

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 3-13-15
Re: March 19, 2015 Work Session

Please find the attached agenda and supporting documentation for the March 19, 2015 Work Session.

Item 2 – North Hays Addition Replat (Lots 5-8, Block 3)

Please refer to the attached memorandum from Jesse Rohr, Planning, Inspection, Enforcement Superintendent, regarding the Replat of Lots 5-8, Block 3, of the North Hays Addition. This is a routine item, and staff recommends approval.

Items 3 and 4 – Clubhouse Gardens II Addition – Final Plat and Rezoning of Lots 1-10 (A-L to R-3N)

Items 3 and 4 are related to the Clubhouse Gardens II Addition plat and rezoning. This is a fairly routine matter. The only item of note is that there are two large lots in the proposed plat. As you will recall, the initial plan for Clubhouse Gardens was to be “garden home” parcels. This means they would be very small lots with privately-owned streets and common maintenance areas. In somewhat of a twist, the developer has proposed putting two lots in the middle of the development that are well over two acres each. These lots are almost eight times larger than the surrounding lots. City staff felt like these lots could prevent problems in the future due to the large discrepancy in sizes with the surrounding parcels. City staff recommended to the Planning Commission that the plat not be approved. The Planning Commission voted to approve.

Items 5 & 6 – King’s Gate Addition Phase II – Resolution to Establish Benefit District (King’s Gate Drive) and Engineering Services Agreement

Items 5 and 6 are self-explanatory and routine in nature. They are related to the Second Phase of the King’s Gate Addition.

Item 7 – Special Assessment Proceedings

Please refer to the attached memorandum from Kim Rupp, Finance Director, regarding the special assessment proceedings for two proposed benefit districts. To begin the special assessment proceedings, the City Commission must adopt a resolution setting a public hearing. The next step would be the bonding of the special assessment.

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**CITY OF HAYS
CITY COMMISSION WORK SESSION
THURSDAY, MARCH 19, 2015 – 6:30 P.M.
AGENDA**

1. **ITEM FOR REVIEW: [March 5, 2015 Work Session Notes \(PAGE 1\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [North Hays Addition Replat \(Lots 5-8, Block 3\) \(PAGE 3\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
3. **ITEM FOR REVIEW: [Clubhouse Gardens II Addition – Final Plat \(PAGE 11\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
4. **ITEM FOR REVIEW: [Clubhouse Gardens II Addition – Rezoning of Lots 1-10 \(A-L to R-3N\) \(PAGE 19\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
5. **ITEM FOR REVIEW: [King’s Gate Addition Phase II – Resolution to Establish Benefit District \(King’s Gate Drive\) \(PAGE 31\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
6. **ITEM FOR REVIEW: [King’s Gate Addition Phase II – Engineering Services Agreement \(PAGE 39\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
7. **ITEM FOR REVIEW: [Special Assessment Proceedings \(PAGE 49\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
8. **OTHER ITEMS FOR DISCUSSION**
9. **EXECUTIVE SESSION (IF REQUIRED)**
10. **ADJOURNMENT**

ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.

City of Hays
City Commission
Work Session Notes
Thursday, March 5, 2015 – 6:30 p.m.

Present: Eber Phelps, Shaun Musil, Ron Mellick, Kent Steward, John Bird, Toby Dougherty

Absent: Henry Schwaller IV

February 19, 2015 Work Session Notes

There were no corrections or additions to the minutes of the work session held on February 17, 2015; the minutes stand approved as presented.

Introduction of Sara Bloom, DHDC Executive Director

President of the Downtown Hays Development Corporation (DHDC), Sandy Jacobs, discussed the DHDC's role as a business recruitment entity and introduced Sara Bloom as the new Executive Director of DHDC.

Executive Director of DHDC, Sara Bloom, introduced herself and talked about three events in 2015: the bi-annual event The Taste, Fire on the Frontier BBQ Classic that is replacing Blues, BBQ, & Bargains, and Bargains on the Bricks.

46th Street, Second Addition, Phase 2 – Award of Bid

Western Plains Service Corp. has petitioned the City for street, storm sewer, water, and sanitary sewer improvements to an area containing 18 lots adjacent to West 46th St. within the 46th St. 2nd Addition for the lots along Coolidge Ct. and Adams Dr. A resolution authorizing those improvements was approved by the City Commission in January. Bids were opened on February 18, 2015 for the construction of the improvements, with J Corp being the low bidder at \$399,453.20. Pavement was bid with options for concrete or asphalt, with concrete being the lowest cost option. The City share for oversizing

Sanitary Sewer is \$32,883.00 to be funded out of Water/Sewer Capital and the remaining costs to be paid by the developer and assessments to the special benefit district.

Discussion was held about sewer line locations and access to them if development does happen on the north side of town.

At the March 12, 2015 Commission meeting, Commissioners will be requested to authorize the City Manager to enter into a contract with J Corp in the amount of \$399,453.20 for construction of street, water, and sanitary sewer improvements within the 46th Street Second Addition, Phase 2, with the City share of \$32,883.00 to be funded out of Water/Sewer Capital.

Comprehensive Financial Management Policy Review

Finance Director, Kim Rupp, reviewed the 13 categories of the Financial Management Policy, which were all in compliance.

Commissioner Phelps commented on Category V, Debt Management, where the City upgraded from AA- to AA in the rating from Poor's Rating Services. Phelps questioned how this will benefit the City.

Finance Director, Kim Rupp, discussed that rates would benefit when dealing with bonds.

Other Items for Discussion

Commissioner Phelps acknowledged Nick Budd from Eagle Communications is leaving Hays and thanked him for his work on the commission meetings

The work session was adjourned at 7:08 p.m.

Submitted by: _____

Jami Breit – Deputy City Clerk

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: March 19, 2015

Subject: North Hays Addition Replat (Lots 5-8, Block 3)

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

The owners of lots 5-8 of the North Hays Addition have submitted a replat of lots 5-8, Block 3, for consideration. The property being replatted is currently 2 lots (4 counting the previously platted remnants) and will remain 2 lots after replatting; however, the orientation of the lots will change. Also, the replat will serve as a mechanism to absorb into the parent tract the remnant tracts previously owned by the City and recently deeded to the adjacent owner. On February 16, 2015 the final plat was reviewed and approved (8-0 vote) by the Hays Area Planning Commission. Staff, as well as the Planning Commission, recommends approving this plat as submitted.

Background

The property has been in its current state as agricultural land/cultivation ground since being platted approximately 10 years ago. This property lies adjacent to the reverse access roads (General Hays Rd. and 48th St.) and is contiguous with incorporated territory. The property was rezoned to commercial and also annexed into the City in December of 2014.

Discussion

The owners of lots 5-8 of the North Hays Addition have submitted a replat of lots 5-8, Block 3 for consideration. The property being replatted is currently 2 lots and will remain 2 lots; however, the orientation of the lots will change. Also, the replat will serve as a mechanism to absorb into the parent tract the remnant tracts previously owned by the City and recently deeded to the adjacent owner. The plat meets the requirements of the current subdivision regulations in regard to lot size, setbacks, and specific utility requirements.

Staff from the Utilities Department has been apprised of this proposed development and agrees with the proposal. This plat was also taken before the Utility Advisory Committee with no issues noted. All easements as required are in place for future placement of any required utilities.

On February 16, 2015 the final plat was reviewed and approved (8-0 vote) by the Hays Area Planning Commission.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

None identified.

Options

The City Commission has the following options:

- Approve the plat as submitted
- Do not approve the plat

Recommendation

Staff, as well as the Planning Commission, recommends approving this plat as submitted.

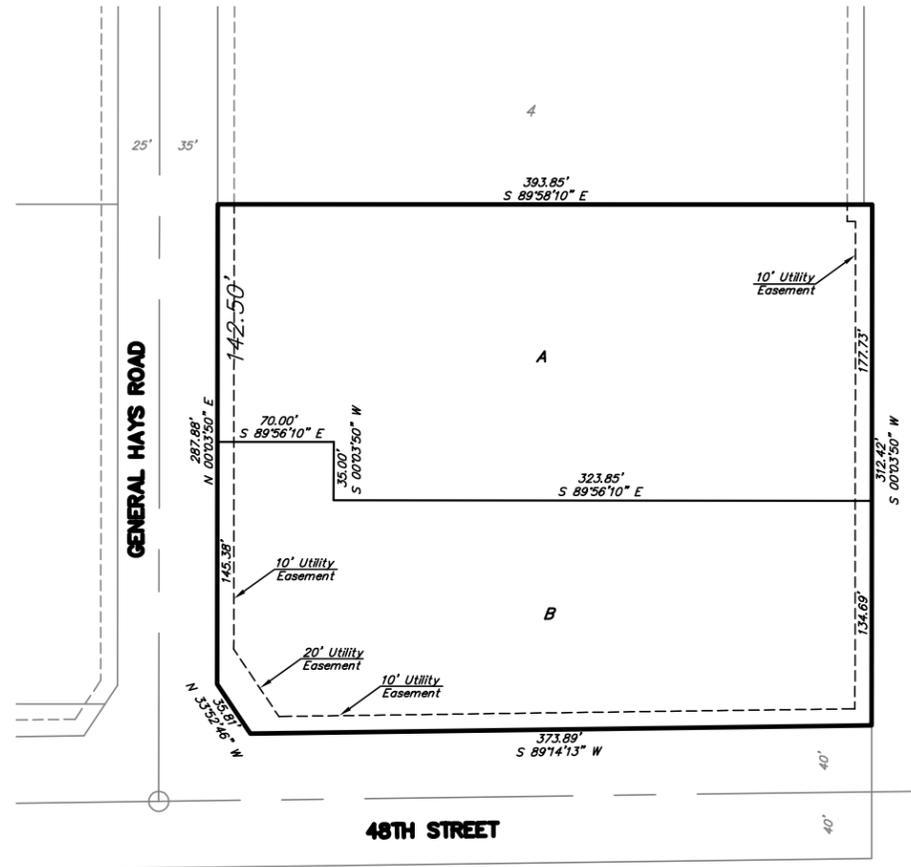
Action Requested

Approve the resolution accepting the final plat known as the Replat of Lots 5-8, Block 3, North Hays Addition.

Supporting Documentation

Maps
Final Plat
Resolution

REPLAT OF LOTS 5-8, BLOCK 3, NORTH HAYS ADDITION HAYS, ELLIS COUNTY, KANSAS



APPROVALS:

This Replat of Lots 5-8, Block 3, North Hays Addition, has been submitted to and approved by the Hays Planning Commission this _____ day of _____, 20____.

CHAIRMAN

SECRETARY

MAYOR

ATTEST: _____, City Clerk

John T. Bird, Attorney for the City of Hays

DESCRIPTION

Lots 5-8, of Block 3, of the North Hays Addition to the City of Hays, Ellis County, Kansas.

EASEMENTS:

Easements are hereby dedicated for public use, as utility easement right-of-way, which are shown as lying between the dashed lines in widths indicated and as set forth on this plat, and said easements may be employed for the purpose of installing, repairing and maintaining gas lines, electric lines, telephone lines, and all other forms and types of public utilities, now or hereafter used, by the public over, under and along the strips marked "Utility Esm't."

RECORDED:

State of Kansas, County of Ellis, ss:

This is to certify that this instrument was filed for record in the Register of Deeds Office on the _____ day of _____, 20____ in Book _____, Page _____.

REGISTER OF DEEDS

DEPUTY

OWNER'S CERTIFICATE:

Know all men by these presents, that we, the undersigned property owners of the land above described have caused the same to be surveyed and platted into Lots, Alley and Easements, the same to be known as "Replat of Lots 5-8, Block 3, North Hays Addition", in Hays, Kansas. The easements as indicated on the accompanying plat are hereby granted to the public for the purpose of constructing, operating, maintaining, and repairing all public utilities.

Miner Family Properties, LLC

By: Daniel I. Miner, Member

REVIEW SURVEYOR'S CERTIFICATE:

State of Kansas, County of Ellis, ss:

I hereby certify that the review of this plat was found to be in compliance with the requirements of K.S.A. 58-2005. Approved this _____ day of _____, 20____.

NOTARY CERTIFICATE:

State of Kansas, County of Ellis, ss:

Be it remembered that on this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, came Daniel I. Miner of Miner Family Properties, LLC, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal, the day and year above written.

Notary Public

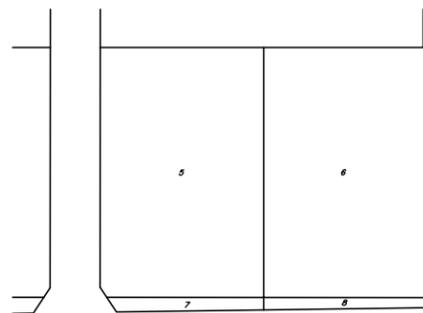
My Commission Expires:

SURVEYOR'S CERTIFICATE:

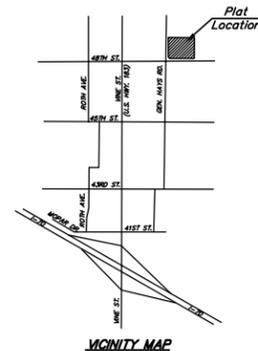
I, Harvey Ruder, a Registered Land Surveyor in the State of Kansas, do hereby certify this Plat to be true and correct to the best of my knowledge.

