

RESOLUTION NO. 74-2

A RESOLUTION CREATING A SPECIAL IMPROVEMENT DISTRICT IN THE CITY OF WATHENA TO PROVIDE FOR THE CONSTRUCTION OF CERTAIN SANITARY SEWER IMPROVEMENTS, DECLARING THE ADVISABILITY OF SUCH IMPROVEMENTS, STATING THE GENERAL NATURE OF SUCH IMPROVEMENTS AND THE ESTIMATED COST THEREOF, DEFINING THE BOUNDARIES OF THE SPECIAL IMPROVEMENT DISTRICT, PROVIDING THE METHOD OF ASSESSMENT TO PAY FOR THE COST THEREOF, DESIGNATING SUCH DISTRICT AS "SEWER DISTRICT NO. 1- EAST WATHENA", AMENDING SECTIONS 1, 4, 5, 6 AND 7 OF RESOLUTION NO. 74-1 OF THE CITY OF WATHENA ENACTED SEPTEMBER 3, 1974, AND REPEALING ALL OF SAID RESOLUTION NO. 74-1.

WHEREAS, it is deemed necessary and desirable by the Governing Body of the City of Wathena, Kansas, to make certain sanitary sewer extensions, improvements and installations in a defined area in the eastern part of the City of Wathena; and,

WHEREAS, such sanitary sewer improvements, extensions and installations are to be completed without notice or a formal hearing as authorized in K.S.A. Supp. 12-6a04:

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

1. The Governing Body hereby finds and determines that it is advisable to make certain extensions and improvements to the sanitary sewer system of the City of Wathena, such extensions and improvements to be made within that part of the City described in Section 3 below and the same to consist of the installation of 3,022 feet of eight inch ASB Pipe Gravity sewers within the south right-of-way of former U.S. No. 36 (St. Joseph or Main Street extended eastward) from a point near the present East city limit and extending westward in such right-of-way to a point 660 feet more or less East of First Street in the City of Wathena and in the existing traveled way in so-called Breem Addition to serve properties in that area and in Spruce Street to serve Lots 1 to 14 inclusive in Schuster's Pine Cone Villa and also one Wet Well with mounted Lift Station and 1,680 feet of four inch force main extending eastward in the south right-of-way of former U.S. Highway No. 36 from an existing manhole near First Street in the City of Wathena to a wet well and pumping station near the East line of Lot 14, Schuster's Pine Cone Villa.

2. The estimated cost of the improvements described in Section 1 is Eighty-five Thousand Dollars (\$85,000.00).

3. A special improvement district as provided for in Article 6a, Chapter 12, K.S.A. as amended, should be and is hereby created and the sanitary sewer extensions and improvements herein described shall be completed in the manner authorized in such law. Such special improvement district shall be known as "Sewer District No. 1 - East Wathena" and the boundaries of such special improvement district are hereby defined as follows:

That part of the Southwest One-quarter (SW $\frac{1}{4}$) Section 27, Township 3 South, Range 22 East, in the City of Wathena, Doniphan County, Kansas, described as follows: Beginning at a point on the North and South center line of Section 27, 695.9 feet South of the center of Section 27, said point being in the center of old U. S. 36 Highway,

Thence South along the North and South center line of Section 27, (being also the East line of Schuster's Pine Cone Villa Addition) 959.9 feet,

Thence West on South line of Lots 51 and 52 of Pine Cone Villa Addition 231.0 feet,

Thence North on West line of Lots 48-51 of Pine Cone Villa 300.9 feet to the Southeast Corner of Lot 36 Pine Cone Villa,

Thence West on South line of Pine Cone Villa Addition 1,013.68 feet to the Southeast Corner of Lot 7 Pine Cone Villa,

Thence North on West line of Pine Cone Villa 413.1 feet to the Southwest Corner of Lot 2, Pine Cone Villa Addition,

Thence Westerly on a direct line 244 feet more or less to the Southeast Corner, Lot 4, Breem Addition,

