

DR 75-6 - 1976-1981 Sedgwick
County Capital Improvements
Program

ACTION

DATE

COMMITTEE

M.A.P.C.

B.C.C./B. CO. C.

HISTORIC COMPARISON OF ANNUAL TAX MILLAGE TO
REVENUE PRODUCED

<u>Yr.</u>	<u>Mill Levy</u>	<u>Revenue Produced</u>
		(1783)
1961	25.57	12,329,772
1962	25.97	12,637,289
1963	26.11	12,885,826
1964	23.38	14,462,880
1965	21.88	13,938,170
1966	22.63	14,781,672
1967	23.42	16,067,716
1968	23.45	16,489,543
1969	24.21	16,906,038
1970	24.15	17,578,991
1971	25.02	18,558,537
1972	26.75	20,364,349
1973	13.30	10,675,163
1974	15.01	12,791,328
1975	15.01	13,209,605
1976	15.01	13,641,559
1977	15.01	14,087,638
1978	15.01	14,548,303
1979	15.01	15,024,033
1980	15.01	15,515,319
1981	15.01	16,022,670
1982	15.01	16,546,611

Table ~~II~~ III
Amortized Bond Indebtedness
Currently Outstanding

<u>Year</u>	<u>G.O. Bond Requirements</u>	<u>Special Bond Requirements</u>	<u>Total Debt Requirements</u>
1962			
1963			
1964			
1965			
1966			
1967			
1968			
1969			
1970			
1971			
1972			
1973	896,397.30	263,505.62	1,199,434.77
1974	996,686.79	245,542.62	1,242,229.41
1975	1,453,312.10	240,801.33	1,694,113.43
1976	1,333,073.94	203,547.36	1,536,621.30
1977	1,001,573.46	181,026.39	1,182,599.85
1978	588,190.48	175,019.58	763,210.06
1979	517,495.00	168,958.77	686,480.77
1980	501,720.00	70,651.96	572,371.96
1981	481,910.00	29,338.13	511,248.13
1982	432,020.00	22,383.75	454,403.75
1983	413,360.00	21,642.50	435,002.50
1984	315,000.00	5,181.50	320,181.50

Table IV
 Future Bonding Capacity of Sedgwick County
 at Current ~~Mill~~ Bonding Mill Levy Rate

<u>Year</u>	<u>Revenue Produced by a constant 1.668 Mill Levy on Projected Assessed Valuation</u>	<u>Currently Outstanding G.O. Bonds/ Prime + Int. Requirements for Following Year</u>	<u>Excess Revenue</u>	<u>Bonding Capacity</u>
1975	1,467,733	1,453,312	14,421	93,038
1976	1,515,728	1,333,074	182,654	1,178,412
1977	1,565,293	1,001,578	563,720	3,636,903
1978	1,616,478	588,190	1,028,288	6,634,116
1979	1,669,337	517,495	1,151,842	7,431,238
1980	1,723,924	501,720	1,222,204	7,885,187

SA	75	1528230
1976	236,875	1375407
1977	213,188	1237867
1978	191,869	1114081
1979	172,682	1002673
1980	155,414	902406
1981	139,872	
<hr/>		
1977	58,938	380,250
1979	53,044	342225
1979	47,740	308,003
1980	42,966	277,203
1981	38,669	249483
<hr/>		
1978	78,524	506610
1979	70,672	455949
1980	63,605	410,355
1981	57,244	369,320
<hr/>		
1979	58,938	
1980	53,044	
1981	47,740	
<hr/>		
1980	58,938	
1981	53,044	
<hr/>		
1981	110,888	