Harvey Ruder

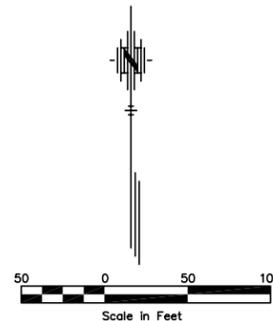
Date



ORIGINAL LOT LAYOUT

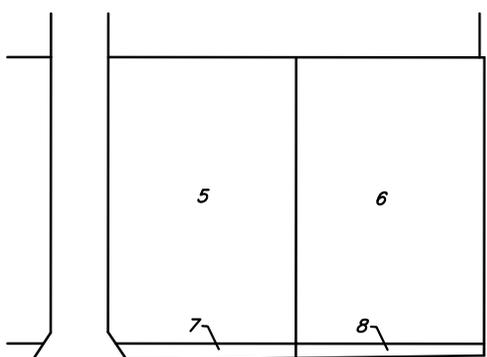
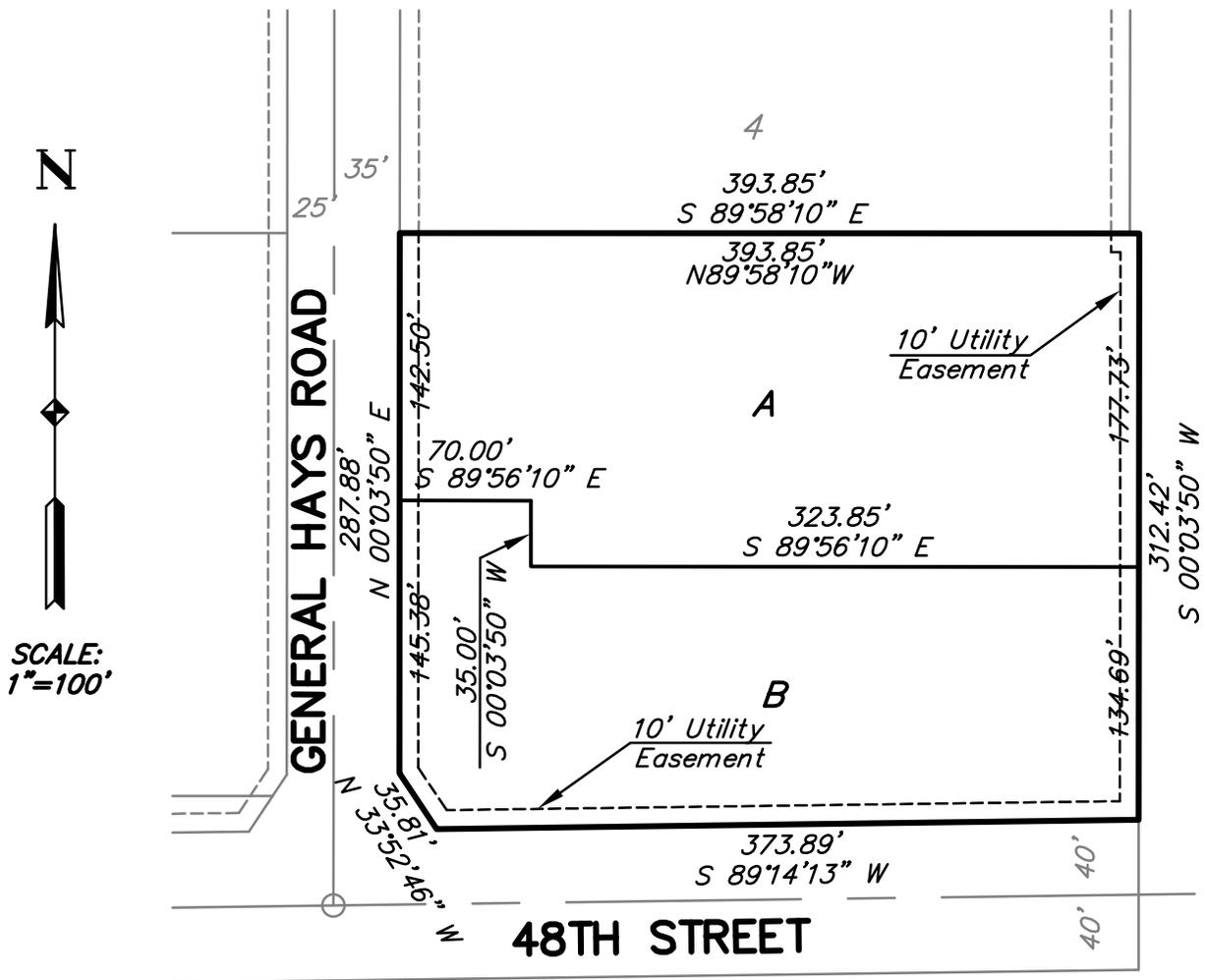


VICINITY MAP

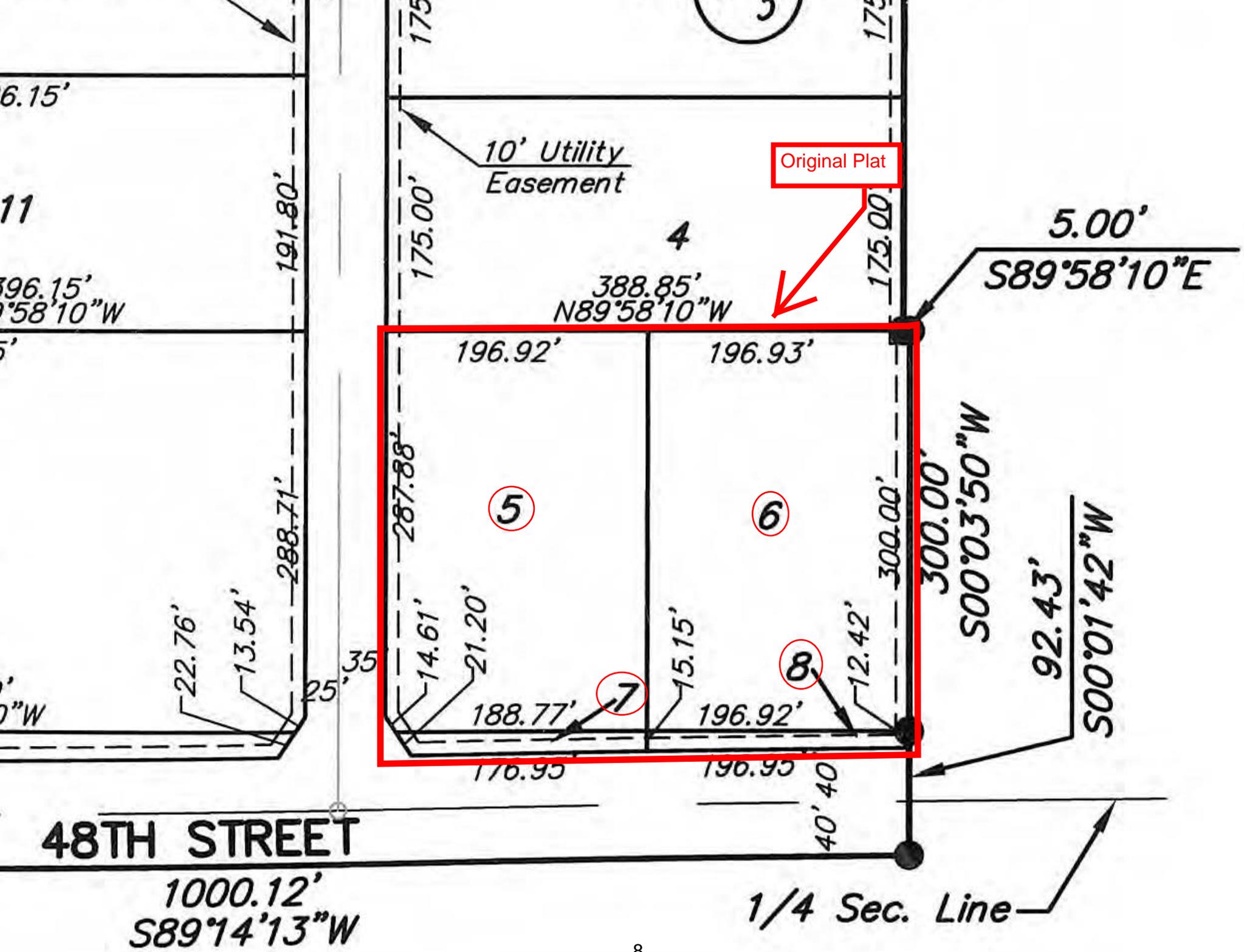


Scale in Feet

**REPLAT OF
LOTS 5-8, BLOCK 3, NORTH HAYS ADDITION
HAYS, ELLIS COUNTY, KANSAS**



**RUDER ENGINEERING
& SURVEYING, LLC**
 1376 Butterfield Trail Rd.
 Hays, Kansas 67601
 785-259-1382



RESOLUTION

GOVERNING BODY OF THE CITY OF HAYS, KANSAS, TO THE PUBLIC:

WHEREAS, Miner Family Properties, LLC, a Limited Liability Corporation, has presented to the Governing Body of the City of Hays, Kansas, a certain replat of LOTS 5-8, BLOCK 3, NORTH HAYS ADDITION situated within the corporate limits of the City of Hays, Kansas, being lots, streets, alleys comprising the following described real estate, to-wit:

LOTS 5-8, BLOCK 3, NORTH HAYS ADDITION,

to be known as the REPLAT OF LOTS 5-8, BLOCK 3, NORTH HAYS ADDITION to the City of Hays, Kansas; and,

WHEREAS, the said plat has been examined and considered by the Hays Area Planning Commission of the City of Hays, Kansas; and,

WHEREAS, the City Attorney of the City of Hays, Kansas, has found that the proposed plat conforms to the requirements of the statutes in such matters made and provided;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the City of Hays, Kansas, hereby approves the REPLAT OF LOTS 5-8, BLOCK 3, NORTH HAYS ADDITION to the City of Hays, Kansas, and the City Clerk is instructed to endorse such approval on said plat.

Passed and adopted by the Governing Body of the City of Hays, Kansas, this 26th day of March, 2015.

Henry Schwaller - Mayor

ATTEST:

BY _____
Brenda Kitchen - City Clerk

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: March 19, 2015

Subject: Clubhouse Gardens II Addition Final Plat

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

The owners of the proposed Clubhouse Gardens II Addition have submitted a final plat for consideration. The property is adjacent to previously platted property and is mostly undeveloped with the exception of one older house on the property. The plat is comprised of 10 lots slated for residential development and does include dedication of alley right-of-way. The proposed plat has been reviewed by the Utility Advisory Committee with no issues found. On February 16, 2015 the final plat was reviewed and approved (8-0 vote) by the Hays Area Planning Commission. The plat of the Clubhouse Gardens II Addition is submitted to the City Commission for acceptance as submitted.

Background

The plat of Clubhouse Gardens I was approved in 2009 and is nearly built out at this time. The surrounding property primarily consists of single-family homes and the Country Club golf course. This is a continuation of an existing development and will complete the developable area for this property. This area is indicated as low-density residential in the adopted Comprehensive Plan.

Discussion

The owners of the proposed Clubhouse Gardens II Addition have submitted a final plat for consideration. (A rezoning application is also being considered under a separate but related agenda item.) The property is adjacent to previously platted property and is mostly undeveloped property with the exception of one older house on the property. Acceptance of this plat will allow for development of the property. The plat is comprised of 10 lots slated for residential development. The plat does include dedication of alley right-of-way. All necessary right-of-way and/or easements are already in place or being dedicated with this plat. For the most part the lots are standard in size as compared to a typical residential development with the exception of the two large lots (lots 9 and 10).

The size of lots 9 and 10 conflict with the comprehensive plan recommendation of more dense development, and this was discussed at the Planning Commission meeting on February 16, 2015. Staff feels the 2 large lots are not consistent with the surrounding

neighborhood with regard size as all other nearby lots are much smaller in size. Staff presented pros and cons of this particular issue to the Planning Commission. They are:

PROS: (of the proposed large lot development)

- Eliminates one private street which reduces stormwater runoff and future maintenance liability
- Eliminates extensions of public water and sewer infrastructure along the eliminated street
- Eliminates future legal documents, title work, and other unknown issues associated with combining smaller lots to create larger lots

CONS: (of the large lot development)

- Creates lots that are inconsistent with the existing neighborhood
- Inconsistent with the Comprehensive Plan concept of mixed use (too large of a discrepancy in lot size)
- Potential issues with landscape irrigation with new regulations now in place

The developer stated that this development is unique in many ways and that having two larger lots will not be a detriment. He stated that in many ways, this development has not followed the standard and typical development. Items such as the private roads, the condominium style agreements, zero lot lines, etc. all make this development unique and have provided an opportunity to infill an area that may have sat empty otherwise. The developer also stated that if the plat is not approved in this manner, with the two large lots, they could simply sell multiple lots to one owner and combine them to build one house. To the developer, platting two large lots is a much cleaner way to make it happen.

