

**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF BEL AIRE, KANSAS  
HELD ON OCTOBER 18, 2022**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

\* \* \* \* \*

(Other Proceedings)

Thereupon, and among other business, there was presented to the governing body a Petition which has been filed in the Office of the City Clerk requesting the making of certain internal improvements in the City pursuant to the authority of K.S.A. 12-6a01 *et seq.*

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE  
OF A PUBLIC HEARING ON THE ADVISABILITY OF THE MAKING OF A  
CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF BEL AIRE, KANSAS,  
UNDER THE PROVISIONS OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED AND  
SUPPLEMENTED; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID  
HEARING (PAVING AND DRAINAGE IMPROVEMENTS/AURORA PARK).**

Thereupon Councilmember \_\_\_\_\_ moved that said Resolution be adopted. The motion was seconded by Councilmember \_\_\_\_\_. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: \_\_\_\_\_.

Nay: \_\_\_\_\_.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. \_\_\_\_\_ and was signed by the Mayor and attested by the City Clerk.

\* \* \* \* \*

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

**CERTIFICATE**

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Bel Aire, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

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City Clerk

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF BEL AIRE, KANSAS, UNDER THE PROVISIONS OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED AND SUPPLEMENTED; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID HEARING (PAVING AND DRAINAGE IMPROVEMENTS/AURORA PARK).**

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**WHEREAS**, K.S.A. 12-6a01 *et seq.* (the “Act”) authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and the levying and collecting of special assessments upon property in the area deemed by the said governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements out of the proceeds of such special assessments; and

**WHEREAS**, the Act provides that before any contract is let or any work is ordered or authorized for an improvement, the governing body shall by resolution direct and order a public hearing on the advisability of the improvement, and to give notice of the hearing by not less than two (2) publications in a newspaper, such publications to be a week apart and at least three (3) days shall elapse between the last publication and the hearing; and such notice shall be given as to (a) the time and place of the hearing; (b) the general nature of the proposed improvements; (c) the estimated or probable cost of the proposed improvements; (d) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (e) the proposed method of assessment; and (f) the proposed apportionment of the cost between the improvement district and the city at large; and

**WHEREAS**, the governing body of the City of Bel Aire, Kansas (the “City”), hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of a certain improvement in the City pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:**

**Section 1. Public Hearing.** It is hereby authorized, ordered and directed that the governing body of the City, shall hold a public hearing on the advisability of the following described improvements (the “Improvements”):

That there be constructed pavement on 40TH STREET NORTH from the east line of Oliver Street to the west line of Harding Avenue; BATTIN AVENUE from the east line of Harding Avenue to the north line of Aurora Park Addition; HARDING AVENUE from the north line of 37th Street North to the north line of Aurora Park Addition; 39TH STREET NORTH/PARKWOOD AVENUE from the east line of Harding to the north line of 38th Street North; PARKWOOD AVENUE from the north line of 39th Street North to the north line of Aurora Park Addition; 40TH STREET NORTH from the east line of Parkwood Avenue to the west line of Edgemoor Drive. That said pavement on the above listed roads between aforesaid limits be constructed as a 7” asphalt mat pavement

for a width of twenty-six (26) feet from edge to edge with open ditches on both sides of the roads with plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas. Drainage to be installed where necessary.

Such public hearing will be held on November 1, 2022, at 7:00 P.M., at 7651 E. Central Park Avenue, Bel Aire, Kansas 67226, under the authority of the Act.

**Section 2. Notice of Hearing.** The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of a Notice of Public Hearing substantially in the form attached hereto as ***Exhibit A*** two (2) times in the official City newspaper, such publications to be one (1) week apart, and the last publication to be at least three (3) days prior to the date of the hearing.

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**ADOPTED** by the governing body of the City on October 18, 2022.

(SEAL)

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Mayor

ATTEST:

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City Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on October 18, 2022, as the same appears of record in my office.

DATED: October 18, 2022.

