

**Valley of Progress
Center of Pride
City of Valley Center**

**Annexation & Improvements
Statutes**

and

General Service Plans

Table of Contents

Kansas Annexation Statutes	1
City Standards	9
Street Improvement Statutes	9
Sewer Improvement Statutes	10
General Improvement Statutes	13
Water Improvement Statutes	17
Sample Improvement Resolution	18
Service Plan	
Fire Protection	21
Police Protection	21
Street Lights	21
Emergency Alert Siren	22
Storm Water	22
Water	22
Sewer	22
Roads	22
Private Utilities	22

Kansas Annexation Statutes

12-520. Conditions which permit annexation; ordinance; actions challenging validity. (a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

- (1) The land is platted, and some part of the land adjoins the city.
 - (2) The land is owned by or held in trust for the city or any agency thereof.
 - (3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city, except that no city may annex land owned by a county which has primary use as a county-owned and operated airport, or other aviation related activity or which has primary use as a county owned and operated zoological facility, recreation park or exhibition and sports facility without the express permission of the board of county commissioners of the county.
 - (4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.
 - (5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.
 - (6) The tract is so situated that 2/3 of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.
 - (7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.
- (b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.
- (c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A 19-2753 et seq., and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.
- (d) Subject to the provisions of this section and subsection (e) of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.
- (e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.
- (f) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding.
- (g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

(h) Any owner of land annexed by a city under the authority of this section, within 30 days next following the publication of the ordinance annexing the land, may maintain an action in the district court of the county in which the land is located challenging the authority of the city to annex the land and the regularity of the proceedings had in connection therewith.

12-520a. Resolution; hearing; notice; publication; sketch of area; criteria considered at hearing; consent, effect. (a) The governing body of any city desiring to annex land under the authority of K.S.A. 12-520, and amendments thereto, shall adopt a resolution stating that the city is considering the annexation of the land. The resolution shall:

(1) Give notice that a public hearing will be held to consider the annexation of the land and fix the date, hour and place of the public hearing. Unless the governing body of the city determines adequate facilities are not available, the public hearing shall be held at a site located in or as near as possible to the area proposed to be annexed. The hearing shall be held at the time determined by the governing body to be the most convenient for the greatest number of interested persons;

(2) describe the boundaries of the land proposed to be annexed; and

(3) state that the plan of the city for the extension of services to the area proposed to be annexed, which is required under the provisions of K.S.A. 12-520b, and amendments thereto, is available for inspection during regular office hours in the office of the city clerk.

(b) The date fixed for the public hearing shall be not less than 60 nor more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

(c) A copy of the resolution providing for the public hearing shall be mailed by certified mail to each owner of land proposed to be annexed not more than 10 days following the date of the adoption of the resolution. The resolution shall be published in the official newspaper of the city not less than one week and not more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the area in such detail as may be necessary to advise the reader of the particular land proposed to be annexed shall be published with the resolution. A copy of such sketch also shall be mailed to the owner of the property with the resolution.

(d) A copy of the resolution providing for the public hearing shall be sent by certified mail not more than 10 days following the date of the adoption of the resolution to:

(1) The board of county commissioners;

(2) the governing body of the township where the land to be annexed is located;

(3) any special assessment district or governmental unit providing municipal services to the area proposed to be annexed including, but not limited to, sewer districts, rural water districts, fire districts or improvement districts;

(4) any utilities having facilities within the area proposed to be annexed;

(5) the governing body of any school district in the area proposed to be annexed;

(6) any city, county, township or joint planning commission having jurisdiction over the area proposed to be annexed; and

(7) any other political or taxing subdivision located within the area proposed to be annexed.

(e) At the public hearing, a representative of the city shall present the city's proposal for annexation, including the plan of the city for the extension of services to the area proposed to be annexed. Following the explanation, all interested persons shall be given an opportunity to be heard. The governing body may recess, for good cause shown, the hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

At such hearing or at any continuation of such hearing, the city shall determine the advisability of the annexation of land in a fire district. As a guide in determining the advisability of such annexation, the city's considerations shall include, but not be limited to, the:

- (1) Response time of the city and the fire district to the area proposed to be annexed;
- (2) impact on the fire district from the decrease in its tax base if the annexation is approved;
- (3) impact on the city's provision of fire service if the annexation is disapproved;
- (4) impact on the residents of the area if the annexation is approved; and
- (5) impact on the remainder of the fire district if the annexation is approved.

(f) No resolution, notice and public hearing required under the provisions of this section shall be required as a prerequisite to the annexation of land owned by or held in trust for the city or any agency thereof or land all of the owners of which petition for or consent thereto in writing.

(g) Any resolution, adopted pursuant to this section, which includes territory subsequently incorporated pursuant to K.S.A. 15-115 et seq., and amendments thereto, shall be invalid.

12-520b. Plans for extension of services; reports, contents; statement of plans for extension of municipal services to area; consent, effect. (a) The governing body of any city proposing to annex land under the provisions of K.S.A. 12-520, and amendments thereto, shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the adoption of the resolution provided for in K.S.A. 12-520a, and amendments thereto, prepare a report setting forth such plans. The report shall include:

(1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:

(A) The present and proposed boundaries of the city affected by such proposed annexation;

(B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereof;

(C) the general land use pattern in the areas to be annexed.