The developer intends to construct the necessary utilities (water, sewer, street) by means of a developer agreement and does not intend on special assessing the costs of the improvements. If the plat is approved, the Developer Agreement will be forthcoming for City Manager approval at a later date. There are no planned city expenditures for the initial infrastructure improvements. Oversight of the construction project will be provided by the developer's engineer as dictated by the standard Developer Agreement.

Staff has reviewed the proposed plat which has also been reviewed by the Utility Advisory Committee. On February 16, 2015 the final plat was reviewed and approved (8-0 vote) by the Hays Area Planning Commission.

Acceptance of the plat should not be considered without full consideration of the rezoning request from A-L to R-3N (see rezoning agenda item). Some portions of this plat, particularly the setbacks, are only conforming if rezoned to R-3N.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

This action has no immediate negative financial effect on the City at large; however, the City will be taking ownership of alley, as well as the water and sewer utilities once installed in the development. Once constructed, future maintenance of those utilities will be the responsibility of the City.

Options

The City Commission has the following options:

- Accept the plat as submitted
- Do not accept the plat

Recommendation

Although the Planning Commission voted (8-0) in support of the plat as presented, staff's recommendation is to oppose acceptance of the plat since the two large lots do not conform with the spirit of the Comprehensive Plan.

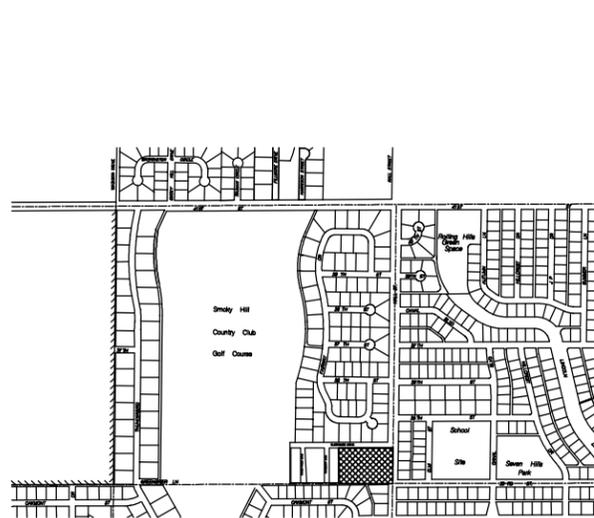
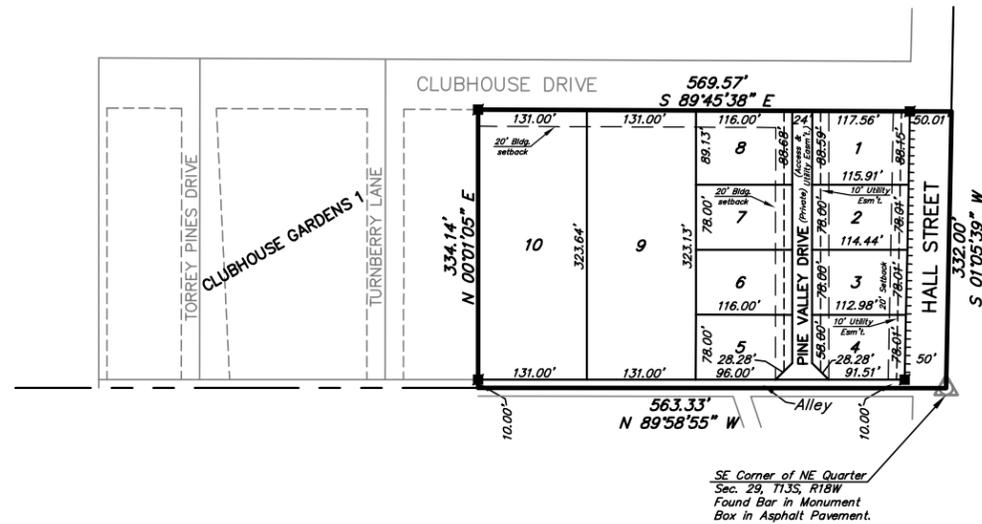
Action Requested

Consider the resolution accepting the final plat known as Clubhouse Gardens II Addition.

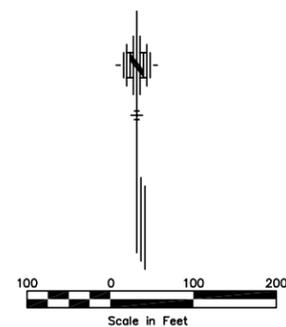
Supporting Documentation

Maps
Final Plat
Resolution

PLAT OF CLUBHOUSE GARDENS II AN ADDITION TO THE CITY OF HAYS, KANSAS



LOCATION MAP



LEGEND
 ■ Set 1/2" Bar w/ Cap
 Stamped "RUDER RLS-918"
 ───────── Access Control

APPROVALS:

This plat, Clubhouse Gardens II, has been submitted to and approved by the Hays Area Planning Commission this _____ day of _____, 20____.

CHAIRMAN

SECRETARY

The dedications shown on this plat accepted by the City Commission of the City of Hays, Kansas, this _____ day of _____, 20____.

MAYOR

ATTEST: _____, City Clerk

John T. Bird, Attorney for the City of Hays

DESCRIPTION

That part of the Northeast Quarter of Section 29, Township 13 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Beginning at the southeast corner of said Northeast Quarter; thence on an assumed bearing of North 89 degrees 58 minutes 55 seconds West, along the south line of said Northeast Quarter, a distance of 563.33 feet; thence North 00 degrees 01 minutes 05 seconds East a distance of 334.14 feet; thence South 89 degrees 45 minutes 38 seconds East a distance of 569.57 feet to a point on the east line of said Northeast Quarter; thence South 01 degrees 05 minutes 39 seconds West, along the east line of said Northeast Quarter, a distance of 332.00 feet to the point of beginning. This tract contains 4.331 acres.

STREETS, ALLEYS & EASEMENTS:

The Hall Street right of way and the alley as shown on this plat and not heretofore dedicated to and for public use are hereby dedicated. Easements are hereby dedicated for public use, as utility easement right-of-way, which are shown as lying between the dashed lines in widths indicated and as set forth on this plat. Said easements may be employed for the purpose of installing, repairing and maintaining water lines, sanitary sewer lines, gas lines, electric lines, telephone lines, and all other forms and types of public utilities, now or hereafter used, by the public over, under and along the strips marked "Utility Esm't."

REVIEW SURVEYOR'S CERTIFICATE:

State of Kansas, County of Ellis, ss:

I hereby certify that the review of this plat was found to be in compliance with the requirements of K.S.A. 58-2005. Approved this _____ day of _____, 20____.

OWNER'S CERTIFICATE:

Know all men by these presents, that we, the undersigned property owners of the land above described have caused the same to be surveyed and platted into Blocks, Streets, Alleys and Easements, the same to be known as "Clubhouse Gardens II", in Hays, Kansas. Hall Street and the alley are hereby dedicated to and for the use of the public, and the easements as indicated on the accompanying plat are hereby granted to the public for the purpose of constructing, operating, maintaining, and repairing all public utilities.

Paul & Wertenberger Investments, a Partnership

By _____
Robert L. Wertenberger, Partner Steven L. Paul, Partner

NOTARY CERTIFICATE:

State of Kansas, County of Ellis, ss:
 Be it remembered that on this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, came Robert L. Wertenberger, Partner, and Steven L. Paul, Partner, of Paul and Wertenberger Investments, a partnership, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my natarial seal the day and year above written.

Notary Public

My Commission Expires: _____

RECORDED:

State of Kansas, County of Ellis, ss:

This is to certify that this instrument was filed for record in the Register of Deeds Office on the _____ day of _____, 20____ in Book _____, Page _____.

REGISTER OF DEEDS DEPUTY

SURVEYOR'S CERTIFICATE:

I, Harvey Ruder, a Registered Land Surveyor in the State of Kansas, do hereby certify this Plat to be true and correct to the best of my knowledge.

Harvey Ruder Date



**RUDER ENGINEERING
& SURVEYING, LLC**
 1376 Butterfield Trail Rd.
 Hays, Kansas 67601
 785-628-8134

RESOLUTION

GOVERNING BODY OF THE CITY OF HAYS, KANSAS, TO THE PUBLIC:

WHEREAS, P & W Residential Investments LLC, a Limited Liability Corporation, has presented to the Governing Body of the City of Hays, Kansas, a certain plat of CLUBHOUSE GARDENS II ADDITION situated within the corporate limits of the City of Hays, Kansas, being lots, streets, alleys comprising the following described real estate, to-wit:

THAT PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 58 MINUTES 55 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 563.33 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 05 SECONDS EAST A DISTANCE OF 334.14; THENCE SOUTH 89 DEGREES 45 MINUTES 38 SECONDS EAST A DISTANCE OF 569.57 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREES 05 MINUTES 39 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 332.00 FEET TO THE POINT OF BEGINNING,

to be known as CLUBHOUSE GARDENS II ADDITION to the City of Hays, Kansas; and,

WHEREAS, the said plat has been examined and considered by the Hays Area Planning Commission of the City of Hays, Kansas; and,

WHEREAS, the City Attorney of the City of Hays, Kansas, has found that the proposed plat conforms to the requirements of the statutes in such matters made and provided;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the City of Hays, Kansas, hereby approves the plat of CLUBHOUSE GARDENS II ADDITION to the City of Hays, Kansas, and the City Clerk is instructed to endorse such approval on said plat.

Passed and adopted by the Governing Body of the City of Hays, Kansas, this 26th day of March, 2015.

Henry Schwaller - Mayor

ATTEST:

BY _____
Brenda Kitchen - City Clerk

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: March 19, 2015

Subject: Rezoning of Lots 1-10, Clubhouse Gardens II Addition (A-L to R-3N)

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

The developer of the Clubhouse Gardens II Addition has submitted a request to rezone the property from agriculture district (A-L) to two-family neighbor dwelling district (R-3N). A public hearing was conducted on February 16, 2015 at the regular meeting of the Planning Commission and it was recommended by a vote of 8-0 that the rezoning be approved. The zoning change from A-L to R-3N would allow for single-family and/or duplex dwelling units to be constructed. If approved, this zoning would be consistent with the Clubhouse Gardens I Addition. Staff, as well as the Planning Commission, recommends approving an ordinance rezoning the Clubhouse Gardens II Addition from A-L (agriculture district) to R-3N (two-family neighborhood dwelling district).

Background

This development of this property is considered infill development and is encouraged by staff as well as the Comprehensive Plan. It is adjacent to other property with similar or more intense multi-family zoning districts as that being requested. The property abuts existing two-family zoning (R-3N (Clubhouse Gardens I)) with R-4 (multi-family) zoning being located east across the street from the development

Discussion

The developer of the Clubhouse Gardens II Addition has submitted a request asking that the property be rezoned from agriculture district (A-L) to two-family neighbor dwelling district (R-3N).

Uses within the R-3N district, which are primarily one and two-family types of uses, are *“intended for the purpose of allowing higher density than in Districts R-1 and R-2 and R-3 with consideration for traditional neighborhood qualities and services. This district allows duplex uses, single-family homes, home occupations, and community facilities. Retail sales of specified convenience goods and services are allowed with a special use permit.”* (excerpt from City Ord. Sec. 71-262). The property is contiguous along the west boundary with existing R-3N zoning.

Although the Comprehensive Plan identifies this immediate area as “Low Density Residential”, this request of a “Medium Density” residential zoning district is very compatible with the surrounding areas. (Low Density to Medium Density ranks 4 out of 5 for compatibility, with 5 being the highest).

A public hearing was conducted on February 19, 2015 at the regular meeting of the Planning Commission. All property owners within 200 feet of the subject property were notified of the public hearing. Two property owners appeared in favor of the development as submitted. No one spoke against the proposed development.

The item was approved by a vote of 8-0 and a recommendation was made by the Planning Commission to the City Commission to approve the rezoning.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City staff.

Financial Consideration

None identified at this time.

Options

The City Commission has the following options:

- Approve the rezoning request from A-L to R-3N as recommended by the Planning Commission and City staff
- Send the request back to the Planning Commission for further consideration with specific basis for further review
- Deny the rezoning request from A-L to R-3N (Requires a 2/3 majority vote to overturn the P.C. recommendation)

Recommendation

Staff, as well as the Planning Commission, recommends approving this rezoning request from A-L to R-3N as submitted.

Action Requested

Approve an ordinance rezoning the property within the Clubhouse Gardens II Addition from A-L to R-3N as legally described within the ordinance.

