

(Published in The Morning Sun on December 14<sup>th</sup>, 2018)

**ORDINANCE NO. S-1057**

**AN ORDINANCE, levying and assessing special assessments to pay the cost of paving and constructing the Silverback Way Street and Boulevard in the City of Pittsburg, Kansas, with the appropriate appurtenances as further set forth herein.**

WHEREAS, pursuant to Resolution No. 1213, the City of Pittsburg, Kansas (the “City”) has authorized the creation of an improvement district and construction of certain improvements to serve portions of the City under the authority of K.S.A. 12-6a01, et seq.; and

WHEREAS, the improvements are described as follows: paving and constructing a 20 feet wide roadway, with a boulevard separating the lanes of traffic, from the north curb line of Centennial Drive, approximately 1,950 feet north, including paving and pavement marking, together with storm sewers and drainage improvements, box culvert, signage, curb and gutter, ADA wheelchair ramps, intersection improvements, 5 feet wide sidewalks, 10 feet wide concrete trail, lighting, utility conduit, 8 inch water main, hydrants and appurtenances, easement and right of way acquisition, surveying, design and construction engineering (the “Improvements”), and all costs incidental thereto; and

WHEREAS, prior to commencement of the construction of the Improvements, the City has determined the total estimated cost of making the Improvements is One Million Five Hundred Thousand Dollars and Zero Cents (\$1,500,000.00); and

WHEREAS, Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) of the total estimated cost of making the Improvements is chargeable as special assessments against those lots, pieces, parcels and tracts of land specially benefited thereby and described as follows: Lots 1, 2 and 5 in Pittsburg Research and Development Park Phase II Addition to the City of Pittsburg, Kansas (the “Improvement District”); and

WHEREAS, the assessment roll for the costs chargeable as special assessments has been prepared and filed with the City Clerk in accordance with KSA 12-6a09(c), as amended; and

WHEREAS, the owner of all property to be assessed have by the signed project petition waived notice and hearing on the maximum amount of the assessments against the parcels of land in the Improvement District, and waived the right to bring an action pursuant to K.S.A. 12-6a11, and amendments thereto, to set aside the assessments or otherwise question the validity of such proceedings; and

WHEREAS, the owner further waived by the signed project petition any right to prepay such assessments within thirty (30) days from the publication of this ordinance fixing and levying said assessments; and

WHEREAS, Section 3 of Resolution No. 1213 of the City which resolution authorized the improvements acknowledged waiver by the owner of 100% of the property in the improvement district of notice and hearing regarding the assessments, their right to bring legal action pursuant to KSA 12-6a11, as amended, and the right to prepay assessments as levied.

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

**Section 1:** That for the purpose of paying for a part of the cost of making the Improvements enumerated herein, there is hereby equally apportioned, levied, and assessed against Lots 1, 2 and 5 in Pittsburg Research and Development Park Phase II Addition to the City of Pittsburg, Kansas, owned by Pittsburg State University, without regard to the improvements thereon, an assessment in the aggregate sum of \$250,000.00. Provided however, if the final cost of the completed Improvements is less than the total estimated cost of the

Improvements, the City shall adjust the assessments to reflect the cost the of the completed Improvements.

**Section 2:** The City Clerk, upon publication of this Ordinance shall mail a written notice to the owner of the specific property subject to such assessment, describing the property and setting forth the amount levied thereon. Such notice shall further notify the owner that, to provide for the payment of the cost of the Improvements therein referred to, the City of Pittsburg shall, issue general obligation bonds maturing in ten (10) annual installments.

**Section 3:** That the respective amounts apportioned, levied and assessed as aforesaid, shall be due and payable in ten (10) equal annual installments. There is hereby further levied and assessed against each parcel of land liable for such special assessment as herein provided, interest at the rate provided in such bonds, which interest shall be collected at the same time and in the same manner as the installments of principal.

**Section 4:** After the taking effect of this Ordinance and at the same time as other taxes are certified, the City Clerk shall certify in one certificate to the County Clerk of Crawford interest on all unpaid balances for each year at the rate provided in the bonds. All such amount certified shall be subject to like penalties and collected in the same manner as other taxes.

**Section 5:** This Ordinance shall be in force and take effect from and after its passage and publication in the official City newspaper.

PASSED this 11th day of December, 2018.

ATTEST:

City Clerk – Tammy Nagel

Jeremy Johnson – Mayor

