

**ORDINANCE NO. S-11-11**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF COFFEYVILLE, KANSAS, AS HERETOFORE AUTHORIZED BY RESOLUTION NO. R-08-133 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

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

**WHEREAS**, the City Commission has heretofore received waivers (the "Waivers") 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 COFFEYVILLE, KANSAS:**

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

**Electric, Water, Wastewater and Street Improvements (Wal-Mart Supercenter)  
Resolution No. R-08-133**

Constructing electric, water, wastewater and street improvements to the site of the Wal-Mart Supercenter located south and west of the intersection of Highway US-166 and County Road 5300, in the City of Coffeyville, Montgomery 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 owner of the property liable for the assessments have been notified of such amount and have waived further notification.

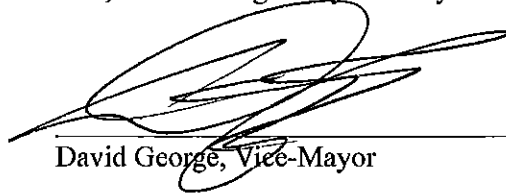
**Section 4. Certification.** The special assessments not paid in cash to the City by such owner shall be certified by the City Clerk to the County Clerk in the same manner and at the same time as other taxes are certified and will be collected in annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act.

**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.

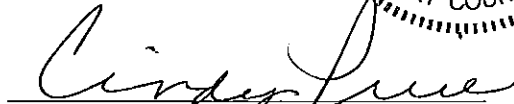
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**PASSED** by the governing body of the City on September 27, 2011 and signed by the Mayor.



  
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David George, Vice-Mayor

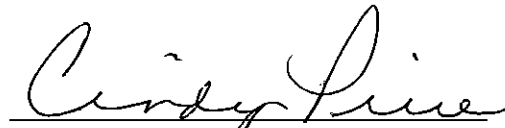
ATTEST:

  
\_\_\_\_\_  
Cindy Price, City Clerk

**CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on September 27, 2011; and that it was published in the *Coffeyville Journal* on September 30, 2011.

DATED: September 30, 2011.

  
\_\_\_\_\_  
Cindy Price, City Clerk

**EXHIBIT A**

**ELECTRIC, WATER, WASTEWATER AND STREET  
IMPROVEMENTS (WAL-MART SUPERCENTER)  
RESOLUTION NO. R-08-133**

| <b>Description of Property</b>   | <b>Amount of Assessment</b> |
|--|-----------------------------|
| <p>Part of the Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4) and part of The Southeast Quarter of the Northeast (Quarter (SE1/4, NE1/4), all in. Section 31 Township 34 South, Range 17 East, Montgomery County, Kansas and being more particularly described by metes and bounds as follows:</p> <p>Commencing at an existing 2 aluminum cap at the Northeast Corner of said Northeast Quarter of the Southeast Quarter; thence North 88°30'40" West along the North line of said quarter a distance of 30.05 feet to a 5/8" capped rebar (LS-1432) on the West Right-of-Way Line (60' right-of -way per County Road Records) of County Road. 5300 and the Point of Beginning;</p> <p>Thence leaving said north line run South 01°50'01" East along said West Right-of-Way of County Road 5300 a distance of 227.76 feet to a set 5/8" rebar with cap (LS1432); Thence leaving said right-of-way run North 90°00'00" West a distance of 775.25 feet to a set 5/8" rebar with cap (LS1432) on the eastern line of a 100 foot wide transmission/distribution easement as recorded in the records of Montgomery County Kansas Book 478 at Page 112; Thence North 43°42'07" West along eastern line of said transmission/distribution easement a distance of 354.70 feet to a set 5/8" rebar with cap (LS1432); Thence leaving said eastern line run North 00°00'00" West a distance of 292.80 feet to a set 5/8" rebar with cap (LS1432); Thence South 90°00'00" a distance of 154.19 feet to a set 5/8" rebar with cap (LS1432); Thence North 00°00'10" West a distance of 370.63 feet to a set. 5/8" rebar with cap (LS1432) ; Thence North 90°00'00" East a distance of 167.04 fee. to a set 5/8" rebar with cap (LS1432); Thence North 00°00'00" East a distance of 212.83 feet to a set 5/8" rebar with cap (LS1432) on the South Right-of-Way Line of U.S. Highway No. 166; Thence along said South Right -of -Way Line on a non-tangent curve to the right having a radius of 4296.34 feet, an arc length of 547.19 through a central angle of 7°17'50", a chord which bears North 88°18'55" East and a chord distance of 546.82 feet to a set 5/8" with cap (LS1432) said point being 44°13'31" East a distance of 0.52 feet an existing concrete right-of-way marker; Thence continuing along said right -of -way run South 87°53'42" East a distance of 116.24 feet to a set 5/8" rebar with cap (LS1432) said point being at the intersection of the West Right-of-Way of aforementioned County Road 5300; Thence leaving 166 run said, right-of-way of U.S. Highway South 01°48'55" East along the West Right-of-Way of said County Road 5300 a distance of 917.31 feet to the Point of Beginning and containing 987,553 square feet or 22.67 acres, more or less. Subject to any rights-of-way, easements or covenants of record or fact.</p> | <p>\$190,373.78</p>         |