.00 R

1517,067
 1286,018
 1138,377
 11092,488
 11019,200
 1115,042
 1.72
 1.41
 1.21
 1.12

mark

**BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS**

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

APRIL 14, 1976

AGENDA



- A. Invocation by the Christian Businessmen's Committee
- B. Roll Call
- C. Approval of Minutes of Regular Meeting - March 17, 1976
Regular Meeting - April 7, 1976
- D. Certification as to the Availability of Funds - County
Controller's Office
- E. Department of Public Works:
 1. Right of Way Matters:
 - a. Southwestern Bell requests permission to bury underground cable along the northeast quarter of Section 20, Township 25 South, Range 3 West in Sedgwick County. Cable will be plowed in bottom of ditch at a minimum depth of 24 inches for a distance of 4,325 feet. There will be no blacktop roadways cut and no cost to Sedgwick County.
 2. Resolutions Assigning Specific Roads to County and/or Township Road System:
 - a. Roads in Cain Orchard Addition located in Section 25, T-29-S, R-1-E Sedgwick County, Kansas, have been inspected by the Department of Public Works and Township Board of Salem Township and meet all road standards. Salem Township has funds available to maintain the roads and it is requested these roads in Cain Orchard Addition be assigned to Salem Township for maintenance and upkeep.
 - b. Roads in Cox's Sandy Gardens Addition located in Section 12, T-25-S, R-2-W, Sedgwick County, Kansas have been inspected by the Department of Public Works and Township Board of Eagle Township and meet all road standards. Eagle Township has funds available to maintain the roads and it is requested that these roads in Cox's Sandy Gardens Addition be assigned to Eagle Township for maintenance and upkeep.
 3. Resolutions:
 - a. Resolution to reclassify Road No. 817-S 1/4 W and X (South Meridian from 1/4 mile north of 63rd Street South to the north line of 71st Street South) to County Road. Road presently on River-side and Waco Township System.

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Agenda - April 14, 1976
Page 2

4. Opening of bids for construction of RCCB bridges:
- a. Project No. 598-7-2539 - 85th Street North between 311th Street West and 295th Street North;
 - b. Project No. 791-F-3150 - 231st Street West between 85th Street North and 77th Street North;
 - c. Project No. 797-AA-1430 - 183rd Street West between 87th Street South and 95th Street South;
 - d. Project No. 642-15-4250 - 95th Street South between 183rd Street West and 167th Street West;
 - e. Project No. 640-16-3108 - 87th Street South between 167th Street West and 151st Street West;
 - f. Project No. 801-Z-1716 - 151st Street West between 79th Street South and 87th Street South; and
 - g. Project No. 803-U-1530 - 135th Street West between 39th Street South and 47th Street South
- F. Project EXCL-II - Juvenile Court
- G. Hearing on Resolution Relating to Rabies Prevention and Dog Control in Minneha Improvement District - Jim Aiken
- H. Resolution for the Purpose of Acquisition of Park and Recreation Grounds and Issuance of Bonds for Payment of Same - Donald Bell
- I. Batch Proposal Relative to Update of Audit Procedures - Treasurer's Office
- J. Discussion of Rededication of Statues at Old County Courthouse
- K. Appointment of Attica Township Clerk
- L. Resolution Authorizing Improvement and Alteration of Purchasing Office
- M. Report of Board of Bids and Contracts
- N. County Counselor:
- 1. Order Setting Time and Place of Hearing on Park City Annexation

7th of 18
870,000
Mult
Coliseum



FOSTER & ASSOCIATES - PLANNING CONSULTANTS
2818 N. EDWARDS AVE. PHONE 316/838-7563
WICHITA, KANSAS 67204 C. BICKLEY FOSTER, A.L.P.



12/12/75

Bob -

Derry P.C. approved Plan last night unanimously. About 20 people at hearing. No particular issues, just questions. Council present and margin. Adoption date Feb. 19. at 2:30 P.M.

Enclosed is sample CIP material given them, but not deemed appropriate in the report. I verbally described the funding sources. - Bickley

