

ORDINANCE NO. 323

AN ORDINANCE RELATING TO SEWER DISTRICT NO. 1-EAST WATHENA, APPORTIONING COST OF IMPROVEMENTS AND LEVYING CERTAIN SPECIAL ASSESSMENTS AND TAXES PURSUANT TO K.S.A. SUPP. 12-6a10 UPON ALL LOTS, TRACTS AND PARCELS OF LAND SITUATE WITHIN SAID SEWER DISTRICT ALL FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF THE INSTALLATION OF CERTAIN SANITARY SEWER SYSTEM IMPROVEMENTS WITHIN SAID SEWER DISTRICT, PROVIDING CERTAIN METHODS FOR THE COLLECTION AND PAYMENT OF SUCH SPECIAL ASSESSMENTS, PROVIDING FOR CERTIFICATION OF SUCH SPECIAL ASSESSMENTS TO THE COUNTY CLERK OF DONIPHAN COUNTY, AND ALL AS PROVIDED BY LAW, INCLUDING K.S.A. 12-6a01 TO 12-6a18, AS AMENDED.

WHEREAS, pursuant to various proceedings heretofore duly, legally and regularly had according to law, engineer's plans and specifications have been prepared and construction contracts heretofore let and fully performed upon, for the completion of certain sanitary sewer system improvements within Sewer District No. 1-East Wathena, such improvements consisting generally of the installation of a sanitary sewer trunk line and sewer lift station and five sanitary sewer laterals; and,

WHEREAS, the Governing Body has determined that the total cost of the aforesaid sanitary sewer system improvements is in the amount of \$86,601.99 and that of such total cost, the City of Wathena at large should pay ten percent (10%) of the total cost of installing the sewer trunk line and lift station amounting to \$6,963.70 and that the remaining part of such total cost amounting to \$79,638.29 should be apportioned and assessed upon, among and against all of the various lots, parcels and tracts of land within said Sewer District No. 1 as special assessments all as herein provided; and,

WHEREAS, notice of such special assessments and of a public hearing thereon has been duly published as required by K.S.A. 12-6a09 and the Governing Body of the City of Wathena has met pursuant to such notice for the purpose of hearing and passing upon all objections, written and oral, to each and all of the proposed special assessments and has finally determined and ordered that special assessments and taxes for the cost of such work and improvements shall be apportioned among and levied as special assessments and taxes upon and against the various lots, parcels and tracts of land within Sewer District No. 1-East Wathena as hereinafter provided:

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS:

SECTION 1. SPECIAL ASSESSMENTS LEVIED. Special assessments and taxes to pay the cost of the sanitary sewer system improvements within Sewer District No. 1-East Wathena as herein described and referred to, with accrued interest thereon, shall be and the same are hereby levied and assessed as special assessments and as a special tax upon and against all of the various lots, tracts, and parcels of land which comprise a part of and are within

<u>TRACT</u>	<u>OWNER</u>	<u>DESCRIPTION</u>	<u>ASSESSMENT</u>
1	Thomas J. Polley and Linda L. Polley	Lot 1	\$ 768.29
2	Coursen Construction Co., Inc., a Kansas Corporation, subject to a Contract of Sale to Warren Wilson	Lot 2	1,337.63
3	Coursen Construction Co., Inc., a Kansas Corporation, subject to a Contract of Sale to Duane Weber	Lot 3	1,337.63
4	Coursen Construction Co., Inc., a Kansas Corporation	Lot 4	1,337.63
5	Coursen Construction Co., Inc., a Kansas Corporation	Lot 5	1,337.63
6	Coursen Construction Co., Inc., a Kansas Corporation	Lot 6	1,337.63
7	Coursen Construction Co., Inc., a Kansas Corporation, subject to a Contract of Sale to Russell Gould	Lot 7	1,337.63
8	Coursen nstruction Co., Inc., a Kansas Corporation	Lot 8	1,337.63
9	Coursen Construction Co., Inc., a Kansas Corporation	Lot 9	1,337.63
10	Coursen Construction Co., Inc., a Kansas Corporation	Lot 10	1,337.63
11	Coursen Construction Co., Inc., a Kansas Corporation	Lot 11	1,337.63
12	Gregory L. Coursen	Lot 12	1,337.63
13	Dennis W. Coursen	Lot 13	1,337.63
14	Lawrence W. Matthias and Jean E. Matthias	Lot 14	768.29
15	Coursen Construction Co., Inc., a Kansas Corporation	Lot 15	768.29
16	Coursen Construction Co., Inc., a Kansas Corporation	Lot 16	768.29
17	Coursen Construction Co., Inc., a Kansas Corporation	Lot 17	768.29
18	Coursen Construction Co., Inc., a Kansas Corporation	Lot 18	768.29

