

ORDINANCE NO. 179

AN ORDINANCE ENACTED BY VIRTUE OF CERTAIN VARYING METHODS OF ASSESSMENT AND PAYMENT HAVING BEEN PREVIOUSLY USED AND MADE FOR SANITARY SEWER GRAVITY MAIN LINES, SANITARY SEWER FORCE MAIN LINES AND SANITARY SEWAGE PUMPING STATIONS AND HOUSINGS FOR SAID PUMPING STATIONS, NONE OF THE COSTS OF WHICH WAS IN ANY INSTANCE BORNE BY THE CITY AT LARGE, BUT RATHER WAS ASSESSED, TO CERTAIN BENEFIT DISTRICTS OR AREAS, AND PROVIDING AN EQUITABLE METHOD OF ASSESSMENT WHERE OTHER AREAS, WHETHER NOW ANNEXED TO THE CITY AND NOT PROVIDED WITH SANITARY SEWAGE FACILITIES OR WHETHER HEREAFTER ANNEXED TO SAID CITY, ARE COUPLED TO OR TIED INTO SAID EXISTING GRAVITY MAINS, FORCE MAINS OR PUMPING STATIONS, OR WHERE BY REASON OF THE SAID CONNECTING OR TYING OF A NEW AREA INTO PUMPING STATIONS SITE OR FORCE OR GRAVITY MAIN LINES PAID FOR BY ASSESSMENT TO AN EXISTING DISTRICT RESULTS IN A REPLACEMENT OR ENLARGEMENT OF SAID SYSTEM TO ACCOMMODATE INCREASED GROWTH WITHIN THE OLD DISTRICT AND/OR THE INCREASED SEWAGE USAGE OCCASIONED BY THE CONNECTION OF A NEW AREA TO SUCH MAINS OR PUMPING STATIONS IN AN OLD DISTRICT, WHICH METHOD OF APPORTIONMENT OF ASSESSMENTS RECOGNIZED THE REMAINING USEFUL LIFE OF THE OLD FACILITY EITHER KEPT IN EXISTENCE OR ENLARGED OR REPLACED, AND PROVIDING FOR CERTAIN DETERMINATIONS IN RELATION THERETO TO BE MADE BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS COMMENSURATE WITH SOUND ENGINEERING ADVISE AND COUNSEL.

PREAMBLE OF ORDINANCE

WHEREAS, Prior hereto the costs of all sanitary sewer force main lines, gravity main lines, and pumping stations now in existence in the corporate limits of the City of Andover, Kansas were paid for by one of the following methods:

- (a) by assessment to the land in a county sewer benefit district, which land was thereafter annexed to the corporate limits of the City of Andover, Kansas,
- (b) by the assessment to certain sewer benefit districts then in the corporate limits of the City of Andover, Kansas, or
- (c) by the payment of such costs by the owner or developer of land as a condition precedent to the annexation of such land to said City,

WITH ONE EXCEPTION, the same being a certain sewer main entering the City's existing sewage treatment plant, the center line of such main is described basically as follows, to-wit:

Commencing at a point 575 feet south of the northeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section Seven (7), Township Twenty-Seven (27), Range Three (3) East, thence in a generally East Southeasterly direction for a distance of approximately 1961 feet to the point of its entry into the existing sewage treatment plant of the City of Andover, Kansas, the same running north of and only approximately parallel to the north right-of-way of the St. Louis and San Francisco Railroad

and

WHEREAS, the sewage system, including mains and pumping stations within the entire corporate limits of said City, is now either overtaxed with raw sewage load or it is anticipated that the same will be so overtaxed within the relative

Not passed

short period of time and prior to the end of the remaining useful life of the respective force main lines, gravity main lines or pumping stations, and

WHEREAS, there are certain areas now within the corporate limits of said city to which sanitary sewage facilities are not extended and certain other areas lying adjacent to but outside of the corporate limits of said City which it is anticipated will be annexed to said City within the near future, and the different types of areas to be served with sewer in the near future will, in the interest of the overall economy of the sanitary sewage system of said City and in the interest of the efficient operation of said sanitary sewage system, it is necessary to tie such sewage systems to existing mains, either force mains or gravity mains, and pumping stations and in certain instances to replace, modify or enlarge the capacity or size of such mains or pumping stations, and

WHEREAS, The City of Andover, Kansas desires to develop and establish, by this Ordinance, an equitable method and formula for additional sanitary sewage construction, which formula will reflect the following:

