OF LOT 1 BLOCK A OF 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO 1 IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.	\$22,431.78
U00087A	LOT 1, 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO. 3, A MINOR SUBDIVISION REPLAT OF LOTS 1AND 2 BLOCK A OF 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.	\$12,517.78
U00097A	LOT 3, 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO. 3, A MINOR SUBDIVISION REPLAT OF LOTS 1AND 2 BLOCK A OF 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.	\$16,191.33
U00087B	LOT 2, 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT ADDITION NO. 3, A MINOR SUBDIVISION REPLAT OF LOTS 1AND 2 BLOCK A OF 8 th AND PENNSYLVANIA NEIGHBORHOOD REDEVELOPMENT IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.	\$18,602.52

- (f) A map showing the boundaries of the of the community improvement district (the “District”) is attached as **Exhibit A** and a legal description of each parcel within the District is referenced above.

Section 2. The Governing Body hereby declares that the Project described in this Ordinance is necessary, and authorizes the Project in accordance with the findings set forth in this Ordinance, and further authorizes the levying of assessments therefore, all in accordance with K.S.A. 12-6a26 *et seq.*

Section 3. The City Clerk shall file a certified copy of this Ordinance with the Register of Deeds of Douglas County, Kansas.

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Section 4. This Ordinance shall take effect after its passage and publication once in the official city newspaper.

ADOPTED AND PASSED this ____ day of _____, 2013.

Mayor

(SEAL)

City Clerk

EXHIBIT A

MAP OF PENNSLYVANIA AVENUE COMMUNITY IMPROVEMENT DISTRICT