CAPITAL IMPROVEMENT

PROGRAM NEEDS: 1975-1995

As determined by
Comprehensive Development Plan
City of Derby, Kansas

<u>Project Need</u>	<u>Comprehensive Plan References</u>	<u>Method of Financing</u>
<u>Parks</u>		
Neighborhood Park	P. 10-4; Fig. 10-A	Land privately dedicated; City General Fund, Federal Revenue Sharing, G.O. bonds, Federal Land and Water Conservation Act, C/D Block Grant Program
Community Park	P. 10-4	(Same as above)
<u>Buildings</u>		
Middle School	P. 10-7; Fig. 10-A	G. O. bonds (U.S.D.)
Elementary School	P. 10-7; Fig. 10-A	G.O. bonds (U.S.D.)
Library Expansion	P. 10-8	Private donations, City General Fund, G.O. bonds, Library Services and Con- struction Act -- Title III
Municipal Building Expansion	P. 10-9	City General Fund, G.O. bonds
Maintenance Shop Relocation	P. 10-9 & 10	City General Fund, G. O. bonds
<u>Water</u>		
Water System Improvements	P. 10-14	<u>Private:</u> Water Company <u>City:</u> General Funds, Special Assessments, Revenue Bonds, Federal C/D Block Grant (HUD), Public Works & Economic Development Act (EDA)
<u>Sewer</u>		
Sewage Treatment Plant and Trunk Lines	P. 10-15	City General Fund, Rev- enue bonds, Federal Water Quality Act (EPA), Public Works & Economic Development Act (EDA)
Sewer Mains and Laterals	P. 10-15	City General Funds, Revenue bonds, Special Assessments

(Continued)

Sewer (Continued)

Principal Arterials	P. 9-7, 8, 11, 12 Table 9-A Figures 9-B, 9-C	Developer installed, City General Fund, G.O. bonds, Special Assessments, Federal Revenue Sharing, Fed- eral C/D Block Grants (HUD), Public Works & Economic Development Act (EDA), Sedgwick County funds, State gas tax refunds, Federal Highway Act (DOT)
Minor Arterials	(Same as above)	(Same as above)
Collectors	(Same as above)	(Same as above)
Local	(Same as above)	Developer installed, City General Fund, G.O. bonds, Special Assessments

Prepared by:

Foster & Associates
December 1975

(Municipality)

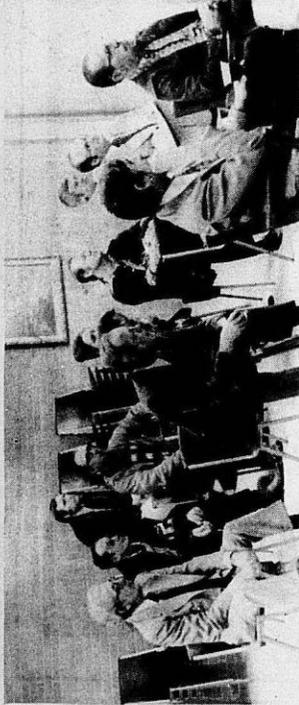
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CAPITAL IMPROVEMENT PROGRAM: 1975 to 1980

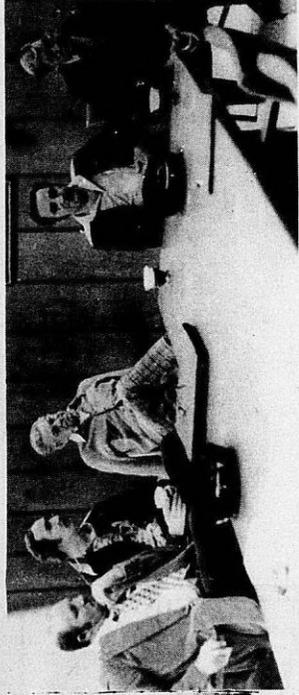
PROJECT NUMBER	PROJECT DESCRIPTION	1975	1976	1977	1978	1979	1980	PROJECT COST	METHOD OF FINANCING
A-1	<u>Streets</u>								
	Reconstruction of Elm Street; First to Fifth Streets			X				\$ 45,000 45,000	GO S
C-1	Construction of Cherry St.; Sixth to Eighth Streets				X			2,000 10,000	GO SA
B-1	<u>Bridges</u>								
	Elm Street Bridge at Bear Creek	X						75,000	GO
D-1	<u>Drainage</u>								
	Elm Street Drain No. 4; Third to Fifth Streets		X					8,000 17,000	GO SA
W-1	<u>Water</u> 12-inch Feeder Main in Elm Street; First to Fifth Sts.		X					15,000	R
S-1	<u>Sewer</u> Sewer Main Interceptor in Elm St.; First to Fifth Sts.		X					7,000 21,000	GO F
L-1	<u>Buildings</u>								
	New Library					X		110,000	RS
F-1	Addition to Fire Station						X	5,000	GO
P-1	<u>Parks</u>								
	Riverview Park Land Acquisition				X			11,000 11,000	C F
P-2	Swimming Pool					X		30,000 30,000	GO F
AP-1	<u>Airport</u> Resurface Main Airport Runway						X	40,000 120,000	GO F

