

ORDINANCE NO. 2536

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. 1072 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

WHEREAS, pursuant to Resolution No. 1072, 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:

The construction of certain public streets consisting of (i) improvements at the intersections at 103rd Street and Edgerton Road and 103rd Street and Evening Star Road as necessary to allow proper tracking and turning for future truck traffic; and (ii) the reconstruction of Edgerton Road between Kansas Highway 10 and 103rd Street to a 3-lane arterial street standard with curb and gutters, an eight-foot wide concrete sidewalk on at least the west side, and all appropriate turn lanes, and may include a bike lane, in accordance with the City's current Public Improvement Standard Details for Streets and Sidewalks, as generally shown on *Exhibit A* (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 Improvements against the Improvement District described on *Exhibit B* 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 B*, 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 any public right-of-way located within the Improvement District, as follows: One hundred percent (100%) of the Improvement costs, including issuance and financing costs, shall be paid by the Improvement District. The balance of any costs of the Improvements exceeding the amount set forth in *Exhibit B* shall be paid by the petitioner for the Improvement District. Zero percent (0%) shall be paid by the City-at-large.

The governing body hereby ratifies the imposition of benefit fees as provided in Section 1 of Resolution No. 1072.

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. After completion of such Improvements, such amounts may be paid in whole or in part within thirty (30) days from the date the City provides notice of the total final costs of the Improvements as set forth below.

Section 3. Notification. After completion of the Improvements, the City Clerk shall notify the owners of the properties described in *Exhibit B* 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 fifteen (15) 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.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

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

(SEAL)

Rick Walker, Mayor

ATTEST:

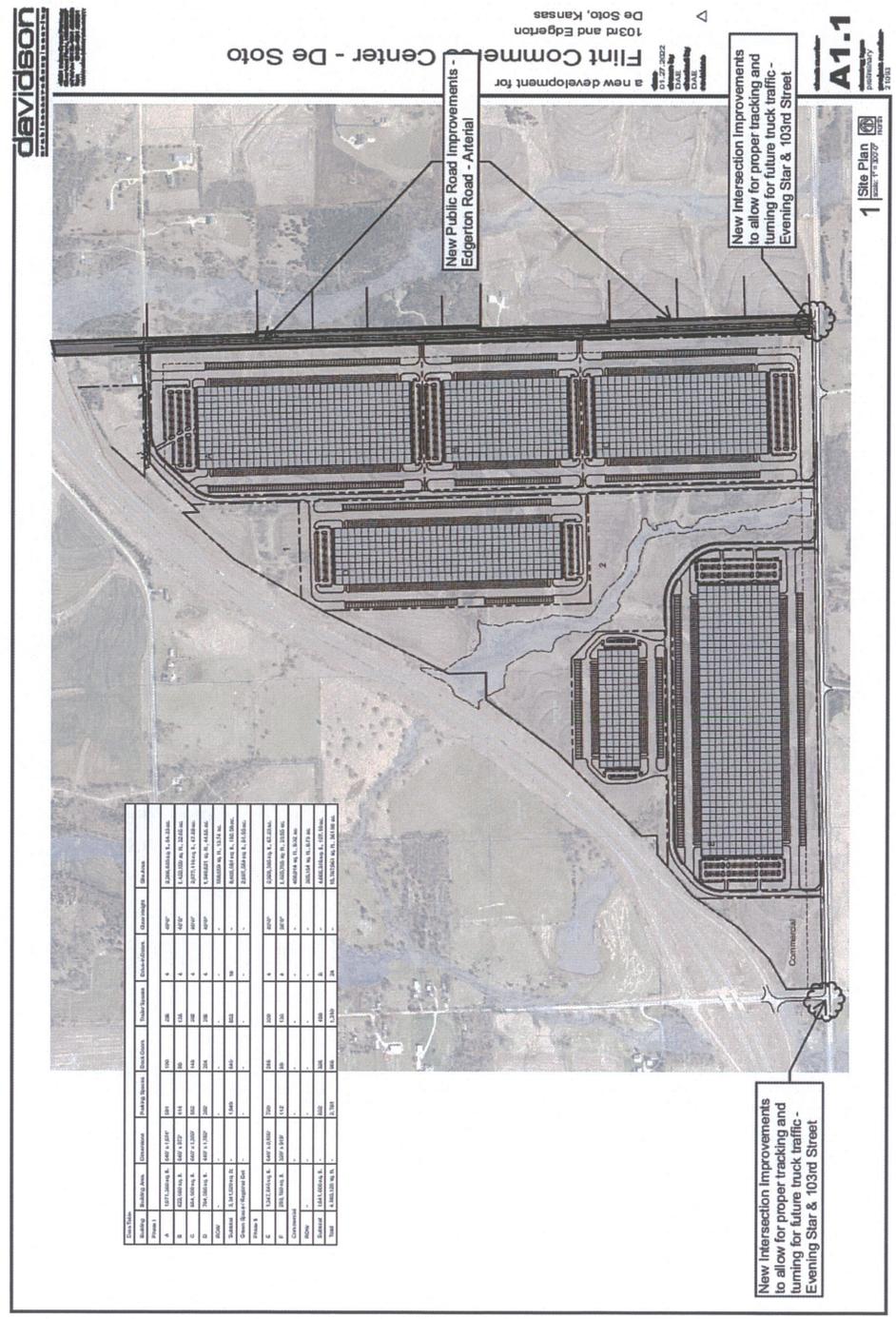
Brandon Mills, City Clerk

APPROVED AS TO FORM:

Gilmore & Bell, P.C.