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City Clerk

**EXHIBIT A**

(Published in the *Ark Valley News* on October 20, 2022 and October 27, 2022)

**NOTICE OF PUBLIC HEARING**

TO: RESIDENTS OF THE CITY OF BEL AIRE, KANSAS:

You and each of you are hereby notified that the governing body of the City of Bel Aire, Kansas (the "City"), will meet for the purpose of holding a public hearing, as provided by K.S.A. 12-6a01 *et seq.*, at 7651 E. Central Park Avenue, Bel Aire, Kansas 67226 on November 1, 2022, at 7:00 p.m.. Said public hearing is for the purpose of considering the advisability of making certain hereinafter described improvements.

(a) The general nature of the proposed Improvements (the "Improvements") are:

That there be constructed pavement on 40TH STREET NORTH from the east line of Oliver Street to the west line of Harding Avenue; BATTIN AVENUE from the east line of Harding Avenue to the north line of Aurora Park Addition; HARDING AVENUE from the north line of 37th Street North to the north line of Aurora Park Addition; 39TH STREET NORTH/PARKWOOD AVENUE from the east line of Harding to the north line of 38th Street North; PARKWOOD AVENUE from the north line of 39<sup>th</sup> Street North to the north line of Aurora Park Addition; 40TH STREET NORTH from the east line of Parkwood Avenue to the west line of Edgemoor Drive. That said pavement on the above listed roads between aforesaid limits be constructed as a 7" asphalt mat pavement for a width of twenty-six (26) feet from edge to edge with open ditches on both sides of the roads with plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas. Drainage to be installed where necessary.

(b) The estimated or probable cost of the proposed Improvements is: \$2,950,000, and said estimated cost as above set forth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata of 1 percent per month from and after July 1, 2022.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

**Aurora Park Addition**

Lots 1 – 4, Block A

Lots 1 – 6, Block B

Lots 1 – 10 and Lot 20, Block C

Lot 1 and Lots 10 – 18 and Lots 20 - 21, Block E

Lots 1 – 9, Block F

Lots 1 – 26, Block G

Lots 1 – 5, Block H

**Parcel in Aurora Park Addition**

Lot 7, Block B Aurora Park Addition Except the South 20' Thereof

**Parcel in Aurora Park Addition**

South 180 feet of Lots 18 & 19, Block E

**Parcel in Aurora Park Addition**

That Part of Lots 18-19 Lying North of a Line Beginning at a point on Parkwood Lane 200 Feet Southwest of the Northwest Corner of Lot 18 and Running Due East to a point 180 Feet South of the NE Corner of Lot 19, Block E

**Bresaw Addition**

Lot 1, Block A

**Stilger Addition**

Lot 1, Block A

**Unplatted Tract**

East 1/2 of a tract beginning 720 feet South of the Northwest Corner of the SW 1/4 Sec 25 T26S R1E thence East 403 Feet thence South 180 feet thence West 403 feet thence north to the point of beginning.

**Unplatted Tract**

Beginning 960 feet South of the Northwest Corner of the SW 1/4, Sec 25, T26S, R1E thence East 221.5 feet; thence South 120 feet; thence West 221.5 feet; thence North to the Point of Beginning

all in the City of Bel Aire, Sedgwick County, Kansas.

(d) The method of assessment is: a fractional basis, with each of the above listed lots, parcels and tracts to pay 1/79 of the total cost of the Improvements.

In the event all or part of the platted lots or parcels in the proposed Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. In the event that unplatted property within the Improvement District is platted after adoption of a resolution authorizing the Improvements, the assessments against the newly platted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: The City of Bel Aire will pay \$480,000 of the cost of drainage improvements that are part of the larger Improvements, and the remaining Improvement costs are to be assessed against the Improvement District.

The public hearing may be adjourned from time to time and until the governing body shall have made findings by resolution as to the advisability of the Improvements, the general nature of the Improvements, the estimated cost of the Improvements, the boundaries of the Improvement District, the method of assessment, and the apportionment of the costs between the Improvement District and the City-at-large, all to be as finally determined by the governing body; *provided*, however, that the area of the Improvement District to be assessed for the costs of the Improvements as finally determined may be less than, but shall not exceed, the area proposed to be assessed as described above without giving notice of and holding a new hearing on the advisability of the proposed Improvements.

**ALL PERSONS DESIRING TO BE HEARD WITH REFERENCE TO THE PROPOSED IMPROVEMENTS SHALL BE HEARD AT THE PUBLIC HEARING.**

**DATED:** October 18, 2022.

/s/ Melissa Krehbiel, City Clerk