(2) A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and the area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension

of such services to such area. Such plan shall include a timetable of the plans for extending each major municipal service to the area annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district.

(b) The preparation of a plan for the extension of services required by subsection (a) shall not be required for or as a prerequisite to the annexation of land of which all of the owners petition for or consent to such annexation in writing.

12-520c. Annexation of land not adjoining city, when; resolution to county commissioners; findings by board spread upon journal; effect; appeals to district court. (a) The governing body of any city may by ordinance annex land not adjoining the city if the following conditions exist:

- (1) The land is located within the same county as such city;
- (2) The owner or owners of the land petition for or consent in writing to the annexation of such land; and
- (3) The board of county commissioners of the county find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within such county.

(b) No land adjoining any land annexed by any city under the provisions of this section shall be deemed to be adjoining the city for the purpose of annexation under any other act or section of this act until such adjoining land or the land annexed under this section shall adjoin the remainder of the city by reason of the annexation of the intervening territory.

(c) Whenever the governing body of any city deems it advisable to annex land under the provisions of this section such governing body shall by resolution request the board of county commissioners of the county to make a finding as required under subsection (a) (3) of this section. The city clerk shall file a certified copy of such resolution with the board of county commissioners who shall, within thirty (30) days following the receipt thereof, make findings and notify the governing body of the city thereof. Such findings shall be spread at length upon the journal of proceedings of said board. The failure of such board to spread such findings upon the journal shall not invalidate the same.

Any owner or city aggrieved by the decision of the board of county commissioners may appeal from the decision of such board to the district court of the same county in the manner and method set forth in K.S.A. 19-223. Any city so appealing shall not be required to execute the bond prescribed therein.

12-521. Petition to county commissioners for annexation of certain lands city not authorized to annex; contents; plans; reports, contents; statement of plans; hearing, time and place; publication notice; notice to landowners; sketch of area; procedure at hearing; criteria to be considered; granting of order; entry in journal, effect; appeals to district court. (a) Whenever the governing body of any city deems it advisable to annex land which such city is not permitted to annex under K.S.A. 12-520, and amendments thereto, or if the governing body of any city is permitted to annex land under K.S.A. 12-520, and amendments thereto, but deems it advisable not to annex thereunder, the governing body may annex such land as provided by this section. The governing body, in the name of the city, may present a petition to the board of county commissioners of the county in which the land sought to be annexed is located. The petition shall set forth a legal description of the land sought to be annexed and request a public hearing on the advisability of such annexation. The governing body of such city shall make plans for the extension of services to the tract of land proposed to be annexed and shall file a copy thereof with the board of county commissioners at the time of presentation of the petition. Such report shall include:

(1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:

(A) The present and proposed boundaries of the city affected by such proposed annexation;

(B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereto;

(C) the general land use pattern in the areas to be annexed.

(2) A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension of such services to such area. The plan shall include a timetable for the extension of major municipal services to the area proposed to be annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district.

(b) The date fixed for the public hearing shall be not less than 60 nor more than 70 days following the date of the presentation of the petition requesting such hearing. Notice of the time and place of the hearing, together with a legal description of the land sought to be annexed and the names of the owners thereof, shall be published in a newspaper of general circulation in the city not less than one week and not more than two weeks preceding the date fixed for such hearing.

A copy of the notice providing for the public hearing shall be mailed by certified mail to each owner of the land proposed to be annexed not more than 10 days following the date of the presentation of the petition requesting such hearing.

A sketch clearly delineating the area in such detail as may be necessary to advise the reader of the particular land proposed to be annexed shall be published with such notice and a copy thereof mailed to the owner of the property with such notice.

The board for good cause shown may continue the hearing beyond the time specified in the notice without further publication.

(c) On the day set for hearing, the board of county commissioners shall hear testimony as to the advisability of such annexation, and a representative of the city shall present the city's proposal for annexation, including the plan of the city for the extension of services to the area proposed to be annexed.

The action of the board of county commissioners shall be quasi-judicial in nature. The board of county commissioners shall consider the impact of approving or disapproving the annexation on the entire community involved, including the city and the land proposed to be annexed, in order to insure the orderly growth and development of the community. The board shall make specific written findings of fact and conclusions determining whether such annexation or the annexation of a lesser amount of such area causes manifest injury to the owners of any land proposed to be annexed, or to the owners of land in areas near or adjacent to the land proposed to be annexed or to the city if the annexation is disapproved. The findings and conclusions shall be based upon the preponderance of evidence presented to the board. In determining whether manifest injury would result from the annexation, the board's considerations shall include, but not be limited to, the extent to which the following criteria may affect the city, the area to be annexed, the residents of the city and the area to be annexed, other governmental units providing services to the area to be annexed, the utilities providing services to the area to be annexed, and any other public or private person, firm or corporation which may be affected thereby:

- (1) Extent to which any of the area is land devoted to agricultural use;
- (2) area of platted land relative to unplatted land;
- (3) topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed;
- (4) extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries;
- (5) present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed;
- (6) the extent of business, commercial and industrial development in the area;
- (7) the present cost, methods and adequacy of governmental services and regulatory controls in the area;
- (8) the proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services;
- (9) tax impact upon property in the city and the area;
- (10) extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources;
- (11) effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, sewer and water districts, improvement districts, townships or industrial districts and, subject to the provisions of K.S.A. 12-521a, fire districts;
- (12) existing petitions for incorporation of the area as a new city or for the creation of a special district;

(13) likelihood of significant growth in the area and in adjacent areas during the next five years; and

(14) effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan.