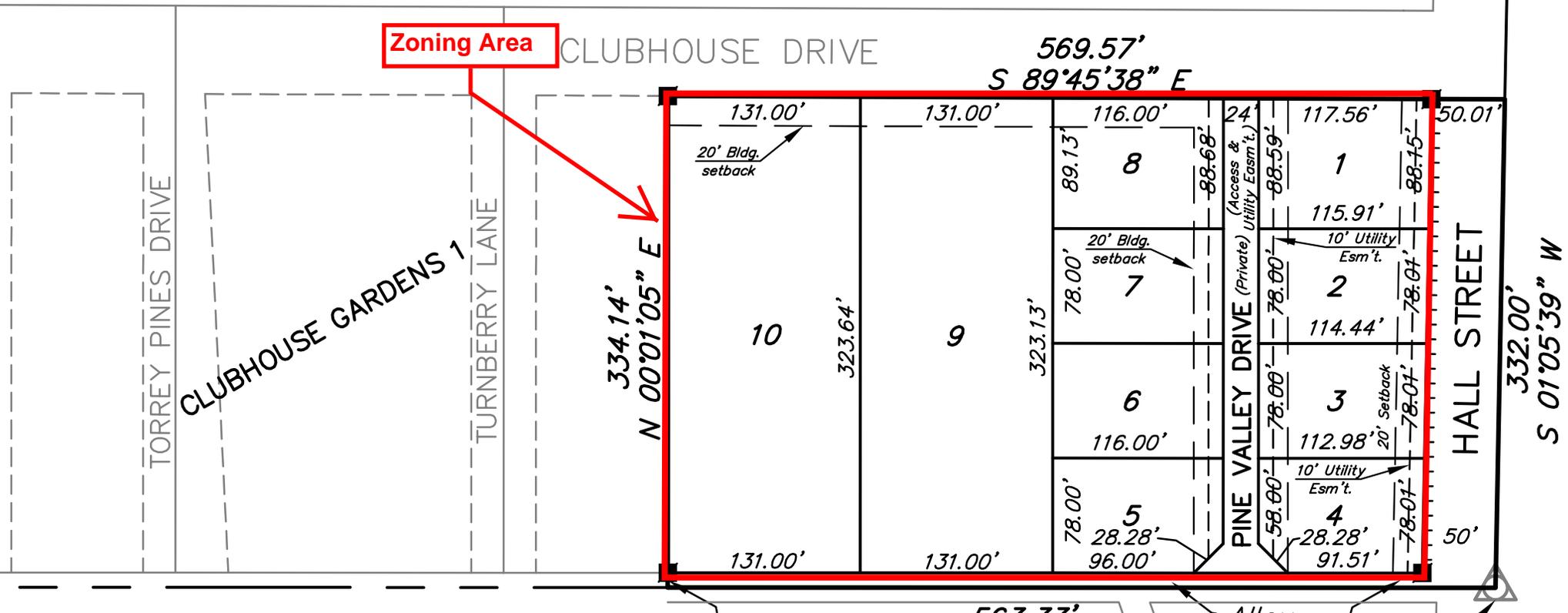
Supporting Documentation

Map(s)
Planning Commission Findings of Fact
Ordinance

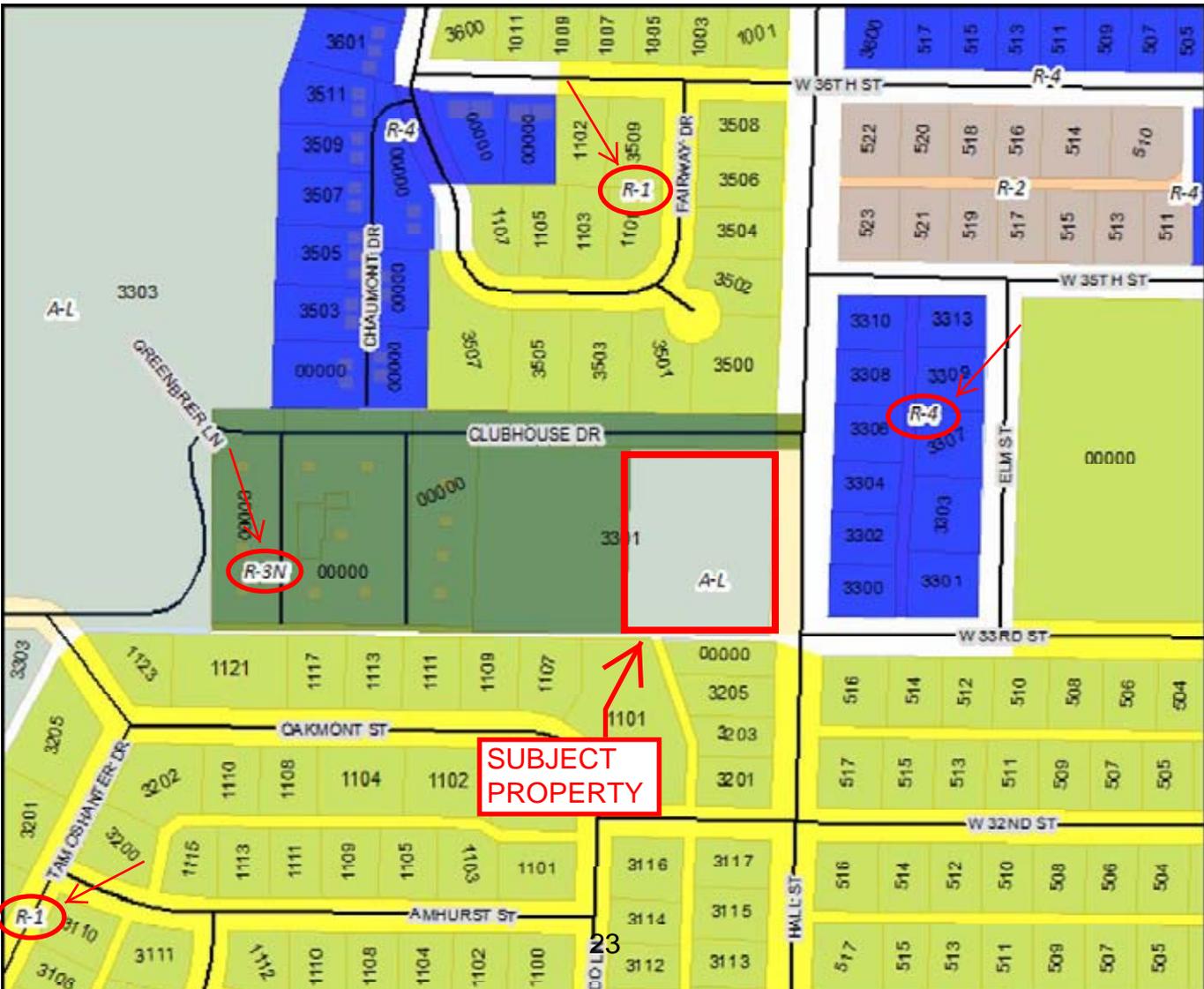
Clubhouse
Gardens Addition



CLUBHOUSE GARDENS II



Clubhouse Gardens II



PLANNING COMMISSION FINDING OF FACT

1. CASE NO.: **15-01Z** FILING FEE PAID: **\$140.00**
 2. DATE FILED: **01/07/2015**
 3. DATE ADVERTISED FOR HEARING: **01/25/2015**
 4. PUBLIC HEARING DATE: **02/11/2015**
 5. APPLICANT'S NAME: **Paul and Wertenberger Investments**
 6. LOCATION OF PROPERTY: **Intersection of Clubhouse Dr. and Hall St.**
 7. DESCRIPTION OF PROPERTY: **Tract in the NE/4 of Section 29-T13S-R18W**
 8. PRESENT USE OF PROPERTY: **Partially vacant with the exception of one existing residential dwelling**
 9. PRESENT ZONING: **"A-L"** REQUESTED ZONING: **"R-3N"**
-

1. CHARACTER OF THE NEIGHBORHOOD:
DIRECTION

NORTH: **Single Family Dwelling District**

SOUTH: **Single-Family Dwelling District**

EAST: **Multi-Family Dwelling District**

WEST: **Two-Family Neighborhood District (Clubhouse Gardens Phase I)**
2. THE ZONING OF SURROUNDING PROPERTY:
DIRECTION

NORTH: **"R-1" Single Family Dwelling District**

SOUTH: **"R-1" Single Family Dwelling District**

EAST: **"R-4" Multi-Family Dwelling District**

WEST: **"R-3N" Two-Family Neighborhood District (Phase I of Clubhouse Gardens)**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF: **The area is identified on the Future Land Use map as low density residential. However, the area is bordered by existing R-3N zoning, with R-4 (Multi-family) zoning to the east across Hall St. It would be well suited for traditional single family housing OR single-family attached dwellings (duplexes). The property closest to Hall St (a classified arterial) is better suited for uses other than single-family dwellings.**

4.

A. DEDICATION OR RESERVATION NEEDED FOR:

1. DRAINAGE: **N/A**

2. STREETS: **No**

3. UTILITY EASEMENTS:

a. ELECTRICITY: **Yes - provided**

b. GAS: **Yes - provided**

c. SEWERS: **Yes - provided**

d. WATER: **Yes - provided**

4. SHOULD PLATTING BE REQUIRED: **Platting is in process**

B. TRAFFIC CONDITIONS:

1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS:

Proposed Private Street

2. RIGHT-OF-WAY WIDTH: **N/A**

3. SIGHT DISTANCE: **OK**

4. TURNING MOVEMENTS: **OK**

5. COMMENTS ON TRAFFIC: **Local**

4. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED: **This is a mostly vacant tract of land (one single-family dwelling) that would provide an opportunity for infill for the proposed construction of single-family or two-family homes since it is surrounded by existing single family and some multi-family land uses.**

5. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: **In the opinion of staff, changing the zoning classification from "A-L" Agriculture "R-3N " Two-Family Neighborhood Dwelling District should not have a negative affect on nearby properties.**

6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **The property has been in its current state since the adoption of 3-mile zoning regulations – 40 plus years.**

7. THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE NEIGHBORING PROPERTY, AS COMPARED TO THE HARDSHIP IMPOSED ON THE INDIVIDUAL LANDOWNER: **Neighboring property values typically tend to stay level or increase as**

new development takes place in adjacent areas, as long as the development stays within the character of the existing neighborhood. The impact of the rezoning, if approved, should not be destructive to neighboring property and should actually enhance the surrounding area as development occurs.

8. THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY: **The area is identified on the Future Land Use map as low density residential. However, the area is bordered by existing R-3N zoning, with R-4 (Multi-family) zoning to the east across Hall St. It would be well suited for traditional single family housing OR single-family attached dwellings (duplexes).**

The request for the "R-3N" Single Family zoning classification does fit the overall scheme of the surrounding properties and that of the master plan. Being able to provide property for additional housing with minimal extensions of City streets or utilities is not only acceptable, but recommended. Staff does recommend the change of zoning from "A-L" Agriculture to "R-3N" Two-Family Neighborhood Zoning Classification.

ORDINANCE NO.

AN ORDINANCE REZONING A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6TH P.M. IN ELLIS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 58 MINUTES 55 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 563.33 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 05 SECONDS EAST A DISTANCE OF 334.14; THENCE SOUTH 89 DEGREES 45 MINUTES 38 SECONDS EAST A DISTANCE OF 569.57 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREES 05 MINUTES 39 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 332.00 FEET TO THE POINT OF BEGINNING, OTHERWISE KNOWN AS:

LOTS ONE (1) THROUGH TEN (10) OF THE CLUBHOUSE GARDENS II ADDITION TO THE CITY OF HAYS,

FROM "A-L" AGRICULTURE DISTRICT TO "R-3N" TWO-FAMILY NEIGHBORHOOD DWELLING DISTRICT.

WHEREAS, the Hays Area Planning Commission, after due and legal notice published in the Hays Daily News, the official city newspaper, on January 25, 2015, and after a public hearing held in conformity with such notice on February 19, 2015, did, on the last mentioned date, recommend to the Governing Body of the City of Hays, Kansas, the re-zoning of the following-described real estate:

THAT PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING

OF NORTH 89 DEGREES 58 MINUTES 55 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 563.33 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 05 SECONDS EAST A DISTANCE OF 334.14; THENCE SOUTH 89 DEGREES 45 MINUTES 38 SECONDS EAST A DISTANCE OF 569.57 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREES 05 MINUTES 39 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 332.00 FEET TO THE POINT OF BEGINNING, OTHERWISE KNOWN AS:

LOTS ONE (1) THROUGH TEN (10) OF THE CLUBHOUSE GARDENS II ADDITION TO THE CITY OF HAYS,

FROM "A-L" AGRICULTURE DISTRICT TO "R-3N" TWO-FAMILY NEIGHBORHOOD DWELLING DISTRICT.

