

RESOLUTION 2010-015

A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF ACCEPTING A PETITION AND ESTABLISHING A BENEFIT DISTRICT AND THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN COUNTY, UNDER THE PROVISIONS OF K.S.A. 68-701 ET SEQL, AS AMENDED AND SUPPLEMENTED; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID HEARING (NORTHWIND DRIVE PAVING IMPROVEMENTS).

WHEREAS, K.S.A. 68-701 et seq. (the "Act") authorizes the Board of County Commissioners (the "Board") of any County to make or cause to be made the permanent improvement of one or more roads in a special benefit district made up of property within a definable area of the County and the levying and collecting of special assessments upon property in the area deemed by said Board to be benefited by such improvements and to provide for the payment of all or any part of the costs of the improvements out of the proceeds of such special assessments; and

WHEREAS, the Act provides that upon receipt of a petition signed by (a) 51% of the resident landowners owning a least 35% of the land within the district, (b) 35% of the resident landowners owning 51% of the land within the district or (c) the owner of 60% of the land within the district, the Board shall set a time and place to meet to consider the petition for road improvements and shall give notice of the time and place of such meeting by publication once in the official county paper and by certified mail to the owners of the property adjoining the road, at the address where the owner's tax statement is sent. Publication and mailing of the notices shall not be less than 10 days prior to the date of the meeting; and

WHEREAS, the Board of County Commissioners of Jefferson County, Kansas (the "County"), hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of certain improvements in the County pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, KANSAS:

Section 1. Public Hearing. It is hereby authorized, ordered and directed that the Board of County Commissioners of the County, shall hold a public hearing on the advisability of the following described improvement:

Asphalt paving of Northwind Drive from the Southwest corner of Lot 6 to the East Line of Lots 1 and 10 of the Northwind Subdivision in the County (the "Improvements");

such public hearing to be held on May 24, 2010, at 1:00 P.M., or as soon thereafter as may be heard, in Room 101, Jefferson County Courthouse, 300 West Jefferson, in Oskaloosa, Kansas, under the authority of the Act.

Section 2. Notice of Hearing. The County Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of a Notice of Public Hearing substantially in the form attached hereto as Exhibit A one (1) time in the official County newspaper, such publication to be at least ten (10) days prior to the date of the hearing.

ADOPTED by the Board of County Commissioners of the County on May 10, 2010.

/S/ Richard Malm, Chairman  
/S/ Lynn Luck, Commissioner  
/S/ Roy Dunnaway, Commissioner

ATTEST: /S/ Linda M. Buttron, Clerk

(seal)

#### CERTIFICATE

I hereby certify the above and foregoing is a true and correct copy of the Resolution of the County adopted by the Board of County Commissioners on May 10, 2010 as the same appears of record in my office.

DATED: May 10, 2010

/S/ Linda M. Buttron, Clerk

#### EXHIBIT A

(Published in the Oskaloosa Independent, on May 13, 2010)

#### NOTICE OF PUBLIC HEARING

TO: RESIDENTS OF THE NORTHWIND SUBDIVISION, JEFFERSON COUNTY, KANSAS:

You and each of you are hereby notified that the Board of County Commissioners of Jefferson County, Kansas (the "County"), will meet for the purpose of holding a public hearing, as provided by K.S.A. 68-701 et seq., on May 24, 2010, at 1:00 P.M., or as soon thereafter as may be heard, in Room 101, Jefferson County Courthouse, 300 West Jefferson, in Oskaloosa, Kansas. Said public hearing is for the purpose of considering the advisability of creating a benefit district and making certain hereinafter described improvements.

A. The improvement proposed to be made is as follows:

Asphalt Paving of Northwind Drive from the Southwest corner of Lot 6 to the East Line of Lots 1 and 10 (the "Improvements").

B. The estimated or probable cost of the proposed Improvements is: \$175,000, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of a resolution authorizing the Improvements.

C. The extent of the benefit district (the "Benefit District") to be assessed for the costs of the proposed Improvements is:

See Exhibit A attached hereto.

D. The method of assessment is equally per lot (14 lots)/

E. The assessments shall be levied upon the Benefit District in twenty (20) annual installments.

F. The apportionment of the cost of the Improvements, between the Benefit District and the County at large, is: 100% to be assessed against the Benefit District and 0% to be paid by the County-at-large.

The public hearing may be adjourned from time to time and until the Board of County Commissioners shall have made findings by resolution as to the advisability of the Improvements, the general nature of the Improvements, the estimated cost of the Improvements, the boundaries of the Improvements District, the method of assessment, and the apportionment of the costs between the Improvement District and the County-at-large, all to be as finally determined by the Board of County Commissioners; provided, however, that the area of the Improvement District to be assessed for the costs of the Improvements as finally determined may be less than, but shall not exceed, the area proposed to be assessed as described above without giving notice of and holding a new hearing on the advisability of the proposed Improvements.

ALL PERSONS DESIRING TO BE HEARD WITH REFERENCE TO THE PROPOSED IMPROVEMENTS SHALL BE HEARD AT THE PUBLIC HEARING.

DATED: May 10, 2010

/S/ Linda M. Buttron, County Clerk

EXHIBIT A

BENEFIT DISTRICT

The following property located in Section 31, Township 11, Range 20, known as the Northwind Subdivision in Jefferson County, Kansas, according to the recorded plat thereof:

Lot 1  
East half (1/2) Lot 2  
West half (1/2) Lot 2  
East half (1/2) Lot 3  
West half (1/2) Lot 3  
Lot 4  
Tract 1; Lot 5  
Tract 2; Lot 5  
Lot 6  
Lot 7  
East half (1/2) Lot 8  
West half (1/2) Lot 8  
Lot 9  
Lot 10

EXCERPT OF MINUTES OF A MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS OF  
JEFFERSON COUNTY, KANSAS  
HELD ON MAY 10, 2010

The Board of County Commissioners met in regular session at the usual meeting place in the County, at 1:00 P.M. , the following members being present and participating, to-wit:

Absent:

The Chairman declared that a quorum was present and called the meeting to order.

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(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF ACCEPTING A PETITION AND ESTABLISHING A BENEFIT DISTRICT AND THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN COUNTY, UNDER THE PROVISIONS OF K.S.A. 68-701 ET SEQ., AS AMENDED AND SUPPLEMENTED; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID HEARING (NORTHWIND DRIVE PAVING IMPROVEMENTS).

Thereupon, Commissioner Luck moved that said Resolution be adopted. The motion was seconded by Commissioner Dunnaway. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the Board of County Commissioners, the vote being as follows:

Yea: 3  
Nay: 0

Thereupon, the Chairman declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2010-015 and was signed by the Board of County Commissioners and attested by the Clerk.

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(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceeding of the Board of County Commissioners of Jefferson County, Kansas, held on the date stated therein, and that the official minutes of such proceeding are on file in my office.

/S/ Linda M. Buttron, Clerk

(seal)