(d) The board of county commissioners shall render a judgment within seven days after the hearing has been adjourned sine die. If a majority of the board of county commissioners concludes that the annexation or any part thereof should be allowed, the board shall so find and grant the annexation by order; and thereupon the city may annex the land by ordinance. Orders of the board of county commissioners denying the petition or a part thereof for annexation shall require a majority vote of the members of the board. When an order denying a petition or part thereof is issued, it shall be by resolution, which shall be sent by certified mail to the city proposing the annexation. All orders of the board of county commissioners granting or denying petitions for annexation shall be spread at length upon the journal of proceedings of the board. The failure of such board to spread an order granting annexation upon the journal shall not invalidate such order.

(e) Any owner of land annexed pursuant to this section or the city aggrieved by the decision of the board of county commissioners may appeal the decision of the board to the district court of the same county in the manner and method set forth in K.S.A. 19-223, and amendments thereto. Nothing in this subsection shall be construed as granting the owner of land in areas near or adjacent to land annexed pursuant to this section the right to appeal the decision of the board of county commissioners. Any city so appealing shall not be required to execute the bond prescribed therein.

12-521a. Same; annexation of a fire district; criteria to be considered. When determining the effect of a proposed annexation on a fire district or a portion of a fire district, considerations by the board of county commissioners shall include, but not be limited to, the:

- (a) Response time of the city and the fire district to the area proposed to be annexed;
- (b) impact on the fire district from the decrease in its tax base if the annexation is approved;
- (c) impact on the city's provision of fire service if the annexation is disapproved;
- (d) impact on the residents of the area if the annexation is approved; and
- (e) impact on the remainder of the fire district if the annexation is approved.

12-522. Filing of annexation ordinance. Upon the passage and publication of any annexation ordinance authorized under this act, the city clerk shall file a certified copy of such ordinance with the county clerk, the register of deeds, and the county election commissioner, if any, of the county or counties in which such city is located. No fee shall be charged for such filings, and the register of deeds shall file, but not record, the certified copies of such ordinances filed with him or her.

12-523. Effective dates of annexation; exceptions. Annexation ordinances of cities shall take effect on publication as provided by law, except that any annexation ordinance published within 60 days before any election specified in this section shall become effective on the day following such election, unless such day is also within 60 days before any election specified in this section in which case such ordinance shall become effective on the day following the last such election. Elections to which this section shall apply are: (1) Primary and general election of state, county and national officers, and (2) primary and general city elections, and (3) primary and general school elections. The provisions of this section shall not apply to any special election.

79-1807. Change in boundary of taxing district; effective for tax purposes, when. (a) Except as provided in subsection (b) of this section, whenever any of the territory of a municipality or other taxing district is annexed, attached, or transferred to another municipality or other taxing district on or before April 1 of any year, or whenever an entire municipality or other taxing district is merged or consolidated with another municipality or taxing district on or before April 1 of any year, such annexation, attachment, transfer, merger, or consolidation shall take effect for tax purposes as of the last day of December preceding such annexation, attachment, transfer, merger or consolidation: *Provided*, That the taxes due on November 1 next preceding the date said organization, incorporation, or change takes effect for taxation purposes shall be collected and distributed as before assessed and levied;

(b) Whenever any of the territory of a school district or community junior college district is attached or transferred to another school district or community junior college district on or before July 1 of any year, or whenever any school district or community junior college district is organized on or before July 1 of any year, or whenever any entire school district or community junior college district is attached to or consolidated with one or more other school districts or community junior college districts on or before July 1 of any year, such attachment, transfer, consolidation or organization shall take effect for tax purposes as of the last day of December preceding the effective date of such attachment, transfer, consolidation or organization: *Provided*, That the taxes due on November 1 next preceding the date said attachment, transfer, consolidation or organization takes effect for taxation purposes shall be collected and distributed as before assessed and levied.

City Standards

Adopted February 6, 1996 and updated July, 2002, The Valley Center City Standards define the manner in which City services would be constructed into a new service area. Services would include individually, mutually or collectively, streets, curb/gutter, drainage, sidewalks, water, and sewer.

These services are generally constructed at the request of the property owners for the benefit of the property owners. All such services are financed through special assessments for bond payments.

Street Improvements

12-601. Cost of street improvements assessed against abutting owners. Whenever any street or avenue in any city shall be graded, regraded, paved, repaved, curbed, recurbed, guttered, reguttered, macadamized, remacadamized, or otherwise improved, the cost of such improvement shall be paid by and assessed to the property on each side of said street or avenue to the middle of the block.

History: R.S. 1923, § 12-601; Dec. 27.

12-602. Resolution, protest, contract, levy and assessment for improvements. Whenever the governing body of any city deems it necessary to grade, regrade, pave, repave, curb, recurb, gutter, regutter, macadamize, remacadamize or otherwise improve any street or avenue, or any part thereof, for which a special tax is to be levied, as herein provided, the governing body shall by resolution declare such work or improvement necessary to be done. Such resolution shall be published once each week for two consecutive weeks in the official city newspaper. If the resident owners of more than 1/2 the property liable for the tax do not within 20 days from the last publication file with the city clerk a protest against such improvement, the governing body shall have power to cause such work to be done or such improvement to be made, to contract therefor and to levy taxes as herein provided.