EXHIBIT A

CITY OF DE SOTO, KANSAS
IMPROVEMENT DISTRICT CREATED PURSUANT TO
RESOLUTION NO. 1072



Block Name	Block Number	Area (Acres)	Front Lot Area	Front Lot Area (Sq Ft)					
Block 1	1001	1.00	100	100	100	100	100	100	100
Block 2	1002	1.00	100	100	100	100	100	100	100
Block 3	1003	1.00	100	100	100	100	100	100	100
Block 4	1004	1.00	100	100	100	100	100	100	100
Block 5	1005	1.00	100	100	100	100	100	100	100
Block 6	1006	1.00	100	100	100	100	100	100	100
Block 7	1007	1.00	100	100	100	100	100	100	100
Block 8	1008	1.00	100	100	100	100	100	100	100
Block 9	1009	1.00	100	100	100	100	100	100	100
Block 10	1010	1.00	100	100	100	100	100	100	100
Block 11	1011	1.00	100	100	100	100	100	100	100
Block 12	1012	1.00	100	100	100	100	100	100	100
Block 13	1013	1.00	100	100	100	100	100	100	100
Block 14	1014	1.00	100	100	100	100	100	100	100
Block 15	1015	1.00	100	100	100	100	100	100	100
Block 16	1016	1.00	100	100	100	100	100	100	100
Block 17	1017	1.00	100	100	100	100	100	100	100
Block 18	1018	1.00	100	100	100	100	100	100	100
Block 19	1019	1.00	100	100	100	100	100	100	100
Block 20	1020	1.00	100	100	100	100	100	100	100
Block 21	1021	1.00	100	100	100	100	100	100	100
Block 22	1022	1.00	100	100	100	100	100	100	100
Block 23	1023	1.00	100	100	100	100	100	100	100
Block 24	1024	1.00	100	100	100	100	100	100	100
Block 25	1025	1.00	100	100	100	100	100	100	100
Block 26	1026	1.00	100	100	100	100	100	100	100
Block 27	1027	1.00	100	100	100	100	100	100	100
Block 28	1028	1.00	100	100	100	100	100	100	100
Block 29	1029	1.00	100	100	100	100	100	100	100
Block 30	1030	1.00	100	100	100	100	100	100	100
Block 31	1031	1.00	100	100	100	100	100	100	100
Block 32	1032	1.00	100	100	100	100	100	100	100
Block 33	1033	1.00	100	100	100	100	100	100	100
Block 34	1034	1.00	100	100	100	100	100	100	100
Block 35	1035	1.00	100	100	100	100	100	100	100
Block 36	1036	1.00	100	100	100	100	100	100	100
Block 37	1037	1.00	100	100	100	100	100	100	100
Block 38	1038	1.00	100	100	100	100	100	100	100
Block 39	1039	1.00	100	100	100	100	100	100	100
Block 40	1040	1.00	100	100	100	100	100	100	100
Block 41	1041	1.00	100	100	100	100	100	100	100
Block 42	1042	1.00	100	100	100	100	100	100	100
Block 43	1043	1.00	100	100	100	100	100	100	100
Block 44	1044	1.00	100	100	100	100	100	100	100
Block 45	1045	1.00	100	100	100	100	100	100	100
Block 46	1046	1.00	100	100	100	100	100	100	100
Block 47	1047	1.00	100	100	100	100	100	100	100
Block 48	1048	1.00	100	100	100	100	100	100	100
Block 49	1049	1.00	100	100	100	100	100	100	100
Block 50	1050	1.00	100	100	100	100	100	100	100
Block 51	1051	1.00	100	100	100	100	100	100	100
Block 52	1052	1.00	100	100	100	100	100	100	100
Block 53	1053	1.00	100	100	100	100	100	100	100
Block 54	1054	1.00	100	100	100	100	100	100	100
Block 55	1055	1.00	100	100	100	100	100	100	100
Block 56	1056	1.00	100	100	100	100	100	100	100
Block 57	1057	1.00	100	100	100	100	100	100	100
Block 58	1058	1.00	100	100	100	100	100	100	100
Block 59	1059	1.00	100	100	100	100	100	100	100
Block 60	1060	1.00	100	100	100	100	100	100	100
Block 61	1061	1.00	100	100	100	100	100	100	100
Block 62	1062	1.00	100	100	100	100	100	100	100
Block 63	1063	1.00	100	100	100	100	100	100	100
Block 64	1064	1.00	100	100	100	100	100	100	100
Block 65	1065	1.00	100	100	100	100	100	100	100
Block 66	1066	1.00	100	100	100	100	100	100	100
Block 67	1067	1.00	100	100	100	100	100	100	100
Block 68	1068	1.00	100	100	100	100	100	100	100
Block 69	1069	1.00	100	100	100	100	100	100	100
Block 70	1070	1.00	100	100	100	100	100	100	100
Block 71	1071	1.00	100	100	100	100	100	100	100
Block 72	1072	1.00	100	100	100	100	100	100	100
Block 73	1073	1.00	100	100	100	100	100	100	100
Block 74	1074	1.00	100	100	100	100	100	100	100
Block 75	1075	1.00	100	100	100	100	100	100	100
Block 76	1076	1.00	100	100	100	100	100	100	100
Block 77	1077	1.00	100	100	100	100	100	100	100
Block 78	1078	1.00	100	100	100	100	100	100	100
Block 79	1079	1.00	100	100	100	100	100	100	100
Block 80	1080	1.00	100	100	100	100	100	100	100
Block 81	1081	1.00	100	100	100	100	100	100	100
Block 82	1082	1.00	100	100	100	100	100	100	100
Block 83	1083	1.00	100	100	100	100	100	100	100
Block 84	1084	1.00	100	100	100	100	100	100	100
Block 85	1085	1.00	100	100	100	100	100	100	100
Block 86	1086	1.00	100	100	100	100	100	100	100
Block 87	1087	1.00	100	100	100	100	100	100	100
Block 88	1088	1.00	100	100	100	100	100	100	100
Block 89	1089	1.00	100	100	100	100	100	100	100
Block 90	1090	1.00	100	100	100	100	100	100	100
Block 91	1091	1.00	100	100	100	100	100	100	100
Block 92	1092	1.00	100	100	100	100	100	100	100
Block 93	1093	1.00	100	100	100	100	100	100	100
Block 94	1094	1.00	100	100	100	100	100	100	100
Block 95	1095	1.00	100	100	100	100	100	100	100
Block 96	1096	1.00	100	100	100	100	100	100	100
Block 97	1097	1.00	100	100	100	100	100	100	100
Block 98	1098	1.00	100	100	100	100	100	100	100
Block 99	1099	1.00	100	100	100	100	100	100	100
Block 100	1100	1.00	100	100	100	100	100	100	100