(a) A credit to existing districts or areas served by sanitary sewer for the remaining useful life of such district's present mains and pumping stations if the same are replaced, modified or reconstructed, and

(b) To properly charge to any new area or district its proper share of the costs or assessments for any improvement made under paragraph (a) immediately hereinabove, and

(c) To provide a formula and method for the apportionment of assessments of costs allowing proper credit to the area or districts now served by sanitary sewer when a connection is made to a main, either force or gravity, or a pumping station, the costs of which was previously assessed to or paid by the said existing district or area,

NOW THEREFORE,

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

Section 1. That for the reasons and purposes set out in the caption and preamble of this Ordinance, both such caption and preamble being made a part of this Section of this Ordinance as fully as if set out herein, the Governing Body deems it necessary to establish, by ordinance, a formula or method of assessment and division and apportionment of assessments and costs for future

areas, whether or not in the City or hereafter annexed, served by sanitary sewer facilities.

Section 2. Definitions: That for the purpose of this Ordinance the following words and phrases shall have the following meanings:

(a) NEW AREA - shall be construed to mean any new area or sewer district created to be served by sanitary sewer system of Andover, Kansas where such area, whether now annexed to the City or hereafter annexed, is not served by sanitary sewer and has not been previously charged or assessed for sanitary sewer in said City.

(b) EXISTING AREA - shall mean an area now within or without the corporate limits of the City of Andover, Kansas where said area has been assessed or otherwise paid for sanitary sewer facilities and where there exists in said area a force main sewer line and/or gravity main sewer line and/or a sewage pumping station, which was charged as a cost in any manner to said existing area and unto which gravity main sewer line, force main sewer line, or sewage pumping station and housing, or any of them, a connection is made to accommodate the flow of sewage from a new area as defined hereinabove notwithstanding that such existing gravity main sewer line and/or force main sewer line and/or sewage pumping stations and housing may or may not be modified, expanded, or enlarged by reason of such connection with a new area.

(c) USEFUL LIFE - shall mean, as pertinent, either the original contemplated useful life of the existing gravity main sewer line, force main sewer line, or pumping station and housing or any of them, or the contemplated useful life of any new installation, replacement, modification, enlarging or supplementing an existing gravity main sewer line, force main sewer line or pumping station which such modification, enlargement, expansion or supplementation provides for the receipt of raw sewage from both new area or areas and existing area or areas.

(d) SEWAGE SERVICE LOT OR LOTS - shall mean any building site whether platted or unplatted and whether or not the same is actually occupied by a building which is presently serviced by the sanitary sewer system of the City of Andover, Kansas and an existing area as above defined, or where applicable shall mean a platted residential-type lot in any area not now served by the sanitary sewer system of said City whether now annexed or not now annexed. For the purpose of this Section where land is not platted into regular residential lots and is either unplatted normal residential-size lots or is platted or used for a purpose other than residential when such tract of land comprises of more than ~~30~~,000 square feet shall be construed to be two lots for each ~~30~~,000 square foot of lot area and an additional lot for each additional ~~15~~,000 square feet.

Section 3. When a sewer improvement is made in any of the manners contemplated in the preamble or caption of this Ordinance or in Section 1 hereof, then the apportionment or division of costs and assessments between the new area and an existing area shall be based upon the following formula:

The Governing Body upon sound engineering advice and counsel shall determine the original expected life of existing gravity sewer mains, force sewer mains, or pumping stations and buildings as the case may be and the original cost thereof in ratio to the time the said original installation in the existing area has been in place, thus by ratio determining the remaining cost value in place for the remaining useful life of said existing installation assessed against the existing area, which remaining basis together with the cost of the new installation of gravity sewer main, force sewer main, or pumping station and buildings shall be re-assessed and assessed against the aggregate number of sewage service lots in the new area and the existing area, provided, of course, the remaining unpaid principal amount of assessments levied against the lots in the old area shall aggregate a sum equal to or more than the remaining cost for the remaining useful life of the old installation and if the sum is not

equal to or exceeds such costs then only that portion thereof representing unpaid principal assessments shall be so re-assessed, and the existing area and the new area shall then be construed to be a joint sewer district insofar as gravity sewer mains, force sewer mains and pumping stations and housings therefore are concerned.

The above and foregoing Ordinance passed and adopted by the Governing Body of the City of Andover, Kansas, this ____ day of October, 1972.

Attest:

City Clerk

Mayor

(SEAL)