Whenever a majority of the resident owners of real property liable for the tax for the improvement in two or more adjacent blocks petition the governing body to grade, regrade, pave, repave, curb, recurb, gutter, regutter, macadamize, remacadamize or otherwise improve a street or avenue, or any part thereof, the governing body shall cause such work to be done or such improvement to be made, shall contract therefor and shall levy taxes for all such improvements as herein provided upon the property on each side of the street or avenue to the middle of the block.

The sufficiency of a protest or petition filed hereunder, as to the ownership of the property, shall be determined by the record in the office of the register of deeds at the time of the adoption of the resolution.

The cost of grading, regrading, paving, repaving, curbing, recurbing, guttering, reguttering, macadamizing, remacadamizing or otherwise improving intersections of streets and the cost of making any of improvements in streets, avenues and alleys running along or through city property shall be paid for by the city at large, for which general improvement bonds of the city may be issued according to law, except that, if the petition of the resident owners initiating the project so provides, the entire cost or a part thereof may be assessed against the benefited property in the same manner as the remainder of the improvements.

The governing body in its discretion may levy the entire tax or special assessment for such cost at one time or may provide for payment thereof in installments and issue bonds as provided by law for such installments. The owner of any property liable for such assessment may, within 30 days from the time of the determination of the amount assessed against the owner's property, pay the same in full, and such property shall not thereafter be liable for any assessment for the cost of such improvement. Bonds shall be issued only for the amount of the cost of such improvement remaining unpaid at the end of 30 days from the time such assessment is fixed.

History: R.S. 1923, § 12-602; L. 1931, ch. 107, § 1; L. 1967, ch. 83, § 1; L. 1981, ch. 173, § 12; July 1.

Sewer

12-617. Taxing districts in cities under 80,000; ordinance. For the purpose of providing for the expenses of sewerage and drainage, the governing body of any city having a population of less than 80,000 may by ordinance, divide such city into such number of taxing districts as they may deem best.

History: L. 1909, ch. 90, § 1; R.S. 1923, § 12-617; L. 1927, ch. 98, § 1; March 2.

12-618. Taxing districts in cities under 80,000; systems; assessments or bonds; alteration of boundaries; reassessment of costs and expenses; time for suit or injunction. The governing body of such city shall have power to provide for one or more systems of sewerage, or drainage, or both, for such city, or for any part thereof, with one or more main sewers or drains and sewer or drains outlets, and to build, construct or purchase pumping stations, sewers, sewer service lines and drains by districts or otherwise, as the governing body may determine. In the case of sewer service lines constructed on private property, nothing in this act shall require the city to clean, maintain or replace such lines after the initial purchase or construction thereof.

The costs and expenses of constructing or purchasing the said pumping stations, sewers, sewer service lines and drains, except as provided in K.S.A. 12-619, shall be assessed against the lots and pieces of ground contained within the district in which the same is situated, and shall be levied and collected as one tax, in addition to the other taxes and assessments, and shall be certified by the city clerk to the county clerk and be placed by him or her upon the tax roll for collection, subject to the same penalties, entitled to the same rebates and collected in the same manner as other taxes. Where any property has paid or shall pay its full proportion for pumping stations, general sewers or drains in one district it shall not be transferred to another district and thereby be made liable for taxation for pumping stations, sewers and drains in such other district. The governing body may in their discretion provide for the payment of the costs thereof by installments, instead of levying the entire tax or special assessment for such cost at one time; and for such installments they may issue improvement bonds of the city in the manner provided by law. Where the governing body of any city has not or may not divide such city into more than one district for sewer purposes, and such entire city thus constitutes one sewer district, such cities are hereby exempted from the provisions of this act insofar as the same provides for the levying of a tax or assessment against specific lots and pieces of ground in separate sewer districts, and such cities are hereby authorized to build and construct sewers and sewer systems, and for the purpose of paying for the same the governing body may issue general obligation bonds as provided by law.

The governing body of any such city which is located in a county having a population of less than one hundred eighty-five thousand (185,000) or more than two hundred thousand (200,000) may, by resolution:

(1) Alter the boundaries of any district so as to include property which has been annexed subsequent to the creation of such district if such property is within the same watershed and will be served by the main sewer serving such district; and

(2) reapportion and reassess, on the same basis as the original assessment, that portion of the costs and expenses incurred in the construction of sewer mains within such district which were assessed within the district prior to the passage of such resolution, and which remain unpaid, among all lots and pieces of ground within the district, including those added thereto by such resolution, and which receive benefits from such sewers.

No suit to set aside the special assessments herein provided for or to enjoin the making of the same shall be brought, nor any defense to the validity thereof be allowed, after the expiration of thirty (30) days from the time when the amount due on each lot or piece of ground liable for such assessment is ascertained.

History: R.S. 1923, § 12-618; L. 1955, ch. 77, § 1; L. 1967, ch. 84, § 1; L. 1975, ch. 57, § 1; July 1.