<u>TRACT</u>	<u>OWNER</u>	<u>DESCRIPTION</u>	<u>ASSESSMENT</u>
19	Coursen Construction Co., Inc., a Kansas Corporation	Lot 19	\$ 768.29
20	Coursen Construction Co., Inc., a Kansas Corporation	Lot 20	768.29
21	Coursen Construction Co., Inc., a Kansas Corporation	Lot 21	768.29
22	Coursen Construction Co., Inc., a Kansas Corporation	Lot 22	768.29
23	Coursen Construction Co., Inc., a Kansas Corporation	Lot 23	768.29
24	Coursen Construction Co., Inc., a Kansas Corporation	Lot 24	768.29
25	Coursen Construction Co., Inc., a Kansas Corporation	Lot 25	768.29
26	Coursen Construction Co., Inc., a Kansas Corporation	Lot 26	768.29
27	Coursen Construction Co., Inc., a Kansas Corporation	Lot 27	768.29
28	Coursen Construction Co., Inc., a Kansas Corporation	Lot 28	768.29
29	Coursen Construction Co., Inc., a Kansas Corporation	Lot 29	768.29
30	Coursen Construction Co., Inc., a Kansas Corporation	Lot 30	768.29
31	Coursen Construction Co., Inc., a Kansas Corporation	Lot 31	768.29
32	Coursen Construction Co., Inc., a Kansas Corporation	Lot 32	768.29
33	Coursen Construction Co., Inc., a Kansas Corporation	Lot 33	768.29
34	Coursen Construction Co., Inc., a Kansas Corporation	Lot 34	768.29
35	Coursen Construction Co., Inc., a Kansas Corporation	Lot 35	768.29
36	Coursen Construction Co., Inc., a Kansas Corporation	Lot 36	768.29

<u>TRACT</u>	<u>OWNER</u>	<u>DESCRIPTION</u>	<u>ASSESSMENT</u>
37	Coursen Construction Co., Inc., a Kansas Corporation	Lot 37	\$ 768.29
38	Coursen Construction Co., Inc., a Kansas Corporation	Lot 38	768.29
39	Coursen Construction Co., Inc., a Kansas Corporation	Lot 39	768.29
40	Coursen Construction Co., Inc., a Kansas Corporation	Lot 40	768.29
41	Coursen Construction Co., Inc., a Kansas Corporation	Lot 41	768.29
42	Coursen Construction Co., Inc., a Kansas Corporation	Lot 42	768.29
43	Coursen Construction Co., Inc., a Kansas Corporation	Lot 43	768.29
44	Coursen Construction Co., Inc., a Kansas Corporation	Lot 44	768.29
45	Coursen Construction Co., Inc., a Kansas Corporation	Lot 45	768.29
46	Coursen Construction Co., Inc., a Kansas Corporation	Lot 46	768.29
47	Coursen Construction Co., Inc., a Kansas Corporation	Lot 47	768.29
48	Coursen Construction Co., Inc., a Kansas Corporation	Lot 48	768.29
49	Coursen Construction Co., Inc., a Kansas Corporation	Lot 49	768.29
50	Coursen Construction Co., Inc., a Kansas Corporation	Lot 50	768.29
51	Coursen Construction Co., Inc., a Kansas Corporation	Lot 51	768.29
52	Coursen Construction Co., Inc., a Kansas Corporation	Lot 52	768.29
53	Coursen Construction Co., Inc., a Kansas Corporation	Lot 53	768.29
54	Coursen Construction Co., Inc., a Kansas Corporation	Lot 54	768.29

<u>TRACT</u>	<u>OWNER</u>	<u>DESCRIPTION</u>	<u>ASSESSMENT</u>
55	Coursen Construction Co., Inc., a Kansas Corporation	Lot 55	\$ 768.29
56	Coursen Construction Co., Inc., a Kansas Corporation	Lot 56	768.29
57	Coursen Construction Co., Inc., a Kansas Corporation	Lot 57	768.29
58	Coursen Construction Co., Inc., a Kansas Corporation	Lot 58	768.29
59	Coursen Constructio Co., Inc., a Kansas Corporation	Lot 59	768.29
60	Mary Martha Meeks	Lot 60	768.29

All of the above described tracts of real estate, consisting of 60 lots, are situate in Schuster's Pine Cone Villa, an Addition to the Original Town, now City of Wathena, said addition being a part of the Southwest Quarter of Section 27, Twonship 3, Range 22, Doniphan County, Kansas.