WHEREAS, upon due consideration, it appears that the best interests of the City of Hays, Kansas, will be subserved by the following recommendation of the Hays Area Planning Commission,

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

Section 1. That the following-described real estate, to-wit:

THAT PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 58 MINUTES 55 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 563.33 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 05 SECONDS EAST A DISTANCE OF 334.14; THENCE SOUTH 89 DEGREES 45 MINUTES 38 SECONDS EAST A DISTANCE OF 569.57 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREES 05 MINUTES 39 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 332.00 FEET TO THE POINT OF BEGINNING, OTHERWISE KNOWN AS:

LOTS ONE (1) THROUGH TEN (10) OF THE CLUBHOUSE GARDENS II ADDITION TO THE CITY OF HAYS,

be rezoned from "A-L" AGRICULTURE DISTRICT TO "R-3N" TWO-FAMILY NEIGHBORHOOD DWELLING DISTRICT..

Section 2. This ordinance shall take effect upon its publication in the Hays Daily News, the official city newspaper.

PASSED by the Governing Body on the _____ day of _____, 2015.

Henry Schwaller IV, Mayor

ATTEST:

Brenda Kitchen, City Clerk

(SEAL)

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: March 19, 2015

Subject: King's Gate Addition Phase II - Resolution to Establish Benefit District (King's Gate Drive)

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

Covenant Land and Developing, Inc. has petitioned the City for Street, Storm Sewer, Water, and Sanitary Sewer Improvements to an area containing 23 lots in Phase II of King's Gate Addition. The engineer's estimate for total construction costs is \$725,000. This project is consistent with past residential developments within the City of Hays. There are no over-sizing costs in this project therefore no City capital will be expended for the construction of this project. Staff recommends adopting the resolution authorizing the creation of a special benefit district with King's Gate drive constructed at 31' width.

Background

This is the logical continuation of the King's Gate Addition that has been developing in phases over the last few years. This project follows the plan that has been set forth and constructed in phases over the last 5 years and would complete the connection of King's Gate Drive to 41st St.

Discussion

Covenant Land and Developing, Inc. has petitioned the City for Street, Storm Sewer, Water, and Sanitary Sewer Improvements to an area containing 23 lots in the King's Gate Addition. The general nature of the proposed improvements is as follows:

- The construction of King's Gate Drive, including a short cul-de-sac (King's Court) and all related curb, gutter and stormwater sewer improvements. Also included is a proposed island median at the entrance to the development as was initially discussed during the plat approval process in May, 2010. The intention of the median is to have development identification monument sign. The proposed sign IS NOT part of the special assessment.

- The construction of approximately 800 linear feet of 8” water line and 180 linear feet of 4” water line, fire hydrants, service connections and all other necessary and related water improvements.
- The construction of approximately 900 linear feet of 8” sanitary sewer line, manholes, sanitary sewer service connections and all other necessary and related sanitary sewer improvements.

Legal Consideration

Bond Counsel has approved all of the forms and Resolution for this item and there are no other legal concerns.

Financial Consideration

The developer proposes to finance the project through the creation of a special benefit district. 70% of the costs for this project will be allowed to be special assessed with the remaining 30% being paid in full by the developer prior to award of the construction contract. The per-lot special assessment is estimated to be \$23,760 to \$30,420. Based on the 15 year assessment at an assumed interest rate of 4%, the estimated monthly assessment per lot equals \$132 to \$169. There are no over-sizing costs to the City in this project therefore no City capital will be expended for the construction of this project.

Options

Options include the following:

- Approve the Resolution authorizing the creation of the special benefit district for the King’s Gate Addition, Phase II with King’s Gate Drive constructed at 31’ width.
- Do not approve the Resolution.

Recommendation

Staff recommends adopting the attached resolution authorizing the creation of a special benefit district for improvements in the estimated amount of \$725,000.

Action Requested

Approve the Resolution authorizing the creation of a special benefit district for infrastructure improvements in the estimated amount of \$725,000 for the development of 23 lots along King’s Gate Drive within Phase II of the King’s Gate Addition.

Supporting Documentation

Signed Petition
Map(s) of Benefit District
Resolution

PETITION FOR PUBLIC IMPROVEMENTS

We the undersigned owner(s) of record of property liable for assessment for the following proposed improvements hereby propose that such improvements be made in the manner provided by K.S.A. 12-6a01 *et seq.*, as amended (the "Act").

(a) The proposed improvements are as follows:

The installation of water lines, sanitary sewer lines, and storm sewers along, and the grading, paving, curbing and guttering of King's Gate Drive (from 41st Street North to the existing terminus of Covenant Drive) and King's Court cul-de-sac (the "Improvements"), all in a replat of King's Gate First Addition, Phase II to the City of Hays, Kansas.

(b) The estimated or probable cost of the Improvements is \$800,000.00 to be increased at the pro-rata rate of ½ percent per month from and after the date of adoption of the resolution determining the advisability of the Improvements, plus cost of issuance and plus costs of interest on any temporary financing (the "Improvement Costs").

(c) The extent of the proposed Improvement District to be assessed is:

Lot Eighteen (18) through Lot Thirty-One (31), Block One (1);
Lot Fourteen (14) through Lot Twenty-Two (22), Block Two (2);

All in a replat of King's Gate First Addition, Phase II to the City of Hays, Ellis County, Kansas

(the "Improvement District").

(d) The proposed method of assessment to the Improvement District is as follows:

Equally on an individual per lot basis being computed without regard to lot size, each lot being assessed 1/23rd of the Improvement Costs.

(e) The apportionment of the total actual Improvement Costs shall be as follows:

One hundred percent (100%) of the cost of the Improvements shall be paid by the Improvement District and no costs shall be paid by the City-at-Large, except that the City-at-Large shall pay 100% of the additional costs of any required pavement width, additional required pavement thickness and intersections, and required oversized water, sewer, and storm sewer lines as provided by the City's "Infrastructure Guidelines for New Development" adopted by the Governing Body of the City on October 22, 2009.

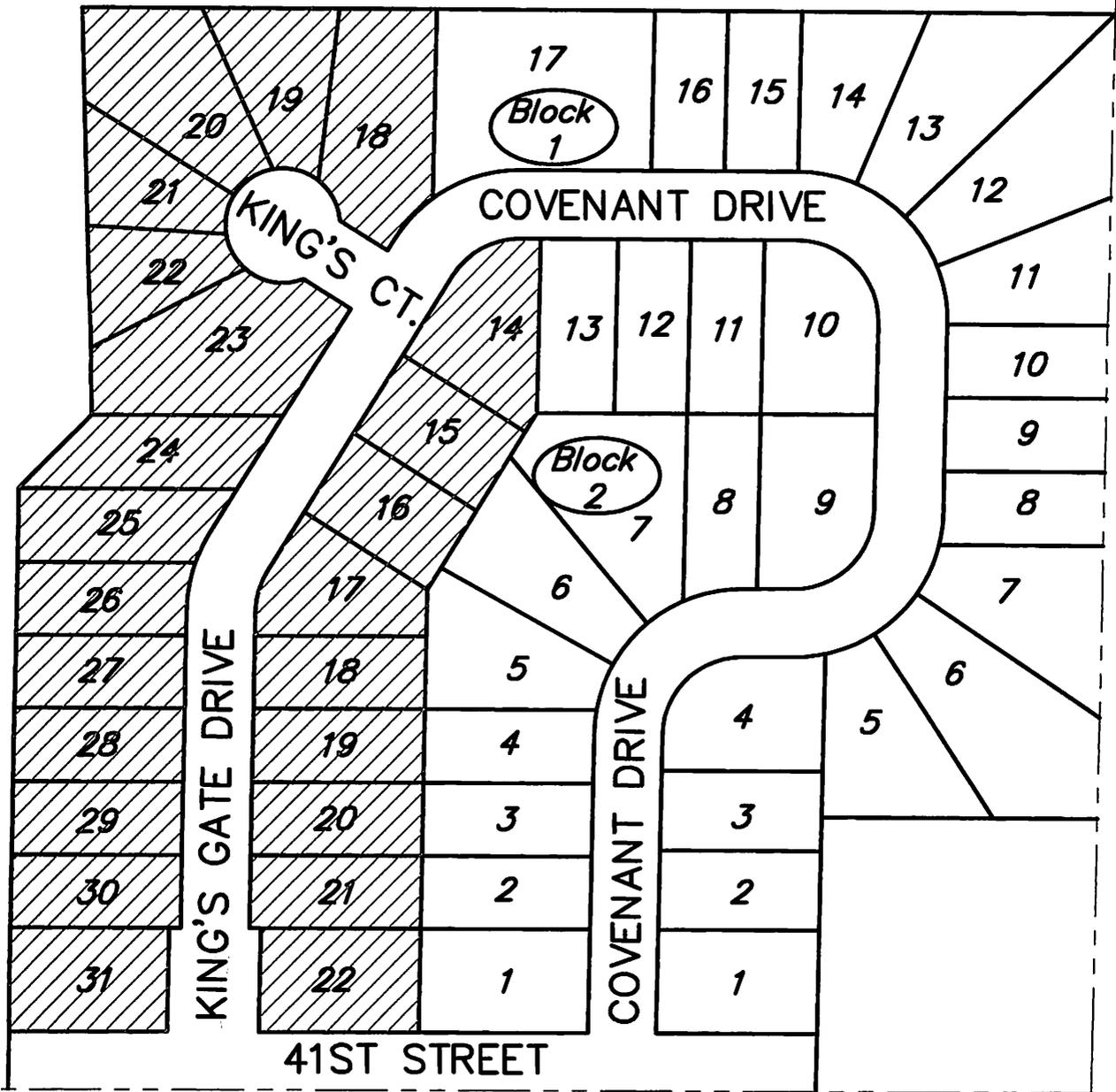
(f) We further propose that the Improvements be made without notice and hearing as required by the Act, specifically K.S.A. 12-6a04(a).

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King's Gate



King's Gate
Addition



Replat of
 KING'S GATE FIRST ADDITON
 PHASE 2
 ASSESSMENT DISTRICT MAP
 (Lots 18–31, Block 1 & Lots 14–22, Block 2)

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF HAYS, KANSAS, MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF CERTAIN WATER LINE, SANITARY SEWER, STORM SEWER, STREET IMPROVEMENTS, AND OTHER NECESSARY AND APPROPRIATE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS.

WHEREAS, a petition (the "Petition") was filed on _____, 2015 with the City Clerk of the City of Hays, Kansas, (the "City"), proposing certain internal improvements described herein; and said petition sets forth: (a) the general nature of the proposed improvements, (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the Improvement District and the City-at-large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04 (the "Act"); and

WHEREAS, the Governing Body of the City hereby finds and determines that said petition has been signed by all the owners of property to be included in the proposed improvement district and is therefore sufficient pursuant to the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

SECTION 1. Findings of Advisability. The Governing Body hereby finds and determines that it is advisable to make the following improvements in accordance with K.S.A 12-6a01 *et seq.*:

- (a) The installation of water lines, sanitary sewer lines, and storm sewers along, and the grading, paving, curbing and guttering of King's Gate Drive (from 41st Street North to the existing terminus of Covenant Drive) and King's Court cul-de-sac (the "Improvements"), all in a replat of King's Gate First Addition, Phase II to the City of Hays, Kansas. All construction shall be done in accordance with the City of Hays Standards.
- (b) The estimated or probable cost of the Improvements is: \$800,000.00 to be increased at the pro-rata rate of 0.50% per month from and after the date of adoption of this Resolution, plus costs of issuance and plus costs of interest on any temporary financing (the "Improvement Costs").
- (c) The extent of the Improvement District to be assessed for the Improvement Costs is:
 - Lot Eighteen (18) through Lot Thirty-One (31), Block One (1);
 - Lot Fourteen (14) through Lot Twenty-Two (22), Block Two (2);
 - All in a replat of King's Gate First Addition, Phase II to the City of Hays, Ellis County, Kansas
 - (the "Improvement District")
- (d) The method of assessment is: equally per lot without regard to lot size, each lot being assessed 1/23rd of the Improvement Costs.
- (e) The apportionment of the Improvement Costs between the Improvement District and the City-at-large shall be as follows:

One hundred percent (100%) of the cost of the Improvements shall be paid by the Improvement District and no costs shall be paid by the City-at-Large, except that the City-at-Large shall pay 100% of the additional costs of any required pavement width, additional required pavement thickness and intersections, and required oversized water, sewer, and storm sewer lines as provided by the City’s “Infrastructure Guidelines for New Development” adopted by the Governing Body of the City on October 22, 2009.

SECTION 2. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body of the City as set forth in Section 1 of this Resolution.

SECTION 3. Intent to Reimburse. The City expects to make capital expenditures on and after the date of this Resolution in connection with the Improvements, and intends to reimburse itself for such expenditures with the proceeds of one or more series of general obligation bonds and temporary notes of the City in the maximum principal amount of \$800,000.00 increased by 0.50% per month from and after the date of adoption of this Resolution, plus costs of issuance and plus costs of interest on any temporary financing.

SECTION 4. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the *Hays Daily News*, the official City newspaper, and shall also be filed of record in the Office of the Register of Deeds of Ellis County, Kansas.

ADOPTED AND APPROVED by the Governing Body of the City of Hays, on _____, 2015.