12-619. Cost of main sewers, how determined; ordinance; lands not subject to assessment. If the estimated cost of the main sewer or drain of said system now or hereafter constructed shall be relatively large as compared with the estimated cost of the lateral sewers or drains tributary thereto, or if the said main sewer or drain shall be so located that it will or may receive the sewage or drainage from two or more districts, the governing body shall have power to pass an ordinance providing that the cost of such main sewer or drain below a certain designated point shall be borne by the city and paid in the manner provided in K.S.A. 12-624 for the payment of the cost of main sewers and drains now or hereafter constructed beyond the corporate limits of the city. If the said main sewer or drain shall be so located that it will or may receive the sewage or drainage from two or more districts, the governing body shall have power to pass an ordinance providing that the cost of such sewer or drain below a certain designated point shall be divided among the said districts as nearly as possible in proportion to the benefits which the respective districts will eventually receive from the use of the said sewer drain, and that the proportion of the cost assigned to each district shall be assessed against that district in the manner provided by law: Provided, That the said ordinance shall state the point in the line of the main sewer or drain below which the provisions of this section shall apply, shall describe the proposed location of the said main sewer or drain from the said point to the outlet of the same or to the city limits, and shall state the manner of payment of the cost of the said main sewer or drain, whether by the city or by the tributary districts, and if by the tributary districts shall fix the proportion of the cost to be assessed against said district: Provided further, That any land within the corporate limits of any city which land is served by county or township sewers shall not be subject to assessment as herein provided.

History: R.S. 1923, § 12-619; L. 1955, ch. 78, § 1; L. 1965, ch. 92, § 1; May 14.

12-631. Ordinance requiring certain property owners to make sewer connections; costs; no-fund warrants, when; tax levies. Any city may in the manner hereinafter provided by ordinance require persons and property owners owning buildings within such city, which buildings are, or shall be located near a sewer, or in a block within any sewer district in said city through which a sewer extends, to make such connections with the sewer system, as may be necessary in the judgment of the board of health or in the event such city does not have a board of health, in the judgment of the governing body for the protection of the health of the public, for the purpose of disposing of all substances from any such building affecting the public health which may be lawfully and properly disposed of by means of such sewer, and if any person or persons, shall fail, neglect or refuse to so connect any building or buildings with the sewer system as herein provided for, for more than ten days after being notified in writing by the board of health or governing body of such city to do so, such city may cause such buildings to be connected with said sewer system, or may advertise for bids for the construction and making of such sewer connections, and contract therefor with the lowest responsible bidder or bidders, and may assess the costs and expense thereof against the property and premises so connected in the manner provided by law. All costs incurred by the city under the provisions of this section may be financed, until the assessment is paid, out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this act the governing body of such city shall make a tax levy at the first tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in article 19 of chapter 79 of the Kansas Statutes Annotated. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, except they shall not bear the notation required by said section and may be issued without the approval of the state board of tax appeals. All moneys received from special assessments levied under the provisions of this section shall, when paid, be placed in the general fund of the city.

History: L. 1915, ch. 130, § 1; R.S. 1923, § 12-631; L. 1965, ch. 93, § 1; June 30.

General Improvement Laws

12-6a01. Procedures for certain improvements and for financing costs; definitions. For the purpose of this act, the terms defined in this section shall have the meanings ascribed to them as follows:

(a) "Improvement" means any type of improvement made under authority of this act and the singular may include the plural, and includes reimprovement of a prior improvement.

(b) "To improve" means to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend or to otherwise perform any work which will provide a new facility or enhance, extend or restore the value or utility of an existing facility.

(c) "Acquire" means the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means and may include the acquisition of existing property and improvements already owned by the city and previously financed by the issuance of revenue bonds, such acquisition to constitute a refunding of such revenue bonds and no additional refunding authority shall be required but nothing herein shall be construed to require a holder of any such revenue bonds to surrender bonds for refunding unless the provisions of such bonds allow the redemption thereof.

(d) "Cost" means all costs necessarily incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, necessary fees and expenses of consultants and interest accrued on borrowed money during the period of construction together with the cost of land, materials, labor and other lawful expenses incurred in planning and doing any improvement and may include a charge of not to exceed 5% of the total cost of an improvement or the cost of work done by the city to reimburse the city for the services rendered by the city in the administration and supervision of such improvement by its general officers and where property and improvements already owned by the city and previously financed by the issuance of revenue bonds is acquired the cost shall include not to exceed the principal amount of such outstanding revenue bonds plus the amount of matured interest, interest maturing within 90 days, and the amount of any call premium or purchase premium required.

(e) "Consultant" means engineers, architects, planners, attorneys and other persons deemed competent to advise and assist the governing body in planning and making of improvements.

(f) "Improvement district" means:

(1) An area deemed by the governing body to be benefited by an improvement and subject to special assessment for all or a portion of the cost of the improvement; or

(2) an area described in a petition submitted in accordance with subsection (c) or (d) of K.S.A. 12-6a04, and amendments thereto, and subject to a special assessment for all or a portion of the cost of the improvement.

(g) "Street" means street, alley, avenue, boulevard, or other public way or any part thereof.

(h) "Newspaper" means the official designated newspaper of the city, or if there is no newspaper published therein or no official newspaper, a newspaper of general circulation in the city authorized to publish legal notices.

(i) "Asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite and actinolite.

(j) "Asbestos-containing material" means any material or product which contains more than 1% asbestos.