61	Ruth Groh	That tract of real estate described in a certain Warranty Deed dated February 12, 1973, and recorded in Book 159 at Page 124 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which Ruth Groh is the named grantee	2,068.79
62	Glen F. Shelton and Betty J. Shelton	That tract of real estate described in a certain Warranty Deed dated August 31, 1961, and recorded in Book 146 at Page 97 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which Glen F. Shelton and Betty J. Shelton are the named grantees	2,016.29
63	Nicholas J. Embery	That tract of real estate described in a certain Warranty Deed, dated May 3, 1967, and recorded in Book 153 at Page 164 and a Warranty Deed, dated February 27, 1948, and recorded in Book 130 at Page 509 of the records in the office of the Register of Deeds of Doniphan County, Kansas, and in which Nicholas J. Embery is one of the named grantees	1,339.79

<u>TRACT</u>	<u>OWNER</u>	<u>DESCRIPTION</u>	<u>ASSESSMENT</u>
64	Nicholas J. Embery	That tract of real estate described in a certain Warranty Deed, dated May 3, 1967, and recorded in Book 153 at Page 164 and a Warranty Deed, dated February 27, 1948, and recorded in Book 130 at Page 509 of the records in the office of the Register of Deeds of Doniphan County, Kansas, and in which Nicholas J. Embery is one of the named grantees	\$2,339.79
65	Norman S. Miller and Meara R. Miller	That tract of real estate described in a certain Warranty Deed dated February 29, 1964, and recorded in Book 149 at Page 1 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which Norman S. Miller and Meare R. Miller are the named grantees	768.29
66	Howard C. Gummig and Judy J. Gummig	That tract of real estate described in a certain Warranty Deed dated February 1, 1958, and recorded in Book 140 at Page 272 of the records in the office of the Register of Deeds of Doniphan County, Kansas in which Howard C. Gummig and Judy J. Gummig are the named grantees	768.29
67	John J. Shalz and Lydia B. Shalz	That tract of real estate described in a certain Warranty Deed dated June 9, 1960, and recorded in Book 142 at Page 524 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which John J. Shalz and Lydia B. Shalz are the named grantees	768.29
68	Kenneth Simpson and Vicki Simpson	That tract of real estate described in a certain Warranty Deed dated October 18, 1972, and recorded in Book 159 at Page 56 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which Kenneth Simpson and Vicki Simpson are the named grantees	768.29

<u>TRACT</u>	<u>OWNER</u>	<u>DESCRIPTION</u>	<u>ASSESSMENT</u>
69	Robert L. Laudeman and Mildred L. Laudeman	That tract of real estate described in a certain Warranty Deed dated July 12, 1968, and recorded in Book 153 at Page 425 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which Robert L. Laudeman and Mildred L. Laudeman are the named grantees	\$ 768.29
70	Glen L. Hickman and Rosalee Hickman	That tract of real estate described in a certain Warranty Deed dated June 24, 1965, and recorded in Book 149 at Page 325 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which Glen L. Hickman and Rosalee Hickman are the named grantees	768.29
71	Robert W. McVey and Rena M. McVey	That tract of real estate described in a certain Warranty Deed dated September 13, 1973, and recorded in Book 159 at Page 264 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which Robert W. McVey and Rena M. McVey are the named grantees	768.29
72	Robert A. Wisler and Norma Wisler	That tract of real estate described in a certain Warranty Deed dated September 1, 1965, and recorded in Book 149 at Page 375 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which Robert A. Wisler and Norma Wisler are the named grantees	768.29
73	James E. Widner and Betty J. Widner	That tract of real estate described in a certain Warranty Deed dated October 10, 1968, and recorded in Book 153 at Page 476 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which James E. Widner and Betty J. Widner are the named grantees	1,379.77
74	City National Bank of Atchison County, Kansas	Lot 10 in Breem's Addition as said Lot is described in a Certain Sheriffs' Deed, dated February 16, 1970, and recorded in Book 155 at Page 135 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which the City National Bank of Atchison County, Kansas, is the named grantee	1,379.77