(Seal)

MAYOR

ATTEST:

CITY CLERK

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: March 19, 2015

Subject: King's Gate Addition Phase II Engineering Services Agreement

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

Covenant Land and Developing, Inc. has petitioned the City for Street, Storm Sewer, Water, and Sanitary Sewer Improvements to an area containing 23 lots in the King's Gate Addition. The resolution accepting the petition is moving forward under a separate agenda item. Ruder Engineering and Surveying, L.L.C. has prepared a contract for engineering services to include engineering design, contractor solicitation, construction engineering, and warranty inspection. The contract is for a not-to-exceed amount of \$33,900. Staff recommends that the commission authorize the Mayor to sign the Engineering Services Agreement with Ruder Engineering & Surveying, LLC for professional services related to improvements to Phase II of the King's Gate Addition in an amount not to exceed \$33,900.

Background

This is the logical continuation of the King's Gate Addition that has been developing in phases over the last few years. This project follows the plan that has been set forth and constructed in phases over the last 5 years and would complete the connection of King's Gate Dr. to 41st St.

Discussion

Covenant Land and Developing, Inc. has petitioned the City for Street, Storm Sewer, Water, and Sanitary Sewer Improvements to an area containing 23 lots in the King's Gate Addition. The resolution accepting the petition is moving forward under a separate agenda item. Ruder Engineering and Surveying, L.L.C. has prepared a contract for engineering services to include engineering design, contractor solicitation, construction engineering, and warranty inspection. The contract is for a not-to-exceed amount of \$33,900. The final extension and construction of King's Gate Drive will be completed along with the associated utilities (water, sanitary sewer, and storm sewer) as specified by the City of Hays Development Policy Infrastructure Guidelines for New Development.

Legal Consideration

The transaction is a pass-through procedure for the City and there are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

The \$33,900 cost for Engineering Services is included in the total project cost estimated at \$725,000 as detailed in the memo regarding the benefit district. The cost would be proportionately split between the various funding mechanisms: Special Assessment (70%) and Developer Share (30%).

Options

Options include the following:

- Approve the Engineering Services Agreement
- Do not approve the Agreement

Recommendation

Staff recommends that the commission authorize the Mayor to sign the Engineering Services Agreement with Ruder Engineering & Surveying, LLC for professional services related to improvements to Phase II of King's Gate Addition in an amount not to exceed \$33,900.

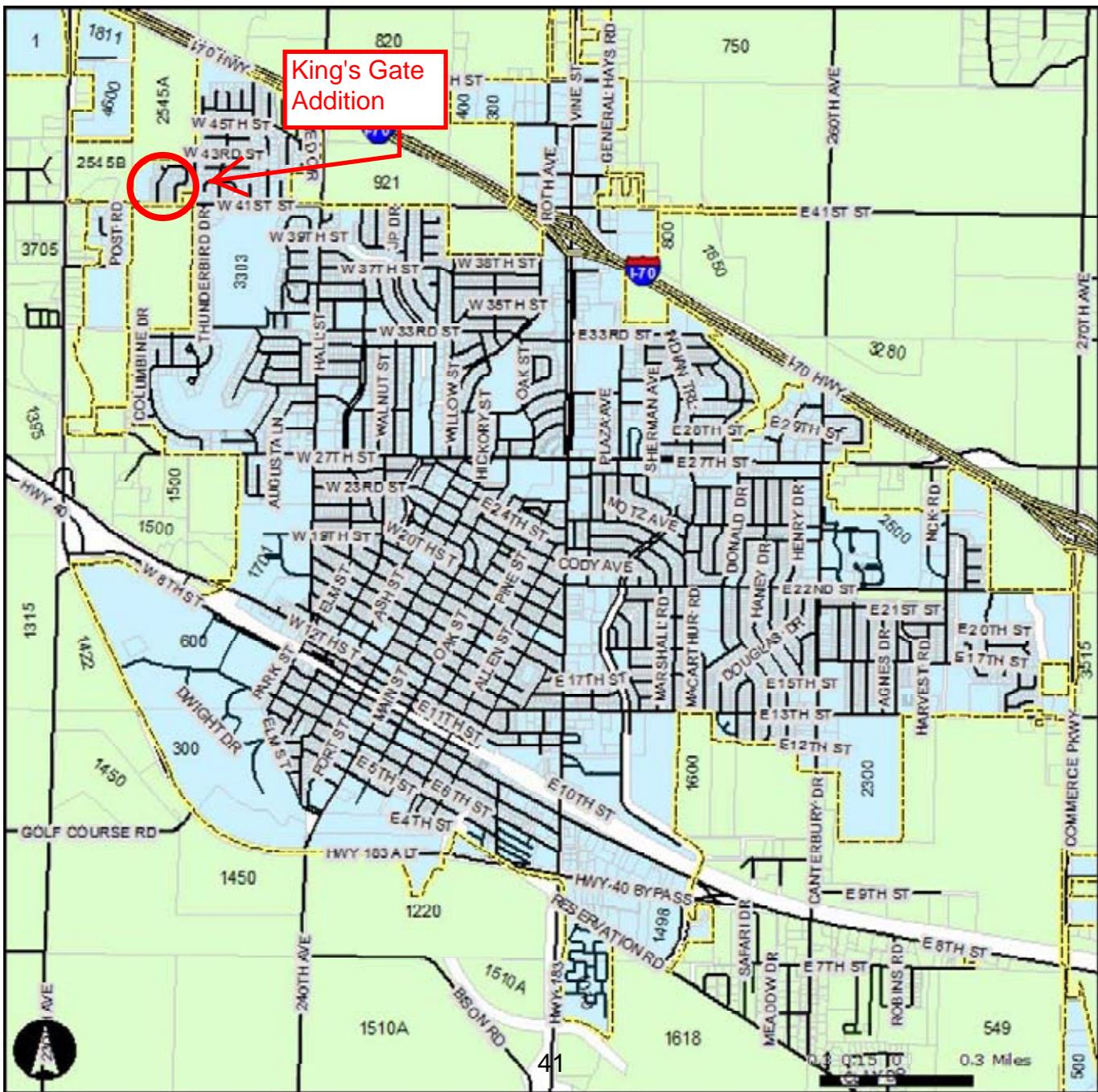
Action Requested

Approve the Engineering Services Agreement with Ruder Engineering & Surveying, LLC for an amount not to exceed \$33,900 for the development of Phase II of King's Gate Addition.

Supporting Documentation

Map of Area
Engineering Services Agreement

King's Gate



King's Gate
Addition

ENGINEERING SERVICES AGREEMENT

THIS AGREEMENT, entered into on the _____ day of _____, 2015, by the City of Hays, Kansas, party of the first part, hereinafter referred to as the "City", and Covenant Land & Developing, Inc., party of the second part, hereinafter referred to as the "Developer" and the firm of Ruder Engineering & Surveying, LLC, party of the third part, hereinafter referred to as the "Consultant".

WITNESSETH:

That the City and the Developer plan to complete improvements to and within the Replat of King's Gate First Addition to the City of Hays. The improvements include the sanitary sewer lines, water lines and street construction needed to serve the lots on King's Gate Drive, Covenant Drive and King's Court in said Addition.

These improvements will be hereinafter referred to as the "IMPROVEMENT".

That the City and the Developer require professional engineering services to assist them in implementing the IMPROVEMENT.

That the City and the Developer have selected Ruder Engineering & Surveying, LLC to perform these services;

NOW, THEREFORE, in consideration of these premises and the mutual covenants herein contained, the Parties hereto agree as follows:

ARTICLE I SCOPE OF SERVICES

Ruder Engineering & Surveying, LLC shall be responsible for engineering services required by the various portions of the "IMPROVEMENT". The services required on the "IMPROVEMENT" are described as follows:

Engineering Design Phase:

1. Perform field surveys to collect pertinent topographic and engineering data necessary to complete the design of the water lines, sewer lines and streets as listed above.
2. Prepare bid and construction documents in sufficient detail, using City's standards, where applicable, to allow competitive bids to be received. All portions of the project shall be included in the same set of the bid and construction documents.
3. Review documents and project budget and perform a field check of the project with City Staff and the Developer.

4. Prepare "Engineers Estimate of Probable Cost" to be used in evaluating bids.
5. Assist in obtaining necessary approvals and permits from KDHE.
6. Design a complete Stormwater Pollution Prevention Plan in accordance with KDHE General Construction Stormwater Permit. The Plan shall require that the contractor for the Improvements, shall maintain the sediment and erosion controls during the construction of the Improvements.

Contractor Solicitation Phase:

1. Assist the City and the Developer in soliciting interest from contractors by:
 - a. Preparing a Notice to Contractors, which can be published (at the City's expense) in appropriate newspapers.
 - b. Mailing the Notice to Contractors to approved contractors.
2. Provide bid documents to interested contractors and plan rooms.
3. Address contractor questions and issue appropriate addenda during the bid preparation period.
4. Attend the bid opening, tabulate the submitted bids, analyze the bids and make recommendations to the City and the Developer regarding award of the construction contracts.
5. Prepare contract documents and distribute for execution. Collect fully executed documents and distribute to the appropriate parties.

Construction Engineering Phase:

1. Conduct a pre-construction conference.
2. Review all shop drawings and submittals.
3. Review contractor schedules.
4. Provide on-site inspection to maintain compliance with the construction and contract documents.
5. Review and submit periodic Contractor pay estimates to the City and the Developer for payment.
6. Prepare change orders as necessary.
7. Conduct a final inspection of every part of the work prior to acceptance of the work by the City and the Developer.
8. Prepare record drawings.

9. Inspect stormwater controls in accordance with a schedule as listed on the Stormwater Pollution Prevention Plan and ensure that the Contractor maintains the erosion and sediment controls.

Warranty Inspection Phase:

1. Conduct a warranty inspection approximately one year from the date of acceptance of the project and monitor repair of any deficient items.

**ARTICLE II
TIME SCHEDULE**

The services listed in the above scope of services shall be completed as shown on the following schedule:

Task	Proposed Date of Completion
Notice to Proceed	<u>3-26-15</u>
Review Plans	<u>4-27-15</u>
Final Review Due	<u>5-4-15</u>
Send out for bids	<u>5-11-15</u>
Pre-bid meeting	<u>5-27-15</u>
Open bids	<u>6-2-15</u>
City Work Session	<u>6-18-15</u>
Award bids	<u>6-25-15</u>
Construction Engineering Phase	<u>90</u> Working Days
Warranty Inspection	<u>20</u> Working Days

**ARTICLE III
COMPENSATION**

Water Line:

Engineering Design Phase	Not-to-Exceed	\$2,950.00	
Contractor Solicitation Phase	Not-to-Exceed	\$400.00	
Construction Engineering Phase	Not-to-Exceed	\$2,950.00	
Warranty Inspection	Not-to-Exceed	<u>\$200.00</u>	
		<i>Water Line Subtotal</i>	\$6,500.00

Sewer Line:

Engineering Design Phase	Not-to-Exceed	\$3,950.00	
Contractor Solicitation Phase	Not-to-Exceed	\$400.00	
Construction Engineering Phase	Not-to-Exceed	\$3,950.00	
Warranty Inspection	Not-to-Exceed	<u>\$200.00</u>	
		<i>Sewer Line Subtotal</i>	\$8,500.00

Streets:

Engineering Design Phase	Not-to-Exceed	\$9,150.00	
Contractor Solicitation Phase	Not-to-Exceed	\$400.00	
Construction Engineering Phase	Not-to-Exceed	\$9,150.00	
Warranty Inspection	Not-to-Exceed	<u>\$200.00</u>	
		<i>Streets Subtotal</i>	\$18,900.00

GRAND TOTAL NOT-TO-EXCEED \$33,900.00

The Consultant shall submit an invoice to the City on a monthly basis. The invoice shall show the percentage complete for each phase as shown above. The sum of all invoices submitted for each phase shall not exceed the amount listed above for the applicable phase.

The Consultant will submit invoices within 20 days after the last day of each month during which work on the Project has been in progress. The City will pay the Consultant within thirty days after receipt of the Consultant's statement.

**ARTICLE IV
MISCELLANEOUS PROVISIONS**

1. **Change in Scope.** The scope of the work described in Article I, Scope of Services shall be subject to modification or supplement upon the written agreement of the contracting parties. Any such modifications in the scope of the work shall be incorporated by supplemental agreement. At the time of such modification of work, equitable adjustments will be made by the parties in the time of performance and the compensation to be paid on the project.

2. **Conferences.** Representatives of the City and the Developer may arrange for such conference and visits as may be deemed necessary or desirable during the progress of the work.

3. **Termination.** The City and the Developer reserve the right to terminate this Agreement at any time, upon written notice, in the event the services of the Consultant are unsatisfactory, or upon failure to prosecute the work with due diligence or to complete the work within the time limits specified; provided, however, that in any such case, the Consultant shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the payment provisions of this Agreement.

4. **Binding Upon Successors.** This Agreement shall be binding upon the undersigned parties, their successors, partners, assigns, and legal representatives.

