

**ORDINANCE NO. 2534**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF IMPROVEMENTS IN THE CITY OF DE SOTO, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NO. 1068 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

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**WHEREAS**, pursuant to Resolution No. 1068, the governing body of the City of De Soto, Kansas (the "City") has previously authorized certain improvements (the "Improvements," as more fully described below) to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the "Act"); and

**WHEREAS**, construction of the Improvements has not yet commenced and pursuant to K.S.A. 12-6a09(c), the maximum amount of assessment has been determined for each lot, piece or parcel of land to be included in the improvement district to be assessed for such costs (the "Improvement District"); and

**WHEREAS**, the governing body has received a waiver (the "Waiver") of public hearing and right to protest the levy of special assessment from the owners of 100% of the property liable for assessment for the cost of the Improvements; and

**WHEREAS**, the governing body desires to levy assessments on certain property benefited by the construction of certain of the Improvements.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS:**

**Section 1. Levy of Assessments.** For the purpose of paying the costs of the following described improvements:

(i) Improvements to 87th Street from Sunflower Road to approximately 200 feet west of Timber Trails Drive, including the replacement of the road culvert, the replacement with concrete surfaces of the access drives located in the public right-of-way, and asphalt overlay of 87th Street (the "Road Improvements"); and

(ii) Construction of a multi-use path along the 87th Street right-of-way generally from Sunflower Road to approximately 200 feet west of Timber Trails Drive (the "Path Improvements");

and all other necessary and related public improvements (collectively, the "Improvements"), there are hereby apportioned, levied and assessed the maximum amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) for the Road Improvements against the Improvement District described on *Exhibit A* attached hereto.

Pursuant to K.S.A. 12-6a09(c), if the final cost of the completed Road Improvements is less than the maximum amount of assessments shown on *Exhibit A*, then the governing body of the City shall adjust the assessments to reflect the actual cost of the completed Improvements. The final cost of the Improvements shall be apportioned equally per square foot, excluding those areas dedicated for public purposes as public right-of-way, publicly-owned easements, or similar public areas, as follows:

(y) For the Road Improvements, One-Hundred Percent (100%) to be assessed against the Improvement District and Zero Percent (0%) to be paid by the City-at-large, provided such cost shall not exceed \$1,000,000; and

(z) For the Path Improvements, Zero Percent (0%) to be assessed against the Improvement District and One-Hundred Percent (100%) to be paid by the City at-large, provided such cost shall not exceed \$500,000.

**Section 2. Payment of Assessments.** The amounts so levied and assessed in *Section 1* hereof shall be due and payable from and after the date of publication of this Ordinance. Such amounts may be paid in whole or in part within thirty (30) days from the date the City mails notice of the total final costs of the Improvements, after completion of such Improvements.

**Section 3. Notification.** After completion of the Improvements, the City Clerk shall notify the owners of the properties described in *Exhibit A* attached hereto (insofar as known to the City Clerk) of the amounts of their respective assessments. The notice shall also state that there shall be the right to prepayment of such assessments and that the City will, as soon as practicable, proceed to issue bonds therefor, and the amount of such assessment will be collected in installments with interest.

**Section 4. Certification.** The amount of special assessments shall be certified by the City Clerk to the Clerk of Johnson County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in annual installments over ten (10) years, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

**Section 5. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication of the Ordinance or a summary thereof once in the official City newspaper.

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PASSED by the governing body of the City on May 5, 2022 and APPROVED AND SIGNED



ATTEST:

\_\_\_\_\_  
Rick Walker, Mayor

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Brandon Mills, City Clerk

APPROVED AS TO FORM:

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Gilmore & Bell, P.C.

**EXHIBIT A**

**CITY OF DE SOTO, KANSAS  
87<sup>TH</sup> STREET BENEFIT DISTRICT  
RESOLUTION NO. 1068**

<b>Johnson County Tax Parcel ID</b>	<b>Legal Description</b>	<b>Land Area (sq. ft.)</b>	<b>Maximum Cost Allocation</b>
AP42310000 0001	Lot 1, MERCK FARM II, a recorded subdivision as filed in the Johnson County Register of Deeds Office, in Book 201801, at page 006079 lying in the South Half of Section 29, Township 12 South, Range 22 East, of the Sixth Principal Meridian, De Soto, Johnson County, Kansas.	7,183,643	\$1,000,000.00
<b>Total Improvement District</b>		<b>7,183,643</b>	<b>\$1,000,000.00</b>