ORDINANCE NO. 18999

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of sanitary sewer district No. 40771 with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40771, as defined and described in Resolution No. 6671, adopted and approved September 24, 1996.

WHEREAS, the Council of the City of Topeka did on September 24, 1996, approve Resolution No. 6671 which authorized Sanitary Sewer Project No. 40771; and

WHEREAS, the project as authorized had an estimated project budget of $229,000.00 which was to be assessed on a square footage basis on all property contained within the boundaries of the improvement district; and

WHEREAS, subsequent to the authorization of the improvement, the East Topeka Interchange Project was commenced which resulted in the construction of public roads within the improvement district to provide access to the I-70 and K-4 public roadways; and

WHEREAS, it would be unfair to burden the owners of land in the benefit district by assessing the cost of the improvement on a square footage basis for all property within the improvement district when certain portions of that property is being used for public roads and highways, providing little or no beneficial use to the property owner; and

WHEREAS, K.S.A. 12-6a10 specifically gives the City Council the ability to amend proposed assessments as to any parcels; and

WHEREAS, the City Council finds that it would not be fair and equitable to assess the total project cost on a square footage basis for those portions of improvement district that are now public rights-of-way; and
WHEREAS, K.S.A. 12-6a07 specifically authorizes the City to pay such portion of
the cost of an improvement that the City Council may determine, not to exceed ninety-five
percent (95%) of the total cost thereof; and

WHEREAS, the Council of the City of Topeka desires to pay for the portion of the
cost of Sanitary Sewer Project No. 40771 which would be assessed on a square footage
basis for land in the improvement district that is being used for public right-of-way and the
property owners will be assessed the rest and remainder of the project costs based on
square footage basis of land included in the improvement district which is not being used
for public rights-of-way.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA,
KANSAS:

Section 1. For the purpose of paying the cost of piping, manholes, engineering
and all other contingencies needed to complete the project, the same being Sanitary Sewer
Improvement Project No. 40771, in the City of Topeka, Shawnee County, Kansas, there is
hereby levied and assessed a special assessment on all lots and pieces of ground liable
therefore. Said assessments are computed as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To provide sanitary sewer service to the following described area with
piping, manholes, engineering and all other contingencies needed for a
complete project.

B. IMPROVEMENT DISTRICT:

Begin at the southwest corner of Tenth Street and S.E. Croco Road, this
point also being the northeast corner of Lot 1 in Block B of England Mobile
Home Estates Subdivision; thence southerly on the west right of way line of
S.E. Croco Road to the southeast corner of Lot 2, Altair Heights
Subdivision; thence westerly on the south line of Lots 2 and 3 in said
subdivision to the southwest corner of Lot 3; thence southerly to the
northeast corner of Lot 5 in said subdivision; thence southerly 527.42 feet,
following the east line of Lots 5, 6, 7, and 8 in Altair Heights Subdivision;
thence continuing southwesterly on the easterly line of Lots 8, 9, and 10 for
a distance of 203.21 feet; thence southwesterly 158.80 feet to the
southwest corner of Lot 10, Altair Heights Subdivision; thence
northwesterly 10 feet to the southeasterly corner of Lot 2, Block A of Altair
Heights Subdivision No. 2; thence westerly to the southwest corner of Lot
1, Block A, Altair Heights Subdivision No. 2; thence southerly 10 feet to the
southeast corner of Lot 13, Altair Heights Subdivision; thence westerly to
the southwest corner of Lot 14 in said subdivision, also being the northeast
corner of 21st Street and Cedarwood Drive; thence westerly across
Cedarwood Drive to the southeast corner of Lot 15, Altair Heights
Subdivision; thence westerly to the southwest corner of said Lot 15, this
point also being the southeast corner of Lot 1, Block A, Fix First Addition;
thence westerly on the south line of said Lot 1 and Lot 1, Block A, Fix
Second Addition to the east right of way line of Rice Road; thence northerly
on said right of way line to the south line of Lot 1, Block A, Topeka
Turnpike Industrial Subdivision; thence easterly on the south line of said
Lot 1 to a point 435.11’ east of the west line of the southeast quarter of
Section 3, Township 12 south, Range 16 east of the Sixth P.M.; thence
northerly parallel with and 435.11 feet easterly of the west line of said
southeast quarter to the north line of Lot 1, Block A, Topeka Turnpike
Industrial Subdivision; thence westerly on the north line of said Lot 1 for a
distance of 138.78 feet; thence northerly to the south right of way line of
East Tenth Street at a point 296.33 feet easterly of the west line of the
southeast quarter of Section 3, Township 12 south, Range 16 east of the
Sixth P.M.; thence easterly on the south right of way line of East Tenth
Street to the west right of way line of S.E. Croco Road and the point of
beginning.

C. METHOD OF ASSESSMENT:

On a square foot of area for all lots, parcels or tracts which are included in
the improvement district and which are not part of the public rights-of-way.