(k) "Asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

- (1) The removal or encapsulation of asbestos-containing material;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;
- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and post abatement clearance testing measures associated with such activities.

(l) "Lead control project" means any activity which is necessary or incidental to the control of any lead hazard in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

- (1) The removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;
- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and post abatement clearance testing measures associated with such activities.

(m) "Lead hazard" means any condition which causes exposure to lead that would result in adverse human health effects.

History: L. 1957, ch. 99, § 1; L. 1968, ch. 408, § 1; L. 1996, ch. 231, § 7; L. 2003, ch. 120, § 1; July 1.

12-6a02. Same; special assessments; work or improvements authorized. As a complete alternative to all other methods provided by law, the governing body of any city is hereby authorized to make, or cause to be made, municipal works or improvements which confer a special benefit upon property within a definable area of the city and may levy and collect special

assessments upon property in the area deemed by the governing body to be benefited by such improvement for special benefits conferred upon such property by any such municipal work or improvement and to provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of such special assessments as hereinafter provided. Such work or improvements may include the following without limitation because of enumeration:

(a) Acquisition of property or interest in property when necessary for any of the purposes authorized by this act.

(b) To open, widen and extend streets and otherwise to improve paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes necessarily lying within curb lines.

(c) To improve main and lateral storm water drains and sanitary sewer systems and appurtenances thereto.

(d) To improve street lights and street lighting systems.

(e) To improve waterworks systems owned by the city and water distribution systems owned and operated by a water district established pursuant to K.S.A. 19-3501 et seq., and amendments thereto.

(f) To improve parks, playgrounds and recreational facilities.

(g) To improve any street or other facility by landscaping, planting of trees, shrubs and other perennial plants.

(h) To improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto.

(i) To improve vehicle and pedestrian bridges, overpasses and tunnels.

(j) To improve retaining walls and area walls on public ways or land abutting thereon.

(k) To improve property for off-street parking facilities including construction and equipment of buildings thereon for such purpose.

(l) Asbestos control projects and lead control projects.

History: L. 1957, ch. 99, § 2; L. 1959, ch. 72, § 1; L. 1996, ch. 231, § 8; L. 1998, ch. 45, § 1; July 1.

12-6a07. Apportionment of cost of improvement.

(a) The city may pay such portion of the cost of the improvement as the governing body may determine, but not more than ninety-five percent (95%) of the total cost thereof. The share of the cost to be paid by the city at large shall be paid in the manner provided by K.S.A. 12-6a14.

(b) If any property deemed benefited shall by reason of any provision of law be exempt from payment of special assessments therefor, such assessment shall, nevertheless, be computed and shall be paid by the city at large.

History: L. 1957, ch. 99, § 7; L. 1968, ch. 305, § 1; L. 1978, ch. 58, § 1; July 1.

12-6a08. Financing costs; assessment plan; classifications, formulae and methods of assessment.

(a) The portion of the cost of any improvement to be assessed against the property in the improvement district as determined in K.S.A. 12-6a04, and amendments thereto, shall be apportioned against the property in accordance with the special benefits accruing thereto by reasons of such improvement or in accordance with the provisions of any petition submitted pursuant to subsection (b) or (c) of K.S.A. 12-6a04, and amendments thereto. The cost may be assessed equally per front foot or per square foot against all lots and pieces of land within such improvement district or assessed against such property according to the value of the lots and pieces of land therein as determined by the governing body of the city with or without regard to the buildings and improvements thereon or as set forth in the petition requesting such improvement or the cost may be determined and fixed on the basis of any other reasonable assessment plan which will result in imposing substantially equal burdens or shares of the cost upon property within the improvement district similarly benefited. The governing body may from time to time determine and establish by ordinance reasonable general classifications and formulae for the apportionment of the cost between the city and the area to be assessed, and the methods of assessing the special benefits, for various classes of improvements.

(b) This section shall not be construed to limit the adoption of any assessment plan for any improvement that recognizes varying benefit levels to property within the improvement district and imposes assessments in relation thereto.

History: L. 1957, ch. 99, § 8; L. 1959, ch. 72, § 3; L. 1983, ch. 63, § 1; L. 2003, ch. 120, § 3; July 1.

Water

12-821. Extension of mains or of transmission lines or pipelines. Subject to the provisions of K.S.A. 66-104 and 66-131, and amendments thereto, any city operating any waterworks, fuel, power or lighting plant or sewer system may extend its mains, transmission lines or pipelines within or without the city by construction or purchase, when applications have been made and agreements entered into by persons along the proposed extension that will produce a revenue in the judgment of the governing body, sufficient to pay interest on the cost of the extension, and the operating cost of the product or service furnished.

History: L. 1913, ch. 79, § 2; L. 1919, ch. 110, § 1; R.S. 1923, § 12-821; L. 1968, ch. 333, § 4; March 30. 3

Most Recent Special Assessments:

Valley Meadows 4th Phase 2 433, 434, 435

Valley Park 8th Addition 436

Fiddler's Creek Phase 2 442, 443

Valley Creek 2nd 441, 444

Valley Meadows 4th Phase 3 453, 454, 455

Prairie Lakes 460, 461, 462, 463

Example provided below:

RESOLUTION NO. 466-2004

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 460-2004 OF THE CITY OF VALLEY CENTER, KANSAS, WHICH DETERMINED THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF VALLEY CENTER, KANSAS (SANITARY SEWER IMPROVEMENTS-PHASE 1/PRAIRIE LAKES ADDITION AND PRAIRIE LAKES 2ND ADDITION).