ABBREVIATIONS USED FOR "METHOD OF FINANCING"

GO General Obligation Bonds
SA Special Assessment General Obligation Bonds
RS Federal Revenue Sharing Funds
R Revenue Bonds
C Cash
F Federal Funds
S State Funds

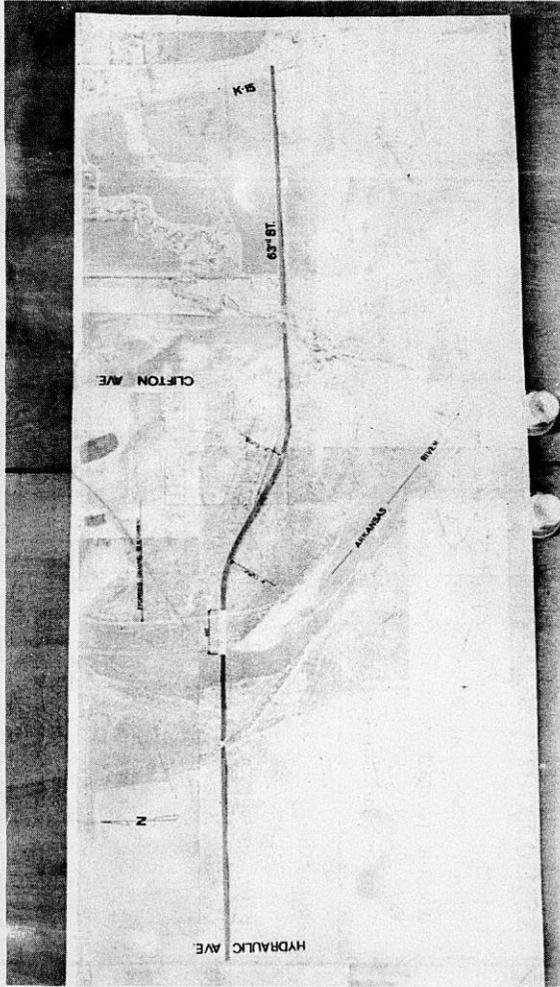


ATTENTIVE GROUP - Haysville officials and interested citizens were given a briefing on construction plans for a new \$900,000 Meridian Street bridge and a new 600 to 700 thousand



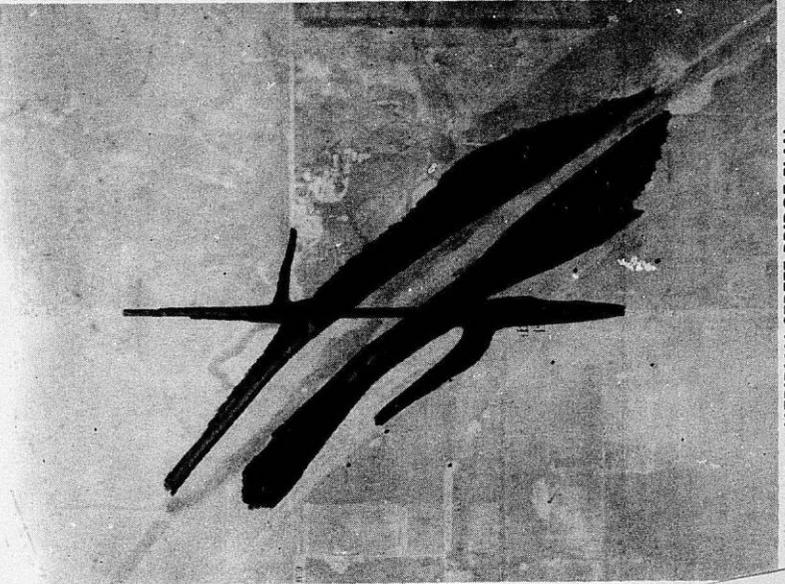
dollar bridge on 63rd Street South east to K-15. County Commissioner Tom Scott is shown at far right. (Staff Photo)

