

RESOLUTION NO. 2018-05

A RESOLUTION CREATING THE SANITARY SEWER IMPROVEMENT DISTRICT, GRAND OAK ADDITION, UNIT ONE, OF THE CITY OF ST. GEORGE, KANSAS, AUTHORIZING CERTAIN SANITARY SEWER IMPROVEMENTS THEREIN AND AUTHORIZING ALL THINGS NECESSARY, REQUIRED AND INCIDENTAL THERETO INCLUDING THE FINANCING THEREOF.

WHEREAS, a certain petition (the "Petition") has been filed with the City Clerk of the City of St. George, Kansas, (the "City");

WHEREAS, said Petition, signed by the petitioner (the "Petitioner") requests the City's consideration to provide certain Sanitary Sewer improvements to certain lots within the City pursuant to K.S.A. 12-6a01 *et seq.*, as amended and supplemented (the "Act"), and said Petition sets forth the following:

- (a) The extent of the proposed improvement district to be assessed;
- (b) The general nature of the proposed improvements;
- (c) The estimated or probable cost of the improvements;
- (d) The proposed method of assessment; and
- (e) The proposed apportionment of cost, if any between these sanitary sewer improvement district and the City-at-large;

and a commitment from the Petitioner to pay all the costs incurred by the City to determine the feasibility of the requested improvements, and

WHEREAS, said Petition has been examined and verified as to the appropriate signatures thereon, and it is determined by the governing body to be properly signed and is sufficient as a matter of law.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ST. GEORGE, KANSAS, sitting in regular session this 10th day of May, 2018, that:

Section 1. The following described improvements and actions by the City necessary, required and incidental thereto are found advisable and deemed necessary and should be provided as set forth in the findings delineated hereafter:

- (a) The extent, boundaries and legal description of the improvement district to be assessed for the costs of the sanitary sewer Improvements described at Paragraph (b), below, are described as follows:

Lots 1a, 1b, 2a, 2b, 3a, 3b, 4a, 4b, 5a, 5b, 6a, 6b, 7a, 7b, 8a, 8b, 9a, 9b, 10a, 10b, 11a, 11b, 12a, and 12b of Grand Oak Addition, Unit One, an addition to the City of St. George, Pottawatomie County, Kansas (the "Sanitary Sewer Improvement District").

which improvement district so described shall be designated "Sanitary Sewer Improvement District Grand Oak Addition, Unit One of the City of St, George, Kansas" (the "Sanitary Sewer Improvement District").

(b) The general nature of the sanitary sewer improvements:

- (1) The installation of approximately 1,400 feet of 8- inch SDR 26 sanitary sewer gravity main, 7 manholes and related appurtenances;
- (2) trenching, bedding, backfill, restoration, erosion control and incidental construction to make a complete project;
- (3) the engineering design, inspection, administration and costs of issuance and interest on temporary notes issued to pay the costs of such sanitary sewer improvements; and,
- (4) all things necessary and incidental thereto,

all to provide main sanitary sewer service to each of the individual lots lying within the Sanitary Sewer Improvement District described herein (the "Sanitary Sewer Improvements").

(c) The estimated or probable cost of the Sanitary Sewer Improvements is: \$252,000 (the "Sanitary Sewer Improvements Cost");

(d) The method of assessment for the total Sanitary Sewer Improvements Cost shall be to divide and assess the total Sanitary Sewer Improvements Cost equally among and between each of the twenty-four (24) lots lying within the Sanitary Sewer Improvement District; and

(e) The apportionment of costs between the Sanitary Sewer District and the City-at-large shall be: one hundred per cent (100%) of the Sanitary Sewer Improvements Cost are to be assessed against the lots in the Sanitary Sewer Improvement District and none of the Sanitary Sewer Improvements Cost is to be paid for by the City-at-large.

Section 2. The Sanitary Sewer District is hereby created, and the Sanitary Sewer Improvements are hereby authorized and ordered to be made pursuant to and in accordance with the Act and with the findings of the Governing Body as set forth in this Resolution, and the City is authorized to issue its temporary notes and general obligation bonds in an amount of the Sanitary Sewer Improvements Cost to finance the construction of such Sanitary Sewer Improvements in addition to the costs required for the financing of the Sanitary Sewer Improvements, all under the authority of the Act, including K.S.A. 10-123, and all other applicable provisions of the laws of the state of Kansas. All of the costs of the Sanitary Sewer Improvements not otherwise paid through special assessments authorized pursuant to this Resolution have or shall be paid by the Petitioner signing the Petition referred to in the preamble of this Resolution.

Section 3. The City has incurred costs, is incurring costs and expects to incur additional costs with respect to capital expenditures in connection with Sanitary Sewer Improvements. The City intends to issue its general obligation bonds pursuant to the Act for the purposes of providing funds to pay the costs relating to the Sanitary Sewer Improvements and to pay all expenses incidental thereto and for the temporary notes and the bonds as described and authorized in the Act including K.S.A. 10-123.

Section 4. This Resolution shall constitute a declaration of official intent of the City to issue its temporary notes to be redeemed by general obligation bonds in an amount not to exceed \$252,000 and to reimburse itself for such expenditures that either (a) were made on or after a date which is sixty (60) days prior to the adoption of this Resolution, or (b) comprised of "preliminary expenditures," including architectural, engineering, surveying, soil testing, and similar costs incurred prior to commencement of

acquisition, construction, or rehabilitation of a project, up to an aggregate amount not exceeding twenty percent (20%) of the aggregate sale proceeds of each series of temporary notes or bonds, all as permitted under U. S. Treasury Regulation §1.150-2.

Section 5. In the event City Governing Body determines that the Sanitary Sewer Improvements are not feasible, that all costs and expenses of the work, including preliminary planning, engineering, legal and other preliminary work of skilled persons employed by the City shall be assessed against the herein described property of the Petitioner.

Section 6. This Resolution shall take effect and be in force from and after its publication once in the official City newspaper.

IT IS SO RESOLVED.

ADOPTED this 10th day of May, 2018



Iris Gilbert
Iris Gilbert, City Clerk

Tim Calmes
Tim Calmes, Mayor

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Betty Jo Abitz-Register of Deeds
Pottawatomie County, Kansas

Book: 781 Page: 130

Receipt #: 146432
Pages Recorded: 4

Recording Fee:

Date Recorded: 6/1/2018 10:22:12 AM

ORIGINAL
COMPARED WITH RECORD

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EXCERPT OF MINUTES
OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF ST. GEORGE, KANSAS
HELD ON MAY 10, 2018

THE Governing Body of the City of St. George, Kansas, met in regular session duly called and convened at the Lighthouse Baptist Church at 308 Lincoln Street, in the City of St. George, Kansas, on May 10, 2018 at 6:30 p.m.

PRESENT were Tim Calmes, Steve Zimmerman,
Chris Collins, Iris Holloway, and
Bruce Werth.

THE following being absent: Tim Pralle.

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was introduced by Bruce Werth who moved its passage, which motion was seconded by Steve Zimmerman.

AFTER a full discussion the Mayor called for a vote on said motion, the vote being as follows:

AYES: 4

NAYS: 0

THE Mayor then declared the motion duly carried.

CERTIFICATE

I, the undersigned, City Clerk of the City of St. George, Kansas, hereby certify that the above and foregoing is a true and correct copy of portions of the minutes of the meeting of the Governing Body held on May 10, 2018, as recorded on Page _____ of the Journal of Proceedings of the City.

WITNESS my hand and official seal of said City.

Iris Gilbert
Iris Gilbert, City Clerk

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