

RESOLUTION NO. 1746

A RESOLUTION DIRECTING NOTICE TO BE GIVEN OF A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS TO BE LEVIED IN CONNECTION WITH CERTAIN SEWER IMPROVEMENTS IN THE CITY OF GARDNER, KANSAS (NIKE SCHOOL SEWER BENEFIT DISTRICT).

WHEREAS, pursuant to Resolution No. 1721 of the city of Gardner, Kansas (the "City"), adopted on March 5, 2007, the City has authorized the construction of certain sewer improvements in the City (the "Improvements") pursuant to K.S.A. 12-6a01 *et seq.*;

WHEREAS, the Improvements are substantially complete and it is necessary and advisable to prepare an assessment roll and to provide notice of a public hearing of such proposed assessments all in accordance with K.S.A. 12-6a09;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS, AS FOLLOWS:

Section 1. The Finance Director shall prepare a proposed assessment roll for the Improvements which shall set forth the proposed assessment against each lot, piece or parcel of land within the improvement district in the manner set forth in Resolution No. 1721. The proposed assessment roll shall be maintained on file with the City Clerk and be open for public inspection.

Section 2. Following preparation of the proposed assessment roll, the Governing Body shall hold a public hearing on the proposed assessments at its regular meeting on June 16, 2008. The City Clerk shall publish notice of the public hearing at least once not less than 10 days prior to June 16, 2008, and shall mail to the owners of the property liable to pay the assessments, at their last known post office address, a notice of the hearing and a statement of the cost proposed to be assessed all in accordance with K.S.A. 12-6a09. The published notice shall be in substantially the form as set forth in Exhibit A to this Resolution.

Section 3. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Governing Body on May 19, 2008.

(Seal)

/s/ Carol Lehman
Carol Lehman, Mayor

ATTEST:

/s/ Melissa Mundt
Melissa Mundt, Deputy City Clerk

EXHIBIT A

[Form of notice of public hearing to be published no later than May 23, 2008.]

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the city of Gardner, Kansas (the "City"), will hold a public hearing meeting at City Council Chambers, City Hall, 120 E. Main, Gardner, Kansas, on June 16, 2008, at 7:00 p.m. (or as soon as practical thereafter), for the purpose of considering and hearing any and all complaints and objections to an assessment roll prepared in connection with the following improvements in the City, as authorized by Resolution No. 1721 of the City, adopted March 5, 2007:

Design and construction of approximately 2,120 lineal feet of 8 inch gravity sewer, a wet well and pump station, and approximately 1,430 lineal feet of 4 inch force main.

The improvements have been completed at a total cost of \$205,000 and such costs will be apportioned between the City and the improvement district described below (the "Improvement District") as follows: (a) the City-at-large shall pay 100% of the first \$41,715 in costs of the improvements, (b) for the next \$63,157.90 in costs of the improvements, the Improvement District will be assessed 5% and the City-at-large will pay 95%; and (c) for the balance of the costs of the improvement, *i.e.*, all amounts in excess of \$104,872.90, the Improvement District will be assessed 100%.

The Improvement District includes the following property:

All that part of Section 2, Township 15, Range 22, now in the City of Gardner, Johnson County, Kansas, described as follows: Beginning at the Southeast corner of the Northeast Quarter of said Section 2; thence South 2 degrees 49 minutes 15 seconds East, along the East line of the Southeast Quarter of said Section 2, a distance of 325.70 feet; thence South 87 degrees 11 minutes 06 seconds West, a distance of 932.13 feet; thence North 2 degrees 48 minutes 4 seconds West, a distance of 1259.33 feet; thence North 87 degrees 11 minutes 06 seconds East, a distance of 932.00 feet, to a point on the East line of the Northeast Quarter of said Section 2; thence South 2 degrees 49 minutes 15 seconds East, along the East line of the Northeast Quarter of said Section 2, a distance of 933.63 feet, to the point of beginning, containing 26.95 acres more or less.

The assessment roll is on file in the office of the City Clerk and may be examined by any interested party. Anyone who wishes to make any complaint, comment or objection, written or oral, to the assessment roll may appear and will be heard at the public hearing meeting or at any adjournment of such meeting and the Governing Body of the City will hear and pass on any such objections, and may amend the proposed assessments as described in the assessment roll. Upon completion of the public hearing, the amounts of the assessments will be finally determined by the Governing Body of the City.

DATED May 19, 2008.

/s/ Melissa Mundt
Deputy City Clerk