

RESOLUTION NO. 2007-010

A RESOLUTION AMENDING RESOLUTION NO. 2005-010 DETERMINING THE ADVISABILITY OF AND AUTHORIZING THE MAKING OF CERTAIN IMPROVEMENTS IN THE CITY OF PAOLA, KANSAS, AND THE CREATION OF AN IMPROVEMENT DISTRICT ACCORDING TO THE FINDINGS OF THE GOVERNING BODY (ROCKWOOD ESTATES III)

WHEREAS, a petition was filed with the City Clerk of the City of Paola, Kansas on August 15, 2005 (the "Petition"), and the Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) a description of the property in the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the city at large; (f) a statement that the signers of the petition own 100% of the property proposed to be included in the improvement district; and (g) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04(a); and

WHEREAS, the City of Paola, Kansas (the "City") adopted Resolution No. 2005-010 on August 23, 2005 accepting the Petition, authorizing the improvements described in the Petition and the creation of an improvement district to be assessed costs of such improvements; and

WHEREAS, an amended petition was filed with the City Clerk of the City on September 25, 2007 (the "Amended Petition") requesting that the description of the improvements in the original Petition be expanded to include waterline improvements and that the costs of the waterline improvements be assessed to the improvement district created by Resolution No. 2005-010; and

WHEREAS, the Amended Petition is signed by the owners of 100% of the property in the improvement district.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS:

SECTION 1. Section 1 of Resolution No. 2005-010 of the City is hereby repealed and the following substitute section adopted as follows:

SECTION 1. The governing body of the City of Paola, Kansas (the "City") hereby finds and finally determines that pursuant to K.S.A. 12-6a01 *et seq.* (the "Act") that the Petition and Amended Petition are sufficient and further finds:

- (A) It is advisable to make the following improvements:

The construction of street, paths and sidewalk improvements to 293rd Street, Rockwood Avenue and Palmer Drive totaling approximately 1,550 linear feet (of street), installation of storm water and sanitary sewer improvements and approximately 1,735 feet of water line, to serve the property and including costs of construction inspection and financing related to the improvements, all located in the City of Paola, Kansas.

(B) The estimated or probable cost of the proposed improvement is \$737,010.00, with 25% of the construction costs, as determined by the construction contracts, to be paid by the petitioners in advance of execution of the construction contract for the improvements, with the remaining costs to be assessed against the improvement district. The estimated costs shall increase at the pro rata rate of 1 percent per month from and after the date this resolution is adopted.

(C) The extent of the improvement district proposed to be assessed for the costs of the proposed improvement is described as follows:

Lots 95 through 97 and Lost 105 through 107 Rockwood Estates original plat, Lots 1 through 8 Rockwood Estates replat and Lots 13 through 30 Rockwood Estates original plat, Rockwood Estates, Phase III, City of Paola, as shown on Exhibit A to the Petition which is incorporated here by this reference.

(D) The method of assessment is:

1. The costs of the streets, storm sewers and sidewalks shall be allocated and assessed per square foot against all the property in the improvement district.
2. The costs of the sanitary sewers and waterline improvements shall be allocated and assessed equally per lot in the improvement district.

(E) The apportionment of the cost of the improvements, between the improvement district and the city at large is: The improvement district will pay 100% of the costs of the improvements and the city at large will pay 0% of such costs.

SECTION 2. The remaining sections of Resolution 2005-010 are hereby ratified and confirmed and shall remain in full force and effect.

SECTION 3. This Resolution shall be published one time in the official city newspaper, and shall also be filed of record in the Office of the Register of Deeds of Miami County, Kansas.

ADOPTED AND APPROVED by the governing body of the City of Paola, Kansas on

September 25, 2007.

CITY OF PAOLA, KANSAS

[seal]

By _____
Artie Stuteville, Mayor

ATTEST:

By _____
Daniel G. Droste, City Clerk