

(Published in the Topeka Metro News June 20, 2011)

ORDINANCE NO. 19582

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Horseshoe Bend Subdivision with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60619-00 as defined and described in Resolution No. 7894, adopted and approved on November 28, 2006.

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

Section 1. For the purpose of paying the cost of pavement, curb and gutter and all other contingencies needed to complete the project, same being Street Improvement Project No. 60619-00, in the City of Topeka, Shawnee County, Kansas, there is hereby levied and assessed a special assessment on all lots and pieces of ground liable therefore. Said assessments are computed as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To pave:
SE Quincy Street from SE 45th Street northerly to SE Horseshoe Bend Drive, and SE Horseshoe Bend Subdivision Drive from SE Quincy Street northerly to SE Chisolm Road, and SE Chisolm Road from SE Horseshoe Bend Subdivision Drive southerly to SE 44th Street, and SE 44th Street from SE Horseshoe Bend Subdivision Drive westerly approximately 400 feet, with 29 foot wide pavement and to pave SE 43rd Terrace from SE Horseshoe Bend Subdivision Drive westerly approximately 500 feet with 39 foot wide pavement including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

B. IMPROVEMENT DISTRICT:

TRACT NO. 1

Horseshoe Bend Subdivision
Block A, Lots 1 through 4
Block B, Lots 1 through 11
Block C, Lots 2 through 31
Block D, Lots 1 through 22

42
43 **TRACT NO. 2**

44 The south 120 feet of Lot 1, Block 'C', Horseshoe Bend
45 Subdivision, Topeka, Kansas
46

47 **TRACT NO. 3**

48 A tract of land situated in Lot 5, Block 'C', Hilltop
49 Subdivision No. 2 to the City of Topeka, Shawnee County,
50 Kansas, more particularly described as follows:
51 Commencing at the Southwest corner of the Southwest
52 Quarter of Section 19, Township 12 South, Range 16
53 East, thence along the South line of said Quarter on a
54 bearing of South 90 degrees 00 minutes 00 seconds East,
55 a distance of 560.00 feet; thence on a bearing of North 00
56 degrees 00 minutes 00 seconds West, a distance of 40.00
57 feet; thence on a bearing of North 89 degrees 59 minutes
58 03 seconds East, a distance of 157.33 feet to the point of
59 beginning, said point of beginning being a rebar and cap;
60 thence on a bearing of North 00 degrees 06 minutes 39
61 seconds West, a distance of 738.03 feet to the North line
62 of lot 5, Block 'C', said point being a rebar and cap; thence
63 along the North line of said lot on a bearing of North 89
64 degrees 59 minutes 27 seconds East, a distance of 155.94
65 feet to the Northeast corner of Lot 5, said point being a
66 found rebar; thence along the East line of said lot on a
67 bearing of South 00 degrees 13 minutes 08 seconds East,
68 a distance of 738.02 feet to the Southeast corner of Lot 5,
69 Block 'C', said point being a found rebar; thence along the
70 South line of said lot on a bearing of South 89 degrees 59
71 minutes 03 seconds West, a distance of 157.33 feet to the
72 point of beginning.
73

74 **TRACT NO. 4**

75 The west 160 feet of the following described tract of land:
76

77 A part of the West half of the Southeast Quarter of Section
78 19, Township 12 South, Range 16 East of the 6th P.M. in
79 Shawnee County, Kansas, described as follows:
80 Beginning at the Southeast corner of said West half of the
81 Southeast Quarter of Section 19; thence West along the
82 South line of Section 19, 450.00 feet; thence North 778.00
83 feet; thence East 450.00 feet to the East line of said West
84 Half of the Southeast Quarter of said Section 19; thence
85 South to the place of beginning, EXCEPT the following
86 tract: Beginning at a point on the South line of Section 19,
87 Township 12 South, Range 16 East of the 6th P.M., and

450.00 feet West of the Southeast corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.

C. METHOD OF ASSESSMENT:

On a unit basis for all foot of area basis for all parcels which are included in the improvement district as follows:

Tract No. 1-67 units
Tract No. 2- 3 units
Tract No. 3- 6 units
Tract No. 4- 6 units

D. TOTAL COST & APPORTIONMENT OF COSTS:

FINAL PROJECT COST TO BENEFIT DISTRICT= \$1,119,879.54

Section 2. The several amounts are apportioned, levied and assessed against each of said lots and pieces of ground according to the benefits to be derived by reason of the aforesaid improvements, (except the interest hereinafter mentioned) as follows:

STREET IMPROVEMENT PROJECT NO. 60619-00

<u>Legal Description</u>	<u>Assessment</u>
(TRACT NO. 1)	
HORSESHOE BEND SUBDIVISION	

