

(Published in the *Topeka Metro News* on August 23, 2021)

RESOLUTION NO. 9251

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF TOPEKA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS/HORSESHOE BEND SUBDIVISION NO. 5 SANITARY SEWER); AND AMENDING, RESTATING AND REPEALING RESOLUTION NO. 9158.

WHEREAS, a new Petition was filed with the City Clerk of the City of Topeka, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of 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; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04(1) (the "Act"); and

WHEREAS, the governing body of the City hereby finds and determines that said Petition was signed by owners of record of more than one-half of the area liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act; and

WHEREAS, the Petition will replace a petition previously submitted with respect to the Improvements, and it is therefore necessary to amend, restate and repeal Resolution No. 9158 of the City.

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

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements, identified as Project No. T-401082:

To provide sanitary sewer service to the following described area with piping, manholes, engineering and all other contingencies required for a complete project (the "Improvements").

(b) The estimated or probable cost of the Improvements is: \$285,000. Said estimate as above set forth may be increased at the pro rata rate of 1 percent per month from and after August 17, 2021.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Horseshoe Bend Subdivision No. 5

- Lots 1 through 13, Block A
- Lots 1 through 6, Block B
- Lots 1 through 4, Block C
- Lots 1 through 6, Block D
- Lots 1 and 2, Block E

all in the City of Topeka, Shawnee County, Kansas.

(d) With respect to the costs of the Improvements to be assessed to the Improvement District, the method of assessment shall be on a unit basis for all lots which are included in the Improvement District, being computed without regard to lot size: Lots 1 through 13, Block A; Lots 1 through 6, Block B; Lots 1 through 4, Block C; Lots 1 through 6, Block D; Lots 1 and 2, Block E, Horseshoe Bend Subdivision No. 5, shall each pay 1/31 of the total cost payable by the Improvement District.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

If this Improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this Improvement under the authority of this resolution, any costs that the City incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the Improvement is abandoned at any state during the design and/or construction of the Improvement or if it is necessary for the City to redesign, repair or reconstruct the Improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said Improvement shall be assessed to the property described above in accordance with the terms of this resolution.

Section 2. Authorization of Improvements. The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

Section 3. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of Resolution No. 9158, pursuant to Treasury Regulation 1.150-2.

Section 4. Repealer. The provisions of Resolution No. 9158 are hereby amended, restated and repealed.

Section 5. Effective Date. This Resolution shall be effective upon adoption. 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 Shawnee County, Kansas.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the City on August 17, 2021.

(SEAL)

/s/ Michelle De La Isla
Mayor

ATTEST:

/s/ Brenda Younger
Clerk