WHEREAS, the governing body of the City of Valley Center, Kansas (the "City"), has heretofore by Resolution No. 460-2004 of the City, duly adopted on May 18, 2004 (the "Prior Resolution"), authorized, pursuant to K.S.A.-12-6a01 *et seq.*, the following described improvements:

Construct sanitary sewer improvements to serve Lots 8 through 23, Block A; Lots 20 through 30, Block B; Lots 8 through 16; and Lots 21 through 32, Block C, Prairie Lakes Addition; and Lots 1 through 15, Block A; Lots 1 through 8, Block B; and Lot 1, Block C, Prairie Lakes 2nd Addition, according to plans and specifications to be furnished by the City Engineer of the City of Valley Center, Sedgwick County, Kansas (the "Improvements"); and

WHEREAS, the Prior Resolution was recorded with the Register of Deeds of Sedgwick County, Kansas, and appears at Flm-Pg: 2853675; and

WHEREAS, the City has received an Amended Petition proposing a modification of the estimated costs of the Improvements; and

WHEREAS, the governing body of the City hereby finds and determines it necessary to make such modifications; and

WHEREAS, in order to make such modifications, the governing body of the City hereby finds and determines it necessary to amend and supplement Section 1 of the Prior Resolution, as hereinafter set forth.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS, AS FOLLOWS:

Section 1. Amendments. Section 1 of the Prior Resolution is hereby amended to read as follows:

SECTION 1. Findings of Advisability. The City Council hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construct sanitary sewer improvements to serve Lots 8 through 23, Block A; Lots 20 through 30, Block B; Lots 8 through 16; and Lots 21 through 32, Block C, Prairie Lakes Addition; and Lots 1 through 15, Block A; Lots 1 through 8, Block B; and Lot 1, Block C, Prairie Lakes 2nd Addition, according to plans and

specifications to be furnished by the City Engineer of the City of Valley Center, Sedgwick County, Kansas (the "Improvements").

(b) The estimated or probable cost of the Improvements is: Three Hundred Twenty-Three Thousand Dollars (\$323,000), to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

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

Lots 8 through 23, Block A; Lots 20 through 30, Block B, Lots 8 through 16; and Lots 21 through 32, Block C, Prairie Lakes Addition; and Lots 1 through 15, Block A; Lots 1 through 8, Block B; and Lot 1, Block C, Prairie Lakes 2nd Addition, an addition to the City of Valley Center, Sedgwick County, Kansas.

(d) The method of assessment is: Equally per lot (72 lots).

(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.

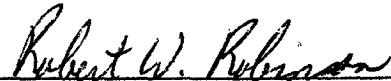
Section 2. Repealer; Ratification. Section 1 of the Prior Resolution is hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed.

Section 3. 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 Sedgwick County, Kansas.

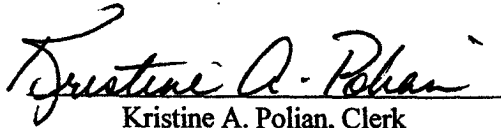
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ADOPTED by the governing body of the City on September 7, 2004.

(Seal)



Robert W. Robinson, Mayor

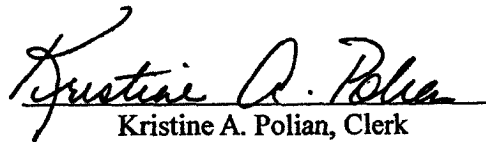


Kristine A. Polian, Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on September 7, 2004 as the same appears of record in my office.

DATED: September 7, 2004.



Kristine A. Polian, Clerk

Service Plan

Fire Protection

The area is currently part of the Sedgwick County Fire District. After annexation, all properties would have Valley Center as primary fire protection.

Valley Center Fire Department already provides protection to this area under contract with Valley Center Township.

The City of Valley Center and the Sedgwick County Fire District also have a mutual aid agreement that provides additional fire protection for the properties.

A check of local insurance agencies demonstrates that there could be savings on homeowners policies after annexation by certain companies. Other companies do not differentiate beyond distance to nearest fire station.

Valley Center's Fire Station is within the five (5) mile range identified by the companies.

\$ 150, 000 Frame INSIDE Class 6 OUTSIDE Class 9

Kellet

American Family 500 deduct; 20 years old, good condition

Class 6 \$1309

Class 6 \$1337

Class 9 \$1603 within 5 miles of fire department

Class 9 \$1805 with hydrant 1337

Within 5 miles of Fire Station and within 1000 feet of hydrant - same as inside

Farm Bureau: what determines rate same rate if can use Valley Center Fire District same if within the fire district.

State Farm 755.1238

Class 6

Class 6 \$954

Class 9

Class 9 \$1289 with fire company within 5 miles

Police Protection

The area is currently patrolled and serviced by the Sedgwick County Sheriff's Office with assistance from the Valley Center Police Department as requested. Additional vehicle operations costs are not expected.

Currently, the Sheriff's Office does not allow the Valley Center Police Department to make primary calls outside the City Limits. Thus, if a call for assistance is requested from this area, the City has to be asked to respond. Such would change with annexation.

