

RESOLUTION NO. 1055

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF COLBY, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER LINE IMPROVEMENTS/COOPER FIRST ADDITION).**

**WHEREAS**, a petition (the “Petition”) was filed with the City Clerk of the City of Colby, Kansas (the “City”) proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.* (the “Act”); and

**WHEREAS**, K.S.A. 12-6a19 provides that whenever the construction of any water, stormwater, sanitary sewer or arterial street improvement is initiated by petition pursuant to the Act, the City may require the imposition of a benefit fee on property which is benefitted by such improvements but was not included within the original improvement district established for the levy of special assessments for such improvements; and

**WHEREAS**, the Petition contains a request that the City create an area for which benefit fees will be imposed pursuant to K.S.A. 12-6a19; and

**WHEREAS**, the governing body of the City hereby finds and determines that said Petition was signed by the owners of record of more than one-half of the area liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

**Section 1. Findings of Advisability.** The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Acquisition of water line improvements commencing at Sunflower Avenue extending South approximately 300 feet to the North side of the utility easement, thence East along the utility easement to the start of the property line (the “Improvements”).

(b) The estimated or probable cost of the Improvements is: \$83,122.50, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

(c) The extent of the improvement district (the “Improvement District”) to be assessed for the cost of the Improvements is:

A portion of Lots One (1), Two (2), and Three (3), Block Two (2), Cooper First Addition, to the City of Colby, Thomas County, Kansas, more particularly described as follows:

Beginning at the northeast corner of Lot 1, Block 2 Cooper First Addition; thence on an assumed bearing of South 40 degrees 49 minutes 10 seconds East along the East line of said Block 2 a distance of 740.06 feet; thence South 02 degrees 05 minutes 48 seconds West along the East line of said Block 2 a distance of 244.93 feet to the Southeast corner of said Lot 3, Block 2; thence North 88 degrees 19 minutes 33 seconds West along the South line of said Block 2 a distance of 1519.79 feet; thence North 01 degrees 58 minutes 21 seconds East parallel with the West line of said Block 2 a distance of 520.92 feet to the point on the South line of said Lot 1, Block 2; thence South 88 degrees 19 minutes 33 seconds East along the South line of said Lot 1, Block 2 a distance of 718.24 feet; thence North 01 degrees 58 minutes 21 seconds East parallel with the West line of said Block 2 a distance of 270.93 feet to a point on the North line of said Block 2; thence South 88 degrees 05 minutes 20 seconds East along the North line of said Block 2 a distance of 299.32 feet to the point of beginning.

(d) The method of assessment is: equally per parcel (1 parcel).

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

(f) The property described in *Exhibit A* attached hereto benefits from the Improvements, but is not included within the Improvement District described in *Section 1(c)* hereof; such property shall be subject to the imposition of benefit fees in the manner set forth in and pursuant to K.S.A. 12-6a19.

**Section 2. Authorization of Improvements.** The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

**Section 3. Bond Authority; Reimbursement.** The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

**Section 4. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Thomas County, Kansas.

**ADOPTED** by the governing body of the City on March 5, 2013.

(SEAL)

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Gary Adrian, Mayor

ATTEST:

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Joni L. Ketchum, City Clerk

***EXHIBIT A***

**DESCRIPTION OF BENEFIT FEE AREA**

Lots 1 through 3, inclusive, Block 2, Cooper First Addition, to the City of Colby, Thomas County, Kansas.