Thence South 1 degree 16 minutes East along the East line of Breem Addition (addition platted but not filed and dedicated) 298 feet to the Southeast Corner of Lot 18 Breem Addition,

Thence South 89 degrees 03 minutes West along the South line of Breem Addition 375.58 feet to the Southwest Corner of Lot 12 Breem Addition,

Thence North 1° 16' West along the West line of Breem Addition 301.94 feet to South line of John J. Shalz tract described in Book 142 at Page 524,

Thence South 84° 45' West to a point on the Westerly line of Norman S. Miller tract described in Book 149 at Page 1,

Thence Northwesterly on a line parallel with and 175 feet distant from the Northeasterly right-of-way line of the present U.S. Highway No. 36 to the point at which such line intersects with the North prolongation of the West line of the former W. W. Carter tract (such point being also 10 chains East of the West line of Section 27, Township 3, Range 22),

Thence North on a line parallel with and 10 chains East of the West line of Section 27 aforesaid (being also West line of Norman S. Miller tract described in Book 149 at Page 1) to the North right-of-way line of the old U.S. 36 Highway,

Thence Northeasterly along said North right-of-way line to a point 1,668 feet West of the North and South center line of Section 27 (being the Southwest Corner of Embery tract described in Book 153, Page 164),

Thence North parallel with the North and South center line of Section 27, 150 feet,

Thence East perpendicular to the North and South center line of Section 27, 256.92 feet,

Thence South parallel to the North and South center line of Section 27, to the North right-of-way line of old U.S. Highway 36 (Southeast Corner Embery tract described in Book 130, Page 509),

Thence Northeasterly along said North right-of-way line to a point 1,100 feet West more or less measured along said North right-of-way line from the North and South center line of Section 27 (Southwest corner of Shelton tract described in Book 146, Page 97),

Thence Northwesterly at right angles to the North right-of-way of old Highway 36, 217.8 feet (Northwest Corner Shelton tract aforesaid),

Thence Northeasterly parallel to said North right-of-way line, 408.7 feet (Northeast Corner Groh tract described in Book 159, Page 124),

Thence Southeasterly at right angles to the North right-of-way line of old Highway 36, 217.8 feet (Southeast corner Groh tract aforesaid),

Thence Northeasterly along North right-of-way line of old Highway 36, 700 feet more or less to the North and South center line of Section 27,

Thence South 30.1 feet to the point of beginning.

4. The method of assessment of properties within the improvement district to secure the funds necessary to finance the sanitary sewer extensions and improvements herein authorized shall be:

a. Each individual lot or tract within the improvement district shall pay an equal pro rata share of the cost of installing the eight inch gravity sewer and four inch force main, wet well and

lift station in the south right-of-way of former U.S. Highway No. 36.

b. In addition to the assessment provided for in (a) above, all individual lots or tracts served by the lateral in so-called Bream Addition shall pay an equal pro-rata share of the cost of installing the lateral to serve the properties in that area, provided, however, that the two lots in so-called Bream Addition adjoining the south right-of-way line of old U.S. Highway No. 36 shall not be assessed for any part of the cost of such lateral for the reason that such properties shall be served by the East-West gravity sewer line in the highway right-of-way and not by the lateral extending into Bream Addition.

c. In addition to the assessment to be made under (a) above, the four tracts located north of the highway right-of-way shall each be assessed an equal part of the cost of extending the sewer line across the old highway in two places to serve such properties.

d. In addition to the assessment under (a) above, all lots fronting on Spruce Street in Schuster's Pine Cone Villa shall pay for an equal share of the cost of installing the lateral in such street, provided, however, that Lots 1 and 14, in Pine Cone Villa shall be served by a connection made with the east-west gravity sewer line in the highway right-of-way and not by the lateral in Spruce Street, and by reason of such said two lots shall not be required to pay the additional assessment provided for in this sub pragraph.

e. In addition to the assessment provided for in (a) above, Lots 15 through 60 inclusive in Pine Cone Villa shall each pay for a proportionate part of the cost of hereafter constructing a lateral in the street on which such lots shall front provided, however, that as to Lots 15, 28, 29, 42, 59 and 60, in Pine Cone Villa, such lots shall be provided with sanitary sewer service through a connection made with the east-west gavity sewer in the highway right-of-way instead of by a connection made with the lateral in the street on which such lot fronts, and, by reason of such, said numbered lots shall not be required to bear any part of the cost which may be hereafter incurred in laying a sewer lateral in Evergreen or Spruce or Allendale Streets.

5. The total cost of installing and completing the sanitary sewer system extensions and improvements herein authorized and provided for, including engineering and all other expenses, shall be borne and paid as follows:

a. The cost of installing the eight inch gravity sewer and four inch force main, wet well and lift station in the south right-of-way of former U.S. Highway No. 36 shall be apportioned between the City of Wathena at large and all owners of property within the boundaries of Sewer District No. 1 as described in Section 3 above with the City of Wathena at large to pay ten percent (10%) of such total cost and the remaining ninety percent (90%) of such total cost to be apportioned and assessed among each individual lot or tract within the improvement district in the manner specified in Section 4(a) above.

b. All of the costs and expenses to be incurred in constructing and installing the sewer laterals described and referred to in sub sections (b), (c), (d), and (e) of Section 4 of this Resolution shall be wholly assessed to and borne by the property owners described and referred to in sub sections (b), (c), (d), and (e), of Section 4 above in the manner provided for in such sub sections and the City of Wathena at large shall not bear or pay for any part of the cost of such sewer laterals.

6. When, and as, sewer laterals are hereafter constructed in Evergreen, Crescent and Allendale Streets all lots and parcels fronting on such streets, except Lots 15, 28, 29, 42, 59, and 60, shall bear an equal proportionate part of the cost of the installation in the street on which such lot shall front and no part of the cost of any such installations shall be borne by the improvement district as a whole or by the City at large.

7. No lots, tracts or parcels of real estate situate outside the boundaries of the improvement district herein created, as described in Section 3 above, shall be authorized or permitted to make sanitary sewer connection to the sewer lines and improvements to be installed under the provisions of this Resolution without first securing the consent and approval, in writing, of the Governing Body of the City of Wathena for any such connection. Upon receipt of a request from any property owner located outside the improvement district to connect such property to the sewer extensions and improvements to be constructed hereunder, the Governing Body, by resolution, shall determine and fix a fair and equitable amount of money which the applicant must pay as a condition precedent to the City providing sanitary sewer service for the applicant's property through the sewer lines and improvements to be constructed hereunder. Moneys hereafter assessed and collected by the City of Wathena pursuant to the provisions of this section (i.e. 7), may be credited by the City to the City Bond and Interest Fund to be used and applied by the City toward retirement of any outstanding principal and interest on any bonds which may hereafter be issued by the City to finance any part of the cost of the sewer system improvements in this Resolution authorized and provided for or such moneys may be credited to the General Fund of the City to be used and applied to any lawful and authorized General Fund encumbrance or such moneys may be credited to and expended from any other Fund of the City lawfully authorized to receive and expend the same, as the City Governing Body may determine and elect.


8. Sections 1, 4, 5, 6, and 7 of Resolution No. 74-1 of the City of Wathena enacted September 3, 1974, are hereby amended to read as set forth and provided in Sections 1, 4, 5, 6, and 7 of this Resolution and as shown above and all of said original Resolution 74-1 is hereby repealed.

9. The advisability of this improvement as described and set forth in Section 1 above, is hereby determined, declared and established without formal notice and hearing as is authorized by K.S.A. Supp. 12-6a01(1).

ADOPTED AND APPROVED on the 29th day of October, 1974.

ATTEST:


Laurence Ramsel, Mayor


City Clerk (City Seal)