Street Lights

A plan to install street lighting would be developed for the annexed area in a consistent manner as used currently in the City.

Emergency Alert Siren

A review of the *Valley Center Emergency Siren Location and Range Map* as prepared by the Sedgwick County Emergency Management Department will be made to determine the coverage area for emergency sirens. Currently, the City "covered" by the four (4) sirens in our City limits.

Storm Water

The area is identified in the Valley Center Master Drainage Plan dated January, 2004 as Basin #2. Copy of the full report is on file with the Metropolitan Area Planning Department.

Water

There is no current water service to this area. All properties draw residential water from within the boundaries of the individual properties. There are no water mains for either potable water or fire fighting.

City Engineer has developed a design concept for the area looping water lines to service all the properties from the river westward to the drainage canal and from Main Street (81st) south to Ford (77th).

A petition to construct a water main and looping system would trigger the development and construction of such service to the area to be paid by special assessment.

Sewer

There is no communal sewer system for the area. All properties are operating on-site, county approved septic systems at this time.

City Engineer has developed a design concept for the area with collection lines to service all the properties from the river westward to the drainage canal and from Main Street (81st) south to Ford (77th) and a main pumping station to force the collection to the City's Wastewater Treatment Plant.

A petition to construct a sewer main would trigger the development and construction of such service to the area to be paid by special assessment.

Roads

Roadways connecting this area are currently maintained by the Valley Center Township Board and Sedgwick County. West Street was recently improved via cold roll mix of rejuvenated asphalt. Other roadways in the area are of gravel construction and would remain so until such time a petition for improvement or a change in traffic patterns demonstrates a need for roadway upgrade.

Private roads and drives would continue to be maintained by the abutting property owners.

Private Utilities

Electric power is supplied by Westar Energy

There are no natural gas lines in the area

SBC provides telephone service in the area but, it is unknown if any other telephone service provider is operating in the defined area

Cox Cable is obligated to provide service to the area, if annexed, upon petition

Mill Levy Information

Grant Township

<u>Appraised Value</u>	<u>Assessed Value</u>	<u>Township 113.793</u>	<u>City* 136.81</u>	<u>Difference</u>
\$100,000	\$11,500	\$1,309	\$1,573	\$265
\$105,000	\$12,075	\$1,374	\$1,652	\$278
\$110,000	\$12,650	\$1,439	\$1,731	\$291
\$115,000	\$13,225	\$1,505	\$1,809	\$304
\$120,000	\$13,800	\$1,570	\$1,888	\$318
\$125,000	\$14,375	\$1,636	\$1,967	\$331
\$130,000	\$14,950	\$1,701	\$2,045	\$344
\$135,000	\$15,525	\$1,767	\$2,124	\$357
\$140,000	\$16,100	\$1,832	\$2,203	\$371
\$145,000	\$16,675	\$1,897	\$2,281	\$384
\$150,000	\$17,250	\$1,963	\$2,360	\$397
\$155,000	\$17,825	\$2,028	\$2,439	\$410
\$160,000	\$18,400	\$2,094	\$2,517	\$424
\$165,000	\$18,975	\$2,159	\$2,596	\$437
\$170,000	\$19,550	\$2,225	\$2,675	\$450
\$175,000	\$20,125	\$2,290	\$2,753	\$463
\$180,000	\$20,700	\$2,356	\$2,832	\$476
\$185,000	\$21,275	\$2,421	\$2,911	\$490
\$190,000	\$21,850	\$2,486	\$2,989	\$503
\$195,000	\$22,425	\$2,552	\$3,068	\$516
\$200,000	\$23,000	\$2,617	\$3,147	\$529
\$205,000	\$23,575	\$2,683	\$3,225	\$543
\$210,000	\$24,150	\$2,748	\$3,304	\$556
\$215,000	\$24,725	\$2,814	\$3,383	\$569
\$220,000	\$25,300	\$2,879	\$3,461	\$582
\$225,000	\$25,875	\$2,944	\$3,540	\$596
\$230,000	\$26,450	\$3,010	\$3,619	\$609
\$235,000	\$27,025	\$3,075	\$3,697	\$622
\$240,000	\$27,600	\$3,141	\$3,776	\$635
\$245,000	\$28,175	\$3,206	\$3,855	\$649
\$250,000	\$28,750	\$3,272	\$3,933	\$662
\$255,000	\$29,325	\$3,337	\$4,012	\$675
\$260,000	\$29,900	\$3,402	\$4,091	\$688
\$265,000	\$30,475	\$3,468	\$4,169	\$701
\$270,000	\$31,050	\$3,533	\$4,248	\$715
\$275,000	\$31,625	\$3,599	\$4,327	\$728
\$280,000	\$32,200	\$3,664	\$4,405	\$741
\$285,000	\$32,775	\$3,730	\$4,484	\$754
\$290,000	\$33,350	\$3,795	\$4,563	\$768
\$295,000	\$33,925	\$3,860	\$4,641	\$781
\$300,000	\$34,500	\$3,926	\$4,720	\$794

* Removes the Township levy and Fire District Levy adds City Levy of 47.813
(Township levies vary across this hearing's boundaries)

1.5	State	1.5	State
28.763	County	28.763	County
18.579	Fire District		
6.217	Grant Township	47.813	City
58.734	USD 262	58.734	USD 262
113.793	total mills	136.81	total mills