5. **Liability and Indemnification.**

a. **General.** Having considered the potential liabilities that may exist during performance of the Services, the benefits of the Project, and the Consultant's fee for the Services, and in consideration of the promises contained in this Agreement, the Agreement Parties agree to allocate and limit such liabilities in accordance with this Article.

b. **Indemnification.** The Agreement Parties each agree to defend, indemnify, and hold harmless each other, its agents and employees, from and against legal liability for all claims, losses, damages and expenses to the extent such claims, losses, damages or expenses are caused by its negligent acts, errors or omissions. In the event such claims, losses, damages or expenses are caused by the joint or concurrent negligence of the Agreement Parties, they shall be borne by each party in proportion to its own negligence.

c. **Employee Claims.** Each party of the Agreement shall indemnify the other parties against legal liability for damages arising out of claims by said party's employees.

d. **Survival.** Upon completion of all Services, obligations and duties provided for in this Agreement, or if this Agreement is terminated for any reason, the terms and conditions of this article shall survive.

6. **Opinions of Cost and Schedule.** Since the Consultant has no control over the cost of labor, materials or equipment furnished by others, or over the resources provided by others to meet Project schedules, the Consultant's opinion of probable costs and of Project schedules shall be made on the basis of experience and qualifications as a professional engineer. The Consultant does not guarantee that proposals, bids, or actual Project costs will not vary from the Consultant's opinion of probable costs or that actual schedules will not vary from the Consultant's projected schedules.

7. **Reuse of Documents.** All documents, including, but not limited to, drawings, specifications, and computer software prepared by the Consultant pursuant to this Agreement are instruments of service in respect to a Project. They are not intended or represented to be suitable for reuse by the City or others on extensions of a project or on any other project. Any reuse without prior written verification or adaptation by the Consultant for the specific purpose intended will be at the City's

sole risk and without liability or legal exposure to the Consultant. The City shall defend, indemnify, and hold harmless the Consultant against all claims, losses, damages, injuries, and expenses, including attorneys' fees, arising out of or resulting from such reuse. Any verification or adaptation of documents will entitle the Consultant to additional compensation at rates to be agreed upon by the involved parties.

8. Ownership of Documents and Intellectual Property. Except as otherwise provided herein, engineering documents, drawings, and specifications prepared by the Consultant as part of the Services shall become the property of the Developer, provided, however, that the Consultant shall have the unrestricted right to their use. The Consultant shall retain its rights in its standard drawing details, specifications, databases, computer software and other proprietary property. Rights to intellectual property developed, utilized or modified in the performance of the Services shall be the joint property of the Consultant and the Developer, provided that the Consultant shall have the right to use said property in its ordinary course of business.

IN WITNESS WHEREOF, said parties have caused this Agreement to be signed by their duly authorized officers in four counterparts, each of which shall be deemed an original, on the day and year first written.

ATTEST:

CITY OF HAYS, KANSAS

Hays City Clerk

Mayor

ATTEST:

COVENANT LAND & DEVELOPING, INC.

By _____

Title _____

ATTEST:

RUDER ENGINEERING & SURVEYING, LLC

Harvey Ruder, PE, RLS

Commission Work Session Agenda

Memo

From: Kim Rupp, Finance Director

Work Session: March 19, 2015

Subject: Special Assessment Proceedings

Person(s) Responsible: Toby Dougherty, City Manager
Kim Rupp, Director of Finance

Summary

Special assessments for two Special Improvement Districts within the City of Hays are ready to be finalized and assessed to the property owners. To begin the Special Assessment Proceedings a resolution must be approved setting a Public Hearing for April 23, 2015 to consider the proposed assessments. Staff recommends pursuing this process.

Background

The statement of final costs for each of the two districts is summarized below as prepared by Bond Counsel with Gilmore and Bell.

46TH STREET SECOND ADDITION WATER, SANITARY SEWER, STORM SEWER & STREETS

RESOLUTION NO. 2012-015

ENGINEERING	\$31,730.00
CONSTRUCTION	607,818.60
COSTS OF ISSUANCE	8,953.68
<i>TOTAL COSTS</i>	<u>\$648,502.28</u>
CITY SHARE OF TOTAL COSTS (30%)	194,550.68
IMPROVEMENT DISTRICT SHARE OF TOTAL COSTS (70%)	453,951.60
LESS UP-FRONT PAYMENT BY DEVELOPER	(188,112.00)
<i>NET COSTS</i>	<u>\$460,390.28</u>
<i>NET CITY SHARE</i>	<u>\$6,438.68</u>
<i>AMOUNT TO BE ASSESSED</i>	<u>\$453,951.60</u>

46th Street Second Addition will be a fifteen year assessment split equally among 28 lots. Per City policy, the City's 30% apportionment stated in Resolution No. 2012-015 will be largely paid from an upfront payment made by the developer (noted as City's Share on the previous chart); such amount was determined based on estimates of the final costs of the improvements.

**GOLDEN BELT ESTATES FIFTH ADDITION –
DANBY LANE (RESOLUTION NO. 2013-021)
WATER, SANITARY SEWER, STORM SEWER & STREETS**

RESOLUTION NO. 2013-021

ENGINEERING/CONSTRUCTION	\$289,835.58
COSTS OF ISSUANCE	5,796.71
<i>TOTAL</i>	<u>\$295,632.29</u>
<i>City Share</i>	<u>\$0.00</u>
<i>Amount to be Assessed</i>	<u>\$295,632.29</u>

Golden Belt Estates Fifth Addition – Danby Lane (Resolution No. 2013-021) will be a fifteen year assessment split equally among 18 lots.

**GOLDEN BELT ESTATES FIFTH ADDITION –
JAGGER COURT (RESOLUTION NO. 2013-023)
WATER, SANITARY SEWER, STORM SEWER & STREETS**

RESOLUTION NO. 2013-023

ENGINEERING/CONSTRUCTION	\$257,631.62
COSTS OF ISSUANCE	5,152.63
<i>TOTAL</i>	<u>\$262,784.26</u>
<i>City Share</i>	<u>\$0.00</u>
<i>Amount to be Assessed</i>	<u>\$262,784.26</u>

Golden Belt Estates Fifth Addition – Jagger Court (Resolution No. 2013-023) will be a fifteen year assessment split equally among 16 lots.

Discussion

This resolution providing for the notice of public hearing is the first step in properly assessing the improvements to these two areas. As we continue we will also ask for an ordinance and then approval of the entire bond process as state statute requires these costs to be bonded.

Legal Consideration

Bond Counsel for the City has approved all documents and proceedings and there are no known legal obstacles to proceeding as recommended by staff.

Financial Consideration

All costs for the improvements to these developments along with the legal fees and costs of issuance will be included in the assessment to the property owners. There are no financial or budgetary considerations for the City other than those identified as “City Share” in the statement of final costs above.

Options

Option 1: The City Commission can approve the requested resolution calling for a public hearing to be held on April 23, 2015 with respect to the proposed assessments.

Option 2: The City Commission can decline the resolution and provide alternate guidance to staff.

Recommendation

City staff recommends approving the resolution providing for a notice of public hearing to consider the proposed special assessments as listed above.

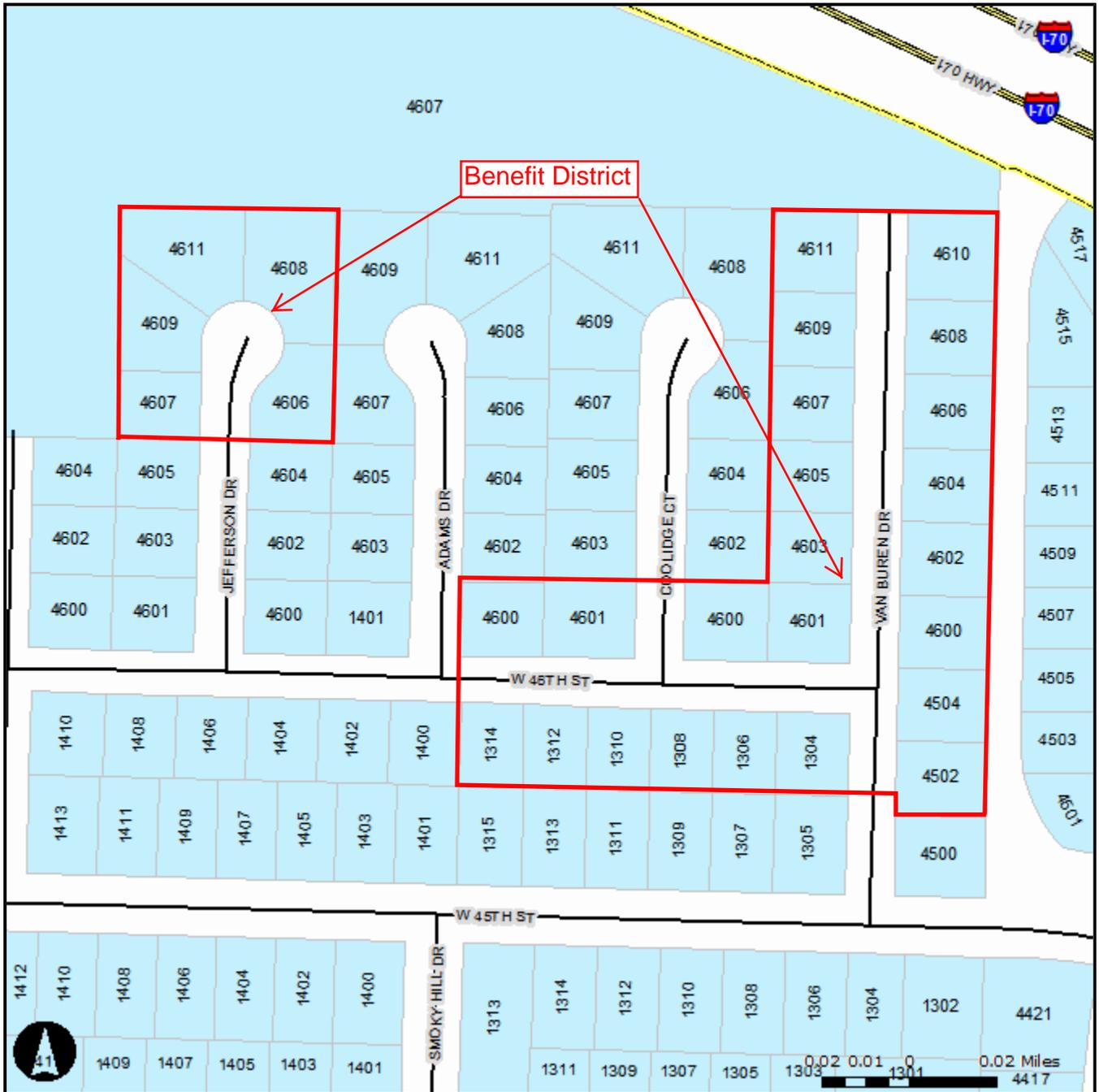
Action Requested

Approval of the resolution providing for a notice of public hearing to be held on April 23, 2015 to consider proposed special assessments.