D. TOTAL COST & APPORTIONMENT OF COSTS:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Topeka</td>
<td>$55,517.24</td>
</tr>
<tr>
<td>Improvement district</td>
<td>$165,186.36</td>
</tr>
</tbody>
</table>

FINAL PROJECT COST = $220,703.60

Section 2. The several amounts are apportioned, levied and assessed against
each of said lots and pieces of ground according to the benefits to be derived by reason of
the aforesaid improvements (except the interest hereinafter mentioned) which are as
# SANITARY SEWER IMPROVEMENT PROJECT NO. 40771

<table>
<thead>
<tr>
<th>Parcel Identification Number</th>
<th>Description</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1320304001001000</td>
<td>Lot 1, Less R/W for Hwy.</td>
<td>$17,106.10</td>
</tr>
<tr>
<td>1320304001002000</td>
<td>N. 330’ of NW QUARTER of the SE QUARTER, Less the west 296.33’ of said parcel.</td>
<td>$8,502.48</td>
</tr>
<tr>
<td>1320304001003000</td>
<td>Beginning at NE Corner of Lot 1, thence southerly 316’, scaled; thence westerly 900.36’; thence northerly 116’, scaled; thence easterly 419’, scaled; thence North 201.06’; thence easterly 494.07’ to the point of beginning.</td>
<td>$9,557.53</td>
</tr>
<tr>
<td>1320304001003020</td>
<td>Beginning 894.29’ West and 75.56’ South of the NE Corner of Lot 1; thence southerly 260.31’; thence easterly 339.5’; thence northeasterly 27.96’; thence North 150.42’; thence northwesterly 59.06’; thence westerly 308.35’ to the point of beginning.</td>
<td>$2,801.15</td>
</tr>
<tr>
<td>1320304002004000</td>
<td>Part of Block B, Lot 1 described as follows: Begin at Northwest Corner of Lot 1; thence East 590.42’; thence South 198.20’; thence West 566’, scaled; thence North 190.42’ to the point of beginning.</td>
<td>$5,141.46</td>
</tr>
<tr>
<td>1320304002003000</td>
<td>Lot 1, Less beginning at Northwest Corner of East 590.2’; thence northeasterly 44.11’; thence South 198.2’; thence West 665’; thence North 130.42’; Thence northeasterly 74.55’ to the point of beginning, less R/W.</td>
<td>$22,390.59</td>
</tr>
<tr>
<td>Description</td>
<td>Value</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>Lot 1, Less the East 515’</td>
<td>$16,607.44</td>
<td></td>
</tr>
<tr>
<td>Lot 1</td>
<td>$1,327.14</td>
<td></td>
</tr>
<tr>
<td>The East 515’ of Lot 1, Block A, First Fix Addition, Less R/W.</td>
<td>$13,029.72</td>
<td></td>
</tr>
</tbody>
</table>

**ALTAIR HEIGHTS SUBDIVISION NO. 3**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part of Lot 1, Block A, Beginning at the Southwest Corner of Lot 1; hence North 802.56’; thence easterly 369.47’; thence South 247.2’; thence Southwest 344.33’; Thence Southeast 272.09’; thence westerly 202.94’; thence West 194.71’ to the point of beginning.</td>
<td>$11,429.91</td>
</tr>
<tr>
<td>Lot 2, Block A</td>
<td>$6,898.72</td>
</tr>
<tr>
<td>Part of Lot 10, Block A of Altair Heights Subdivision No. 2; Beginning at easterly Corner of Lot 10; thence Southwest 37’; thence Southwest 60.9’; thence Northwest 215.53’; thence Southeast 225.58’ to point of beginning.</td>
<td>$460.47</td>
</tr>
</tbody>
</table>

**UNPLATTED PARCELS IN EAST HALF OF SOUTHEAST QUARTER OF SECTION 3-12-16**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Begin 1061.88’ North of the Southwest of the East half of said Southeast Quarter; thence North 362.95’; thence easterly 835.80’; thence South 395.62’; thence West 207.04’; thence southwesterly 536.34’; thence West 89.44’ to point of beginning, less R/W.</td>
<td>$33,130.65</td>
</tr>
<tr>
<td>Begin at Northwest Corner of said Lot 2; thence East 341.73’; thence North 135.04’; thence West 67.92’; thence westerly 280.14’; thence South 60.03’ to point of beginning.</td>
<td>$1,462.03</td>
</tr>
</tbody>
</table>

**ALTAIR HEIGHTS SUBDIVISION NO. 5**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1</td>
<td>$2,272.09</td>
</tr>
<tr>
<td>Lot 2</td>
<td>$905.30</td>
</tr>
</tbody>
</table>
ALTAIR HEIGHTS SUBDIVISION

1320304002012000 Lot 5, Less beginning at the Northeast Corner of Lot 5; thence South 37.89'; thence West 172'; thence North 63.56'; thence East 173.88' to point of beginning. $569.36

1320304002012000 Lot 6 $925.19

1320304002012000 Lot 7 $806.03

1320304002012000 Lot 8 $1,067.65

1320304002012000 Lot 1 $683.05

1320304002012000 Lot 2 $286.43

1320304002012000 Lot 3, Less R/W. $600.57

1320304002012000 Lot 4, Less R/W. $653.96

Section 3. Such assessments with accrued interest are hereby levied concurrent with general property taxes and shall be payable in twenty (20) equal annual installments; the first installment to be payable at the time of the first payment of the general property taxes, following the publication of this ordinance.

Section 4. All assessments shall bear interest in an amount not to exceed the legal rate established by law.

Section 5. The owner of any property so assessed may at any time prior to 30 days from the date of publication of this ordinance, pay the whole of the assessment against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.
Section 6. Assessments not paid prior to the date provided in Section 5 hereof, shall be certified, together with interest accrued, or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council November 27, 2007.

CITY OF TOPEKA, KANSAS

ATTEST:

_____________________________
William W. Bunten, Mayor

___________________________
Brenda Younger, City Clerk