EXHIBIT B

**CITY OF DE SOTO, KANSAS
IMPROVEMENT DISTRICT CREATED PURSUANT TO
RESOLUTION NO. 1072**

Johnson Co. Tax Parcel ID	Abbreviated Legal Description	Sq. Ft.	Amount
AF211301-3001	1-13-21 NE1/4 NE1/4 EX 1.66 AC IN HWY & EX .91 IN RD 37.43 ACS M/L	1,621,773	\$718,676
AF211301-3002	01-13-21 SE1/4 NE1/4 EX .91 AC IN RD 39.09 ACS M/L	1,713,102	759,147
AF211301-4002	01-13-21 E 1/2 SE 1/4 EX .15 A 79.85 ACRES LE -0075	3,386,188	1,500,562
AF211301-4001	01-13-21 W 1/2 SE 1/4 EX 1.44 AC IN ST 78.56 ACS M/L	3,431,507	1,520,645
AF211301-2002	01-13-21 E 1/2 SW1/4 EX 4.6 AC EX 10.65 ACS IN HWY & EX 1.45 AC IN ST 63.3 ACS M/L	2,714,795	1,203,040
AF211301-2003	1-13-21 SW1/4 SW1/4 EX 14.94 AC IN HWY & EX 1.323 AC IN ST 23.737 ACS M/L	1,010,786	447,922
AF211301-3003	1-13-21 W 1/2 NE1/4 EX 20.7 ACS IN HWY & EX 15.672 AC LYG O/S CITY OF DE SOTO 44.027 ACS M/L	1,918,139	850,008
Totals		16,180,841	\$7,000,000

(Published in *The Legal Record* on May 10, 2022)

SUMMARY OF ORDINANCE NO. _____

On May 5, 2022, the governing body of the City of De Soto, Kansas, passed an ordinance entitled:

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. 1072 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

The Ordinance levies maximum special assessments on certain property located in the vicinity of Edgerton Road between 95th Street and 103rd Street, which have been benefitted from certain improvements constructed pursuant to K.S.A. 12-6a01 *et seq.* and provides an opportunity for prepayment, in whole or in part, of the special assessments. A schedule of the amounts of the special assessments and the property benefitted are attached to the Ordinance. Any amount of special assessments not paid within the time prescribed in the Ordinance 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, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by law. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 32905 W. 84th Street, De Soto, Kansas. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84th Street, De Soto, Kansas or at www.desotoks.us by clicking the links for "Government", then "City Ordinances", then "Recently Passed Ordinances". This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, *et seq.*

DATED: May 5, 2022

Patrick G. Reavey, City Attorney