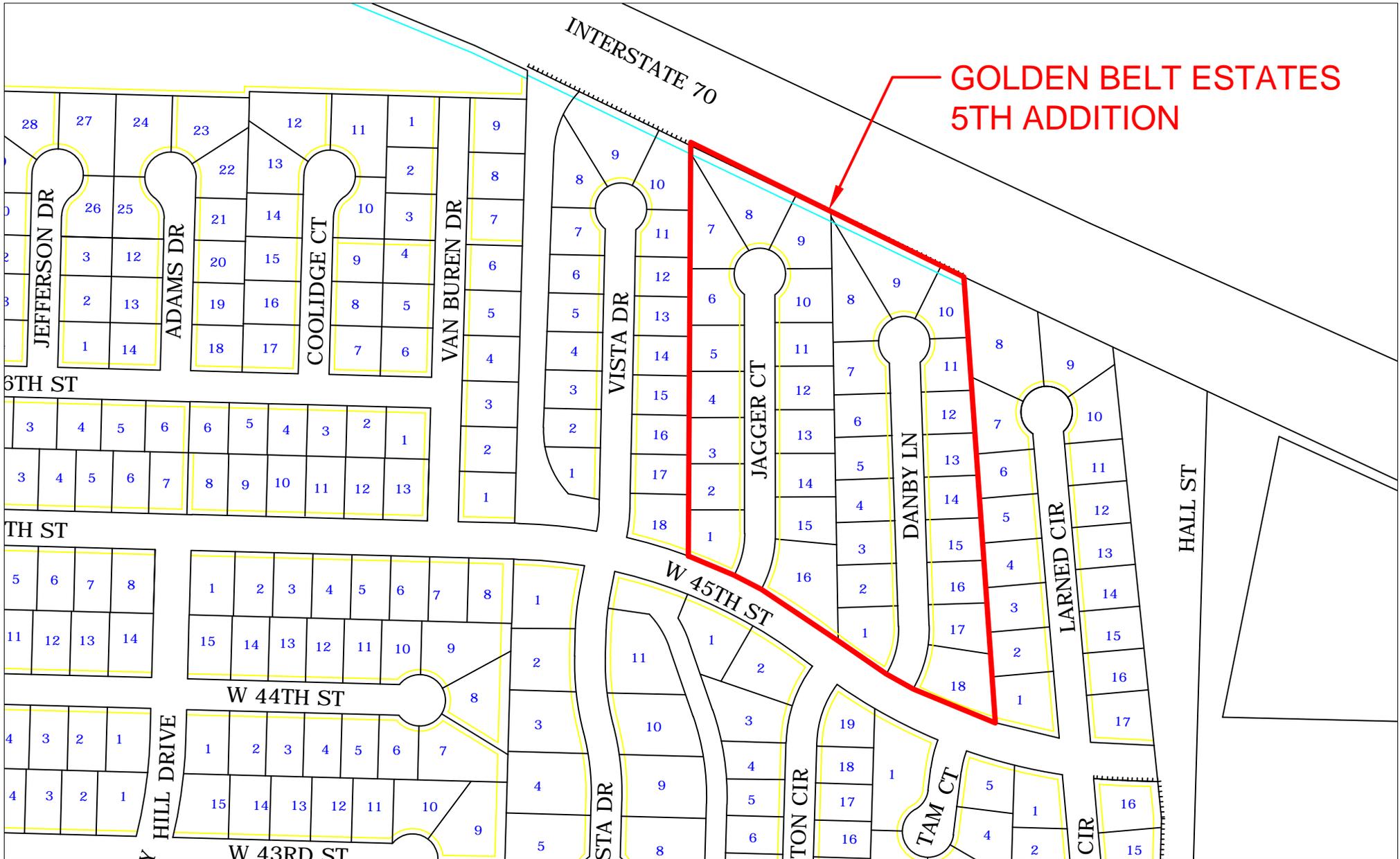
Supporting Documentation

Maps of the Benefit Districts
Assessment Roll Certification
Statement of Final Costs
Notice of Public Hearing
Resolution No. 2015-XXX

46th St 2nd Addition



GOLDEN BELT ESTATES 5TH ADDITION - DANBY LANE & JAGGER COURT



**GOLDEN BELT ESTATES
5TH ADDITION**

ASSESSMENT ROLL CERTIFICATION

The undersigned having been designated by the City of Hays, Kansas (the “City”), to determine the amounts of the respective assessments and to prepare the proposed Assessment Roll herefore in connection with certain internal improvements heretofore authorized by the governing body hereby reports that each and all of said respective assessments have been determined to be as shown on the Schedule attached hereto and made a part hereof by reference as though fully set out herein.

Dated _____, 2015.

CITY OF HAYS, KANSAS

By: John Braun, Assistant Director of Public Works

SCHEDULE I

ASSESSMENT ROLL

**46TH STREET SECOND ADDITION –
WATER, SANITARY SEWER, STORM SEWER & STREETS**

RESOLUTION NO. 2012-015

<u>Description of Property</u>	<u>Amount of Proposed Assessment</u>
Lot 2, Block 1, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	\$16,212.56
Lot 3, Block 1, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 4, Block 1, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 5, Block 1, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 6, Block 1, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 7, Block 1, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 8, Block 1, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 9, Block 1, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 1, Block 2, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 2, Block 2, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 3, Block 2, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 4, Block 2, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 5, Block 2, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 6, Block 2, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 1, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 2, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 3, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 4, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 5, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56

Lot 6, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 7, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 17, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 18, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 26, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 27, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 28, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 29, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
Lot 30, Block 3, in the 46th Street Second Addition to the City of Hays, Ellis County, Kansas.	16,212.56
TOTAL ASSESSMENTS =	\$453,951.60
UPFRONT PAYMENT BY DEVELOPER =	188,112.00
NET CITY-AT-LARGE SHARE =	<u>6,438.68</u>
TOTAL COST =	\$648,502.28

**GOLDEN BELT ESTATES FIFTH ADDITION –
DANBY LANE (RESOLUTION NO. 2013-021)
WATER, SANITARY SEWER, STORM SEWER & STREETS**

RESOLUTION NO. 2013-021

<u>Description of Property</u>	<u>Amount of Proposed Assessment</u>
Lot 1, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	\$16,424.02
Lot 2, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 3, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 4, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 5, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 6, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 7, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 8, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02

Lot 9, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 10, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 11, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 12, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 13, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 14, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 15, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 16, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 17, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 18, Block 2, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
TOTAL ASSESSMENTS =	\$295,632.29
CITY-AT-LARGE SHARE =	0.00
TOTAL COST =	\$295,632.29

**GOLDEN BELT ESTATES FIFTH ADDITION –
JAGGER COURT (RESOLUTION NO. 2013-023)
WATER, SANITARY SEWER, STORM SEWER & STREETS**

RESOLUTION NO. 2013-023

<u>Description of Property</u>	<u>Amount of Proposed Assessment</u>
Lot 1, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	\$16,424.02
Lot 2, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 3, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 4, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 5, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 6, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 7, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 8, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02

Hays, Ellis County, Kansas.	
Lot 9, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 10, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 11, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 12, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 13, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 14, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 15, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
Lot 16, Block 1, in the Golden Belt Estates 5th Addition to the City of Hays, Ellis County, Kansas.	16,424.02
TOTAL ASSESSMENTS =	\$262,784.26
CITY-AT-LARGE SHARE =	0.00
TOTAL COST =	\$262,784.26

**CITY OF HAYS, KANSAS
STATEMENT OF FINAL COSTS**

**46TH STREET SECOND ADDITION
WATER, SANITARY SEWER, STORM SEWER & STREETS**

RESOLUTION NO. 2012-015

ENGINEERING	\$31,730.00
CONSTRUCTION	607,818.60
COSTS OF ISSUANCE	8,953.68
<i>TOTAL COSTS</i>	<u>\$648,502.28</u>
CITY SHARE OF TOTAL COSTS (30%)	194,550.68
IMPROVEMENT DISTRICT SHARE OF TOTAL COSTS (70%)	453,951.60
LESS UP-FRONT PAYMENT BY DEVELOPER	(188,112.00)
<i>NET COSTS</i>	<u>\$460,390.28</u>
<i>NET CITY SHARE</i>	<u>\$6,438.68</u>
<i>AMOUNT TO BE ASSESSED</i>	<u>\$453,951.60</u>

**GOLDEN BELT ESTATES FIFTH ADDITION –
DANBY LANE (RESOLUTION NO. 2013-021)
WATER, SANITARY SEWER, STORM SEWER & STREETS**

RESOLUTION NO. 2013-021

ENGINEERING/CONSTRUCTION	\$289,835.58
COSTS OF ISSUANCE	5,796.71
<i>TOTAL</i>	<u>\$295,632.29</u>
<i>City Share</i>	<u>\$0.00</u>
<i>Amount to be Assessed</i>	<u>\$295,632.29</u>

**GOLDEN BELT ESTATES FIFTH ADDITION –
JAGGER COURT (RESOLUTION NO. 2013-023)
WATER, SANITARY SEWER, STORM SEWER & STREETS**

RESOLUTION NO. 2013-023

ENGINEERING/CONSTRUCTION	\$257,631.62
COSTS OF ISSUANCE	5,152.63
<i>TOTAL</i>	<u>\$262,784.26</u>
<i>City Share</i>	<u>\$0.00</u>
<i>Amount to be Assessed</i>	<u>\$262,784.26</u>

RESOLUTION NO. _____

RESOLUTION PROVIDING NOTICE OF A PUBLIC HEARING TO CONSIDER PROPOSED ASSESSMENTS AS TO THE PUBLIC IMPROVEMENTS FOR: GOLDEN BELT ESTATES FIFTH ADDITION – DANBY LANE (RESOLUTION NO. 2013-021); GOLDEN BELT ESTATES FIFTH ADDITION – JAGGER COURT (RESOLUTION NO. 2013-023); AND 46TH STREET SECOND ADDITION.

WHEREAS, the City of Hays, 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 total final costs of such Improvements has been determined and a Statement of Final Costs for each project is on file with the City Clerk; and

WHEREAS, the Assessment Roll for each of such Improvements has been determined and is on file with the City Clerk; and

WHEREAS, the governing body desires to call a public hearing with respect to the proposed assessments.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the City of Hays, Kansas:

Section 1. A public hearing shall be conducted by the Governing Body of the City of Hays, Kansas, at the City Commission Meeting Room, 1507 Main Street, Hays, Kansas, on April 23, 2015 at 6:30 p.m., to consider proposed assessments as to the Improvements described in the notice of public hearing attached hereto as *Exhibit A*, the total costs of which have been determined. The proposed assessment rolls have been or will be placed on file with the office of the City Clerk and open for public inspection, all in accordance with K.S.A. 12-6a09, as amended.

Section 2. The City Clerk is hereby directed to provide notice of the public hearing (in the form attached hereto as *Exhibit A*) by publication at least once, not less than 10 days prior to such hearing, and to further mail to the owners of the property proposed to be made liable for these assessments at their last known post office address, a notice of the hearing and a statement of the costs proposed to be assessed against the land owned and assessed.

PASSED AND RESOLVED by the Governing Body of the City of Hays, Kansas, on this 26th day of March, 2015.

Mayor

[SEAL]

City Clerk

EXHIBIT A

NOTICE OF PUBLIC HEARING

(Published in the *Hays Daily News*, on March 30, 2015)

NOTICE OF PUBLIC HEARING

TO: RESIDENTS OF THE CITY OF HAYS, KANSAS

You and each of you are hereby notified that the governing body of the City of Hays, Kansas (the “City”) will meet for the purpose of holding a public hearing, as provided by K.S.A. 12-6a01 *et seq.*, at City Hall, 1507 Main Street, on April 23, 2015 at 6:30 p.m.. Said public hearing is for the purpose of hearing any and all oral or written objections to proposed assessments in connection with the following described improvements:

46th Street Second Addition – Water, Sanitary Sewer, Storm Sewer & Streets

Resolution No. 2012-015

The installation of water lines, sanitary sewer lines and storm sewers along, and the grading, paving, curbing and guttering of 46th Street from Adams Drive west to Van Buren Drive, Jefferson Drive from its current northern terminus to complete the cul-de-sac, and Van Buren Drive from its current northern terminus to the north edge of the subdivision, all in the 46th Street Second Addition to the City of Hays, Kansas.

Property Description:

Lot 2 through Lot 9, Block 1;
Lot 1 through Lot 6, Block 2;
Lot 1 through Lot 7, Lot 17, Lot 18, Lot 26 through Lot 30, Block 3,
All in 46th Street Second Addition to the City of Hays, Kansas.

Cost of Improvements:

\$648,502.28. Seventy percent (70%) to the Improvement District and thirty percent (30%) to the city-at-large. Per City policy, the City’s 30% share will largely be paid from the proceeds of an upfront payment made by the developer to the City.

Golden Belt Estates Fifth Addition – Danby Lane (Resolution No. 2013-021) Water, Sanitary Sewer, Storm Sewer & Streets

Resolution No. 2013-021

The installation of water lines, sewer lines, storm sewer and grading, paving, curbing and guttering of Danby Lane, all in the Golden Belt Estates 5th Addition to the City of Hays, Kansas.

Property Description:

Lot 1 through Lot 18, Block 2,
All in Golden Belt Estates 5th Addition to the City of Hays, Kansas.

Cost of Improvements:

\$295,632.29 One hundred percent (100%) to the Improvement District; except, provided that the cost of any additional required pavement width, additional required pavement thickness, intersections, required oversized water, sewer, and storm lines, in connection with any of the Improvements are to be apportioned one hundred percent (100%) to the

city-at-large, as provided within “Infrastructure Guidelines for New Development” adopted by the Governing Body of the City of Hays, Kansas, October 22, 2009.

Golden Belt Estates Fifth Addition – Jagger Court (Resolution No. 2013-023) Water, Sanitary Sewer, Storm Sewer & Streets

Resolution No. 2013-023

The installation of water liens, sanitary sewer lines, and storm sewers along, and the grading, paving, curbing and guttering of Jagger Court, all in the Golden Belt Estates 5th Addition to the City of Hays, Kansas.

Property Description:

Lot 1 through Lot 16, Block 1,
All in Golden Belt Estates 5th Addition to the City of Hays, Kansas.

Cost of Improvements:

\$262,784.26. One hundred percent (100%) to the Improvement District; except, provided that the cost of any additional required pavement width, additional required pavement thickness, intersections, required oversized water, sewer, and storm lines, in connection with any of the Improvements are to be apportioned one hundred percent (100%) to the city-at-large, as provided within “Infrastructure Guidelines for New Development” adopted by the Governing Body of the City of Hays, Kansas, October 22, 2009.

An Assessment Roll prepared in accordance with the referenced Resolutions approved by the governing body is on file in the Office of the City Clerk and may be examined by any interested party. At the conclusion of the public hearing, the governing body will consider an Ordinance levying such special assessments.

DATED March 30, 2015.

/s/Brenda Kitchen, City Clerk