131	Block C, Lot 31	\$13,657.07
132		
133	Block C, Lot 30	\$13,657.07
134		
135	Block C, Lot 29	\$13,657.07
136		
137	Block C, Lot 28	\$13,657.07
138		
139	Block C, Lot 27	\$13,657.07
140		
141	Block C, Lot 26	\$13,657.07
142		
143	Block C, Lot 25	\$13,657.07
144		
145	Block C, Lot 24	\$13,657.07
146		
147	Block C, Lot 23	\$13,657.07
148		
149	Block C, Lot 22	\$13,657.07
150		
151	Block C, Lot 21	\$13,657.07
152		
153	Block C, Lot 20	\$13,657.07
154		
155	Block C, Lot 19	\$13,657.07
156		
157	Block C, Lot 18	\$13,657.07
158		
159	Block C, Lot 17	\$13,657.07
160		
161	Block C, Lot 16	\$13,657.07
162		
163	Block C, Lot 15	\$13,657.07
164		
165	Block C, Lot 14	\$13,657.07
166		
167	Block C, Lot 13	\$13,657.07
168		
169	Block C, Lot 12	\$13,657.07
170		
171	Block C, Lot 11	\$13,657.07
172		
173	Block C, Lot 10	\$13,657.07
174		
175	Block C, Lot 9	\$13,657.07
176		

177	Block C, Lot 8	\$13,657.07
178		
179	Block C, Lot 7	\$13,657.07
180		
181	Block C, Lot 6	\$13,657.07
182		
183	Block C, Lot 5	\$13,657.07
184		
185	Block C, Lot 4	\$13,657.07
186		
187	Block C, Lot 3	\$13,657.07
188		
189	Block C, Lot 2	\$13,657.07
190		
191	Block D, Lot 22	\$13,657.07
192		
193	Block D, Lot 21	\$13,657.07
194		
195	Block D, Lot 20	\$13,657.07
196		
197	Block D, Lot 19	\$13,657.07
198		
199	Block D, Lot 18	\$13,657.07
200		
201	Block D, Lot 17	\$13,657.07
202		
203	Block D, Lot 16	\$13,657.07
204		
205	Block D, Lot 15	\$13,657.07
206		
207	Block D, Lot 14	\$13,657.07
208		
209	Block D, Lot 13	\$13,657.07
210		
211	Block D, Lot 12	\$13,657.07
212		
213	Block D, Lot 11	\$13,657.07
214		
215	Block D, Lot 10	\$13,657.07
216		
217	Block D, Lot 9	\$13,657.07
218		
219	Block D, Lot 8	\$13,657.07
220		
221	Block D, Lot 7	\$13,657.07
222		

223	Block D, Lot 6	\$13,657.07
224		
225	Block D, Lot 5	\$13,657.07
226		
227	Block D, Lot 4	\$13,657.07
228		
229	Block D, Lot 3	\$13,657.07
230		
231	Block D, Lot 2	\$13,657.07
232		
233	Block D, Lot 1	\$13,657.07
234		
235	Block B, Lot 1	\$13,657.07
236		
237	Block B, Lot 2	\$13,657.07
238		
239	Block B, Lot 3	\$13,657.07
240		
241	Block B, Lot 4	\$13,657.07
242		
243	Block B, Lot 5	\$13,657.07
244		
245	Block B, Lot 6	\$13,657.07
246		
247	Block B, Lot 7	\$13,657.07
248		
249	Block B, Lot 8	\$13,657.07
250		
251	Block B, Lot 9	\$13,657.07
252		
253	Block B, Lot 10	\$13,657.07
254		
255	Block B, Lot 11	\$13,657.07
256		
257	Block A, Lot 1	\$13,657.07
258		
259	Block A, Lot 2	\$13,657.07
260		
261	Block A, Lot 3	\$13,657.07
262		
263	Block A, Lot 4	\$13,657.07
264		
265	(TRACT NO. 2)	
266		
267	Block C, Lot 1	\$40,971.20
268		

HORSESHOE BEND SUBDIVISION

269	(TRACT NO. 3)		
270		HILLTOP SUBDIVISION # 5	
271	Block A, Lot 2		\$81,942.41

272	(TRACT NO. 4)		\$81,942.41
-----	----------------------	--	-------------

The west 160 feet of the following described tract of land:

A part of the West half of the southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M. in Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said West half of the Southeast Quarter of Section 19; thence West along the South line of Section 19, 450.00 feet; thence North 778.00 feet; thence East 450.00 feet to the East line of said West Half of the Southeast Quarter of said Section 19; thence South to the place of beginning, EXCEPT the following tract: Beginning at a point on the South line of Section 19, Township 12 South, Range 16 East of the 6th P.M., and 450.00 feet West of the Southeast corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.

Section 3. Such assessments with accrued interest are hereby levied concurrent with general property taxes and shall be payable in twenty (20) equal annual installments; the first installment to be payable at the time of the first payment of the general property taxes, following the publication of this Ordinance.

Section 4. All assessments shall bear interest in an amount not to exceed the legal rate established by law.

Section 5. The owner of any property so assessed may at any time prior to 30 days from the date of publication of this Ordinance, pay the whole of the assessment against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

Section 6. Assessments not paid prior to the date provided in Section 5 hereof, shall be certified, together with interest accrued, or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 7. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body June 14, 2011.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk