

CHARTER RESOLUTION 1997- 1

A CHARTER HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, PURSUANT TO K.S.A. 19-101a and K.S.A. 19-101b EXEMPTING LEAVENWORTH COUNTY, KANSAS, FROM THE PROVISIONS OF K.S.A. 68-706 AND PROVIDING SUBSTITUTE PROVISIONS THEREFORE.

WHEREAS, K.S.A. 68-706 provides a means by which the costs of permanent road improvements undertaken by special benefit districts established under K.S.A. 68-701 et seq. be apportioned and special assessments levied; and

WHEREAS, the Board of County Commissioners of Leavenworth County, Kansas, has determined that these provisions do not meet the needs of Leavenworth County and the County should therefore exempt itself from these provisions; and

WHEREAS, K.S.A. 19-101a and K.S.A. 19-101b provide provisions whereby the Board of County Commissioners may exempt Leavenworth County from the provisions of K.S.A. 68-706 and enact substitute provisions providing a means for the allocation of costs of the improvement of roads in benefit districts created within Leavenworth County, Kansas.

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

1. From and after the effective date of this resolution, Leavenworth County, Kansas, by and through its Board of County Commissioners shall be exempt from the provisions of K.S.A. 68-706.

2. Upon the approval by the Board of County Commissioners of any road benefit district petition filed pursuant to K.S.A. 68-701 et seq., the Board shall apportion the costs of the proposed road improvements within said District as follows:

a. If all or any portion of said road improvements is entitled to and does receive federal or state aid or donation, the same shall be applied to the cost of the improvements for the purpose and to the extent for which the same was given.

b. The remaining costs of the road improvements within the District shall be apportioned among the landowners within the District based upon either the gross square footage within the District and the respective gross square footage owned by the various landowners within the District or upon the gross linear frontage footage of the road improvement and the respective gross linear frontage footage attributable to the respective landowners within the

District. The determination of the method of apportionment shall be at the sound discretion of the Board of County Commissioners. A factor to be considered by the Board shall be the extent to which the road improvements benefit non-fronting landowners within the benefit district.

c. The costs of the road improvements as apportioned shall be paid through an annual assessment levied against the properties within the District over a period of time not to exceed ten years. The time period for repayment shall be set by the Board of County Commissioners.

d. In the event that the Board of County Commissioners finds that a proposed road improvement shall have a significant beneficial impact upon areas outside of the proposed benefit district the Board may, at its sole and sound discretion, provide County funding for the cost of the proposed road improvements in an amount not to exceed fifty percent (50%) of the costs of the improvements.

3. The Board of County Commissioners shall, in considering whether to approve any petition for the creation of a benefit district, consider the following factors.

a. The availability of County resources to undertake the proposed road improvements.

b. Future maintenance costs associated with the proposed road improvements.

c. The impact of the proposed road improvements upon areas immediately adjoining the proposed benefit district.

d. The viability of the proposed payment plan for the proposed road improvements.

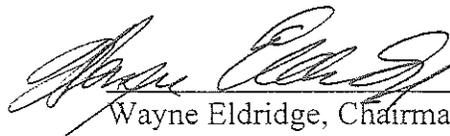
e. Whether the proposed road improvements will constitute a public utility.

4. The County Clerk is hereby directed to cause this resolution to be published once each week for two (2) consecutive weeks in the official County newspaper.

5. This resolution shall become effective 60 days after the date of last publication.

Adopted and signed this 31st day of July, 1997.

**Board of County Commissioners
Of Leavenworth County, Kansas**


Wayne Eldridge, Chairman

Robert L. Adams
Robert L. Adams, Member

Donald Navinsky
Donald Navinsky, Member

ATTEST:

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Linda A. Scheer
Linda A. Scheer, County Clerk