

1 (Published in the Topeka Metro News December 5, 2007)

2
3
4 **ORDINANCE NO. 18999**

5
6 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning
7 and levying a special assessment on certain lots and pieces of ground
8 in the City of Topeka, Shawnee County, Kansas, for the improvement
9 of sanitary sewer district No. 40771 with piping, manholes,
10 engineering and all other contingencies needed to complete Sanitary
11 Sewer Improvement Project No. 40771, as defined and described in
12 Resolution No. 6671, adopted and approved September 24, 1996.
13

14 WHEREAS, the Council of the City of Topeka did on September 24, 1996, approve
15 Resolution No. 6671 which authorized Sanitary Sewer Project No. 40771; and

16 WHEREAS, the project as authorized had an estimated project budget of
17 \$229,000.00 which was to be assessed on a square footage basis on all property contained
18 within the boundaries of the improvement district; and

19 WHEREAS, subsequent to the authorization of the improvement, the East Topeka
20 Interchange Project was commenced which resulted in the construction of public roads
21 within the improvement district to provide access to the I-70 and K-4 public roadways; and

22 WHEREAS, it would be unfair to burden the owners of land in the benefit district by
23 assessing the cost of the improvement on a square footage basis for all property within the
24 improvement district when certain portions of that property is being used for public roads
25 and highways, providing little or no beneficial use to the property owner; and

26 WHEREAS, K.S.A. 12-6a10 specifically gives the City Council the ability to amend
27 proposed assessments as to any parcels; and

28 WHEREAS, the City Council finds that it would not be fair and equitable to assess
29 the total project cost on a square footage basis for those portions of improvement district
30 that are now public rights-of-way; and

31 WHEREAS, K.S.A. 12-6a07 specifically authorizes the City to pay such portion of
32 the cost of an improvement that the City Council may determine, not to exceed ninety-five
33 percent (95%) of the total cost thereof; and

34 WHEREAS, the Council of the City of Topeka desires to pay for the portion of the
35 cost of Sanitary Sewer Project No. 40771 which would be assessed on a square footage
36 basis for land in the improvement district that is being used for public right-of-way and the
37 property owners will be assessed the rest and remainder of the project costs based on
38 square footage basis of land included in the improvement district which is not being used
39 for public rights-of-way.

40 THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA,
41 KANSAS:

42 Section 1. For the purpose of paying the cost of piping, manholes, engineering
43 and all other contingencies needed to complete the project, the same being Sanitary Sewer
44 Improvement Project No. 40771, in the City of Topeka, Shawnee County, Kansas, there is
45 hereby levied and assessed a special assessment on all lots and pieces of ground liable
46 therefore. Said assessments are computed as follows:

47 A. GENERAL NATURE OF IMPROVEMENT:

48
49 To provide sanitary sewer service to the following described area with
50 piping, manholes, engineering and all other contingencies needed for a
51 complete project.
52

53 B. IMPROVEMENT DISTRICT:

54
55 Begin at the southwest corner of Tenth Street and S.E. Croco Road, this
56 point also being the northeast corner of Lot 1 in Block B of England Mobile
57 Home Estates Subdivision; thence southerly on the west right of way line of
58 S.E. Croco Road to the southeast corner of Lot 2, Altair Heights
59 Subdivision; thence westerly on the south line of Lots 2 and 3 in said
60 subdivision to the southwest corner of Lot 3; thence southerly to the
61 northeast corner of Lot 5 in said subdivision; thence southerly 527.42 feet,
62 following the east line of Lots 5, 6, 7, and 8 in Altair Heights Subdivision;

63 thence continuing southwesterly on the easterly line of Lots 8, 9, and 10 for
64 a distance of 203.21 feet; thence southwesterly 158.80 feet to the
65 southwest corner of Lot 10, Altair Heights Subdivision; thence
66 northwesterly 10 feet to the southeasterly corner of Lot 2, Block A of Altair
67 Heights Subdivision No. 2; thence westerly to the southwest corner of Lot
68 1, Block A, Altair Heights Subdivision No. 2; thence southerly 10 feet to the
69 southeast corner of Lot13, Altair Heights Subdivision; thence westerly to
70 the southwest corner of Lot 14 in said subdivision, also being the northeast
71 corner of 21st Street and Cedarwood Drive; thence westerly across
72 Cedarwood Drive to the southeast corner of Lot 15, Altair Heights
73 Subdivision; thence westerly to the southwest corner of said Lot 15, this
74 point also being the southeast corner of Lot 1, Block A of Fix First Addition;
75 thence westerly on the south line of said Lot 1 and Lot 1, Block A, Fix
76 Second Addition to the east right of way line of Rice Road; thence northerly
77 on said right of way line to the south line of Lot 1, Block A, Topeka
78 Turnpike Industrial Subdivision; thence easterly on the south line of said
79 Lot 1 to a point 435.11' east of the west line of the southeast quarter of
80 Section 3, Township 12 south, Range 16 east of the Sixth P.M.; thence
81 northerly parallel with and 435.11 feet easterly of the west line of said
82 southeast quarter to the north line of Lot 1, Block A, Topeka Turnpike
83 Industrial Subdivision; thence westerly on the north line of said Lot 1 for a
84 distance of 138.78 feet; thence northerly to the south right of way line of
85 East Tenth Street at a point 296.33 feet easterly of the west line of the
86 southeast quarter of Section 3, Township 12 south, Range 16 east of the
87 Sixth P.M.; thence easterly on the south right of way line of East Tenth
88 Street to the west right of way line of S.E. Croco Road and the point of
89 beginning.
90

91 C. METHOD OF ASSESSMENT:

92 On a square foot of area for all lots, parcels or tracts which are included in
93 the improvement district and which are not part of the public rights-of-way.
94
95

96 D. TOTAL COST & APPORTIONMENT OF COSTS:

97

98 City of Topeka	\$55,517.24
99 Improvement district	\$165,186.36

100
101 FINAL PROJECT COST = \$220,703.60
102
103

104 Section 2. The several amounts are apportioned, levied and assessed against
105 each of said lots and pieces of ground according to the benefits to be derived by reason of
106 the aforesaid improvements (except the interest hereinafter mentioned) which are as
107 follows:

108 SANITARY SEWER IMPROVEMENT PROJECT NO. 40771

109
110
111
112
113

<u>Parcel Identification Number</u>	<u>Description</u>	<u>Assessment</u>
---	--------------------	-------------------

ENGLAND MOBILE HOME ESTATES
SUBDIVISION
BLOCK B

1320304001001000	Lot 1, Less R/W for Hwy.	\$17,106.10
1320304001002000	N. 330' of NW QUARTER of the SE QUARTER, Less the west 296.33' of said parcel.	\$8,502.48

TOPEKA TURNPIKE INDUSTRIAL
SUBDIVISION
BLOCK A

1320304001003000	Beginning at NE Corner of Lot 1, thence southerly 316', scaled; thence westerly 900.36'; thence northerly 116', scaled; thence easterly 419', scaled; thence North 201.06'; thence easterly 494.07' to the point of beginning.	\$9,557.53
1320304001003020	Beginning 894.29' West and 75.56' South of the NE Corner of Lot 1; thence southerly 260.31'; thence easterly 339.5'; thence northeasterly 27.96'; thence North 150.42'; thence northwesterly 59.06'; thence westerly 308.35' to the point of beginning.	\$2,801.15

TOPEKA TURNPIKE INDUSTRIAL
SUBDIVISION
BLOCK B

1320304002004000	Part of Block B, Lot 1 described as follows: Begin at Northwest Corner of Lot 1; thence East 590.42'; thence South 198.20'; thence West 566', scaled; thence North 190.42' to the point of beginning.	\$5,141.46
1320304002003000	Lot 1, Less beginning at Northwest Corner of East 590.2'; thence northeasterly 44.11'; thence South 198.2'; thence West 665'; thence North 130.42'; Thence northeasterly 74.55' to the point of beginning, less R/W.	\$22,390.59

FIRST FIX ADDITION
BLOCK A

1320304002005000	Lot 1, Less the East 515'.	\$16,607.44
1320304002005000	Lot 1	\$1,327.14
1320304002006000	The East 515' of Lot 1, Block A, First Fix Addition, Less R/W.	\$13,029.72

ALTAIR HEIGHTS SUBDIVISION NO. 3
BLOCK A

1320304002002000	Part of Lot 1, Block A, Beginning at the Southwest Corner of Lot 1; thence North 802.56'; thence easterly 369.47'; thence South 247.2'; thence Southwest 344.33'; Thence Southeast 272.09'; thence westerly 202.94'; thence West 194.71' to the point of beginning.	\$11,429.91
1320304002011010	Lot 2, Block A	\$6,898.72
1320304002011010	Part of Lot 10, Block A of Altair Heights Subdivision No. 2; Beginning at easterly Corner of Lot 10; thence Southwest 37'; thence Southwest 60.9'; thence Northwest 215.53'; thence Southeast 225.58' to point of beginning.	\$460.47

UNPLATTED PARCELS IN EAST HALF OF
SOUTHEAST QUARTER OF SECTION 3-12-16

1320304002002010	Begin 1061.88' North of the Southwest of the East half of said Southeast Quarter; thence North 362.95'; thence easterly 835.80'; thence South 395.62'; thence West 207.04'; thence southwesterly 536.34'; thence West 89.44' to point of beginning, less R/W.	\$33,130.65
1320304002011000	Begin at Northwest Corner of said Lot 2; thence East 341.73'; thence North 135.04'; thence West 67.92'; thence westerly 280.14'; thence South 60.03' to point of beginning.	\$1,462.03

ALTAIR HEIGHTS SUBDIVISION NO. 5
BLOCK A

1320304002009000	Lot 1	\$2,272.09
1320304002009000	Lot 2	\$905.30

ALTAIR HEIGHTS SUBDIVISION

1320304002012000	Lot 5, Less beginning at the Northeast Corner of Lot 5; thence South 37.89'; thence West 172'; thence North 63.56'; thence East 173.88' to point of beginning.	\$569.36
1320304002012000	Lot 6	\$925.19
1320304002012000	Lot 7	\$806.03
1320304002012000	Lot 8	\$1,067.65
1320304002014000	Lot 1	\$683.05
1320304002014000	Lot 2	\$286.43
1320304002001000	Beginning 10' East of the Northeast Corner of Lot 1, Altair Heights Subdivision; thence West 410', more or less; thence southerly 194.47'; thence westerly 60.63'; thence North 470', more or less; thence easterly 430', more or less; thence southerly 330', more or less to point of beginning, less Hwy R/W.	\$6,571.34
1320304002001000	Lot 3, Less R/W.	\$600.57
1320304002001000	Lot 4, Less R/W.	\$653.96

114
115
116
117
118
119
120
121
122
123
124

Section 3. Such assessments with accrued interest are hereby levied concurrent with general property taxes and shall be payable in twenty (20) equal annual installments; the first installment to be payable at the time of the first payment of the general property taxes, following the publication of this ordinance.

Section 4. All assessments shall bear interest in an amount not to exceed the legal rate established by law.

Section 5. The owner of any property so assessed may at any time prior to 30 days from the date of publication of this ordinance, pay the whole of the assessment against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