<u>TRACT</u>	<u>OWNER</u>	<u>DESCRIPTION</u>	<u>ASSESSMENT</u>
75	City National Bank of Atchison County, Kansas	Lot 9 in Breem's Addition as said Lot is described in a Certain Sheriff's Deed, dated February 16, 1970, and recorded in Book 155 at Page 135 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which the City National Bank of Atchison County, Kansas is the named grantee	\$1,379.77
76	Franklin L. Cochran and Shirley J. Cochran	That tract of real estate described in a certain Warranty Deed, dated July 2, 1971, and recorded in Book 155 at Page 436 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which Franklin L. Cochran and Shirley J. Cochran are the named grantees	1,379.77
77	City National Bank of Atchison County, Kansas	Lots 5 and 6 in Breem's Addition as said Lots are described in a Certain Sheriff's Deed, dated February 16, 1970, and recorded in Book 155 at Page 135 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which the City National Bank of Atchison County, Kansas, is the named grantee	1,379.77
78	City National Bank of Atchison County, Kansas	Lot 12 in Breem's Addition as said Lot is described in a Certain Sheriff's Deed, dated February 16, 1970, and recorded in Book 155 at Page 135 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which the City National Bank of Atchison County, Kansas, is the named grantee	1,379.77
79	City National Bank of Atchison County, Kansas	Lot 13 in Breem's Addition as said Lot is described in a Certain Sheriff's Deed, dated February 16, 1970, and recorded in Book 155 at Page 135 of the records in the Office of the Register of Deeds of Doniphan County, Kansas, in which the City National Bank of Atchison County, Kansas is the named grantee	1,379.77

<u>TRACT</u>	<u>OWNER</u>	<u>DESCRIPTION</u>	<u>ASSESSMENT</u>
80	City National Bank of Atchison County, Kansas	Lot 14 in Breem's Addition as said Lot is described in a Certain Sheriff's Deed, dated February 16, 1970, and recorded in Book 155 at Page 135 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which the City National Bank of Atchison County, Kansas, is the named grantee	\$1,379.77
81	Ray R. Manthe and Stella G. Manthe	That tract of real estate described in a certain Warranty Deed dated October 8, 1970, and recorded in Book 155 at Page 297 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which Ray R. Manthe and Stella G. Manthe are the named grantees	1,379.77
82	Johnny W. Hickman and Erma Lea Hickman, subject to a Contract of Sale to Dorrell Silvy and Louise Silvy	That tract of real estate described in a Certain Warranty Deed dated June 17, 1965, and recorded in Book 149 at Page 306 of the records in the office of the Register of Deeds of Doniphan County, Kansas, in which Johnny W. Hickman and Erma Lea Hickman are the named grantees	1,379.77

All of the above described tracts of real estate are situate in Section 27, Township 3 South, Range 22 East, Doniphan County, Kansas.

SECTION 2. ASSESSMENTS PAYABLE BY INSTALLMENT, WHEN. The aforesaid special assessments and taxes, with accrued interest thereon, shall be, and are, hereby levied as a special tax upon and against the several lots and parcels of land above described in amounts as above shown, concurrent with general property taxes, and the same shall be and are hereby declared payable in twenty (20) equal annual installments and the first such annual installment shall be payable at the time of the first payment of general property taxes following the publication of this Ordinance, to wit: On November 1, 1976.

SECTION 3. INTEREST ON ASSESSMENTS. All assessments and special taxes herein levied and made shall bear interest at an annual rate per annum which shall not exceed the maximum rate of interest prescribed by K.S.A. 10-1009 as amended. Interest on the aforesaid special assessments between the effective date of this ordinance and the date the first installment is payable shall be added to the first installment. Interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

SECTION 4. PAYMENT OF ASSESSMENT IN FULL, WHEN AND HOW. The owner of any property upon and against which a special tax and assessment is levied in Section 1 hereof may at any time prior to the first day of January, 1976, pay the whole of the special tax and assessments levied against any particular lot or parcel of land with interest accrued thereon to the date of any such payment. Such payment in full of the assessment, if made, shall be made to The Treasurer of the City of Wathena, Kansas and, upon and after such full payment of the assessment herein made, the lot or parcel of land for which

payment of the whole assessment shall have been made shall be fully discharged and released from the special tax and assessment imposed against the same under Section 1 above.

SECTION 5. CERTIFICATION OF UNPAID ASSESSMENTS. All assessments not paid in full prior to January 1, 1976, as provided in Section 4 above, including all of the installments thereon together with the interest accrued and to accrue thereon, shall be certified by the City Clerk of Wathena to the County Clerk of Doniphan County, Kansas, in one instrument, all at the same time, the same to be payable as special taxes and such assessments and special taxes shall thereafter be collected and paid over to the City Treasurer in the same manner as other taxes of the City of Wathena are collected and paid. The City Clerk shall complete and file the certification required by this section as soon as possible after January 1, 1976, and in any event prior to April 1, 1976.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED and APPROVED on the 4th day of November, 1975.

Mayor, City of Wathena, Kansas

ATTEST:

(CITY SEAL)

City Clerk