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11-16-06  
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ORDINANCE NO. 483

A ORDINANCE DETERMINING THE ADVISABILITY OF MAKING CERTAIN SANITARY SEWER IMPROVEMENTS IN THE CITY OF BASEHOR, KANSAS; CREATING A SEPARATE TAXING DISTRICT TO PROVIDE FOR THE ASSESSMENT OF A PORTION OF THE COSTS ASSOCIATED WITH SUCH IMPROVEMENTS; SETTING FORTH THE GENERAL NATURE OF THE IMPROVEMENTS, THE COSTS THEREOF, THE EXTENT OF THE TAXING DISTRICT TO BE ASSESSED FOR A PORTION OF THE COSTS THEREOF, THE METHOD OF ASSESSMENT AND THE APPORTIONMENT OF THE COSTS BETWEEN THE TAXING DISTRICT AND THE CITY AT LARGE; AUTHORIZING THE IMPROVEMENTS IN ACCORDANCE WITH THE FINDINGS OF THE GOVERNING BODY; AND DIRECTING THE PUBLICATION AND RECORDING OF THIS ORDINANCE (24/40 SANITARY SEWER INTERCEPTOR PROJECT).

WHEREAS, the City of Basehor, Kansas (the "City") pursuant to K.S.A. 12-617 to 12-619, as amended and supplemented, and pursuant to Article 12, §5 of the Kansas Constitution (Collectively the "Act") is authorized to provide for a system of sewerage for the City or any part thereof, with one or more sewers, and to build, construct or purchase pumping stations, sewers, sewer service lines and drains by district or otherwise, as the governing body of the City may determine; and

WHEREAS, the governing body of the City has found and finds it necessary and desirable to purchase, build and construct certain improvements to the City's sewer system consisting of a gravity flow sanitary interceptor sewer line flowing generally from a point along the north right-of-way line of U.S. Highway 24/40 to a lift station at 163<sup>rd</sup> Street ("south interceptor") and sanitary sewer interceptor line from a lift station at a low point west of 150<sup>th</sup> Street, along the north right-of-way line of U.S. Highway 24/40 and connecting to a the south interceptor (the "Sewer Project"); and

WHEREAS, the Sewer Project is located within and necessary to serve certain lots and pieces of ground in the district created herein (the "24/40 Sanitary Sewer District") as more fully described in Section 2; and

WHEREAS, the Act provides that (except as described below) the costs and expenses of constructing and purchasing the Sewer Project shall be assessed against the lots and pieces of ground contained within the 24/40 Sanitary Sewer District in which the Sewer Project will be situated; and

WHEREAS, the governing body finds and determines that the cost of the Sewer Project is relatively large as compared with the estimated costs of the lateral sewers tributary thereto and is so located that it will receive sewage from future sewer districts or the City-at-large; and

WHEREAS the City finds and hereby determines that 20% of the Sewer Project located from the outlet point at Manhole **S-P32** and proceeds Northerly through manholes **S-P33, S-P34, S-P35, S-P36, S-P37, S-P38, S-P39 and S-P40**, to a point 54.22 feet Southwest of Manhole **S-P41** as seen on the City of Basehor, Sewer Maps (approximately 2,114.78 linear feet from the connection point) shall be for the benefit of the City-at-large; and

WHEREAS, under the Act the City finds and determines that 20% of the total cost of the Sewer Project should be paid by the city-at-large, with the remainder being assessed against the lots and pieces of ground within the 24/40 Sanitary Sewer District as provided by the Act and this ordinance.

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

SECTION 1. Sewer Project Authorized. The Sewer Project, is finally determined to be advisable and is authorized and ordered to be constructed and acquired, along with all appropriate appurtenances thereto, as necessary to serve the property benefiting from the Sewer Project.

SECTION 2. Sewer District Created. The 24/40 Sanitary Sewer District is hereby created and established within the City, and shall consist of the real property located within the city of Basehor, Leavenworth County, Kansas as described in Exhibit A to this Ordinance, which is incorporated here by this reference. A map of the real property is attached hereto as Exhibit B to this Ordinance and incorporated here by this reference.

SECTION 3. Sewer Project Cost. The cost of the Sewer Project is **One Million Seven Hundred Twenty One Thousand One Hundred Forty One Dollars and Ninety-one Cents (\$1,721,141.91)** plus any legal, administrative, engineering or condemnation costs necessitated by the Sewer Project.

SECTION 4. Method of Assessment. The method of assessment for costs of the Sewer Project apportioned to the properties in the 24/40 Sanitary Sewer District is per square foot of the lots and parcels including in the 24/40 Sanitary Sewer District.

SECTION 5. Apportionment of Cost. The apportionment of the costs and expenses of the Sewer Project is: the 24/40 Sanitary Sewer District shall be assessed 80% of the costs and the City-at-large shall pay 20% of such costs.

SECTION 6. Publication, Recording and Mailing. This Ordinance shall become effective upon execution by the Mayor and publication one time in the City's official newspaper, and shall be recorded in the Office of the Register of Deeds of Leavenworth County, Kansas in accordance with the provisions of K.S.A. 12-153. The City Clerk is directed to mail a copy of this Ordinance to the property owners in the 24/40 Sanitary Sewer District.

PASSED, ADOPTED AND APPROVED by the governing body of the City of Basehor,  
Kansas, on November 10<sup>th</sup> 2005.



CITY OF BASEHOR, KANSAS

By Chris Garcia  
Chris Garcia, Mayor

By Mary A. Mogle  
Mary A. Mogle, City Clerk

**EXHIBIT A**

(DESCRIPTION OF REAL PROPERTY IN DISTRICT)

**EXHIBIT B**

(MAP OF SEWER BENEFIT DISTRICT)