

(Published in the *Butler County Times-Gazette* on February 26, 2019)

ORDINANCE NO. 2142

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF CERTAIN IMPROVEMENTS IN THE CITY OF AUGUSTA, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NOS. 2018-18 AND 2019-19 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

WHEREAS, the governing body of the City of Augusta, Kansas (the “City”) has previously authorized certain internal improvements (the “Improvements”) to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the “Act”); and

WHEREAS, the governing body has heretofore received a waiver (the “Waiver”) of public hearing and right to protest the levy of special assessment from the owners of 100% of the property liable for assessment for the cost of the Improvements; and

WHEREAS, the governing body desires to levy assessments on certain property benefited by the construction of the Improvements.

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

Section 1. Levy of Assessments. For the purpose of paying the costs of the following described Improvements:

Appcon 2nd Addition

Sanitary Sewer Improvements—Resolution No. 2018-18

Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances, to serve Appcon 2nd Addition, an addition to the City of Augusta, Butler County, Kansas

Water Distribution System Improvements—Resolution No. 2018-19

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, and appurtenances to serve Appcon 2nd Addition, an addition to the City of Augusta, Butler County, Kansas

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney against the property described on *Exhibit A* attached hereto.

Section 2. Payment of Assessments. The amounts so levied and assessed in *Section 1* of this Ordinance shall be due and payable from and after the date of publication of this Ordinance.

Section 3. Notification. The City Clerk shall notify the owners of the properties described in *Exhibit A* attached hereto insofar as known to the City Clerk, of the amounts of their respective assessments; and, the notice shall further state that pursuant to the Waiver, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

Section 4. Certification. The special assessments shall be certified by the City Clerk to the County Clerk in the same manner and at the same time as other taxes are certified and will be collected in 15 annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

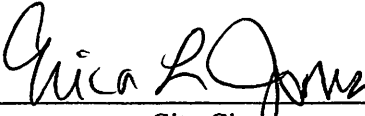
Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the City on February 19, 2019 and SIGNED by the Mayor.

(SEAL)

ATTEST:



City Clerk





Mayor

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

(Published in the *Butler County Times-Gazette* on February 26, 2019)

SUMMARY OF ORDINANCE NO. 2142

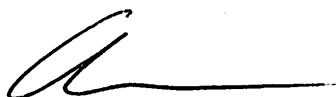
On February 19, 2019, the governing body of the City of Augusta, Kansas, passed an ordinance entitled:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF CERTAIN IMPROVEMENTS IN THE CITY OF AUGUSTA, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NOS. 2018-18 AND 2019-19 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

The Ordinance levies special assessments on certain property located in Appcon 2nd Addition, an addition in the City of Augusta, Butler County, Kansas, which have been benefitted from certain internal improvements constructed pursuant to K.S.A. 12-6a01 *et seq.* and provides an opportunity for prepayment, in whole or in part, of the special assessments. A schedule of the amounts of the special assessments and the property benefitted are attached to the Ordinance. Any amount of special assessments not paid within the time prescribed in the Ordinance shall be certified by the City Clerk to the Clerk of Butler County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by law. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 113 E. 6th Avenue, Augusta, Kansas 67010. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at augustaks.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: February 19, 2019.



City Attorney

EXHIBIT C

WAIVER OF ASSESSMENT PROCEEDINGS

TO THE GOVERNING BODY OF THE CITY OF AUGUSTA, KANSAS:

The undersigned (the "Owner"), hereby states that the Owner is the record titled owner of 100% of the real estate situated in the City of Augusta, Butler County, Kansas (the "City") hereinafter described (the "Property"), which is all of the property liable for special assessment for the costs of constructing the following described improvements (the "Improvements"):

Appcon 2nd Addition

Sanitary Sewer Improvements—Resolution No. 2018-18

Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances, to serve Appcon 2nd Addition, an addition to the City of Augusta, Butler County, Kansas

Water Distribution System Improvements—Resolution No. 2018-19

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, and appurtenances to serve Appcon 2nd Addition, an addition to the City of Augusta, Butler County, Kansas

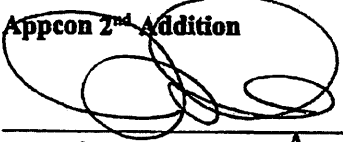
The Owner hereby further states that the Owner has received a copy of the Statement of Final Costs and Assessment Roll Certification relating to the Improvements, which have been prepared by or on behalf of the City.

After being advised of the Owner's right to a public hearing and other matters related to the Improvements, the Owner hereby agrees to the following:

1. Waiver of formal notice of and the holding of a public hearing by the governing body of the City for the purpose of considering special assessments against the Property;
2. Consent to the levy of special assessments against the Property in the amounts hereinafter described (the "Special Assessment") by appropriate proceedings of the governing body of the City;
3. Waiver of the thirty (30) day period after publication of the assessment ordinance of the City to contest the levy of the Special Assessment;
4. Waiver of any period established by the City for the prepayment of the Special Assessment;
5. Consent that the City may immediately proceed to issue its general obligation bonds to finance the costs of the Improvements in accordance with K.S.A. 12-6a01 *et seq.*

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

Dated: February 19th, 2019

Signature	Total Amount of Assessment	Property Owned and Liable for Assessment
<p>Appcon 2nd Addition</p>  <hr/> <p>Title: <u>MANAGER - AUGUSTA PROMENADE</u></p>	\$60,435.11	All property in the District—Appcon 2 nd Addition, an addition the City of Augusta, Butler County, Kansas