Top Kansan
 Topetka (AP) - Nyle Miller, soon to retire as secretary of the Kansas Historical Society, has been named "Kansan of the Year" by the Native Sons and Daughters of Kansas. The 68-year-old Miller has been secretary of the society longer than any other person in its history. He will retire at the end of the year. The award was presented last night at a dinner to kick off "Kansas Day." The event will climax tonight with the annual Kansas Day Dinner.



63RD STREET BRIDGE PLAN

Connecting Hydraulic and K-15 Highway over the Arkansas River.



MERIDIAN STREET BRIDGE PLAN

West of Haysville, south of 63rd Street South.

DeWitt Daily Reporter
Jan. 29, 1976
MELK
Planning Dept.
City of Haysville, Mo. So. Main
Wichita, Kansas 67202



\$900,000 Construction Plan Announced

Meridian Bridge Project Underway

By KRIS ACHTERMAN
Plans for the immediate construction of two bridges which will enhance the Haysville area were announced this morning by Sedgwick County Commissioner Tom Scott.

The overall project plans were outlined to a group of Haysville citizens by Scott and Grover McLure, public works director, at a special meeting this morning at the Haysville State Bank hospitality room.

Construction of the \$900,000 Meridian Street bridge, located over the Wichita, Valley Center Floodway, (big ditch),

south of 63rd Street South will be started immediately, according to Scott, second district commissioner.

Work on the other bridge, a \$600,000 to \$700,000 structure over the Arkansas River east of Hydraulic on 63rd Street South will be started later this year. This new bridge and the planned road construction will allow traffic flow from Haysville to K-15 Highway on the east.

Both bridges are scheduled for completion no later than mid 1977, the county officials said.

Presentation of the bridge projects climaxed

more than 20 years of effort by local leaders who have spent endless hours and attended dozens of meetings attempting to provide adequate roads to and from the Haysville community.

Dr. Harry Kouri Jr., past president of the Haysville Business and Professional Associates, opened the meeting by introducing those in attendance. He turned the attention to Commissioner Scott who gave a brief outline of the

overall construction plans. McLure than took the group through the construction plans step by step.

"Construction of the bridges will begin this year," according to Scott and McLure.

The Meridian Street bridge will be 800 feet in length and 48 feet wide to allow for four lanes.

A 30 to 60 day delay may be required to finalize the type of structure needed to accommodate the flood plain west and south of the big ditch, according to McLure. Grading is to begin immediately by the county, he said.

The 63rd Street bridge

will be 480 feet long and 48 feet wide to also accommodate four lanes.

Lyle Isbell, head of the BPA Transportation Committee, expressed gratitude to the county officials for their effort in assisting his group and the Haysville area. Isbell said he had worked on the project along with others on the committee nearly 20 years and was delighted to see such definite plans for 1976.

Mayor Bob Schock said he believed the bridge construction would increase the population and prosperity of

**MORE
PICTURES
PAGE 3**

Project

Haysville.
Unified School District 261 Superintendent Dr. James Shoemaker said the Meridian bridge would put Campus High School two miles closer to Haysville and would permit the school to be more a part of the city. He went on to say the bridge would aid the school district economically because buses could travel a shorter route to Campus. Over one million dollars in revenue sharing funds has been earmarked for expenditure on the two bridges this year, Scott said. He said the three county commissioners have met and agreed the construction project was a prime concern this year.

Carl Knop of Professional Engineering Consultants is the engineer for the Meridian Street bridge and Wilmer Freund and Stephen Ramsey of Delamater, Freund and Scherer Architects and Engineers, are the engineers for the 63rd Street bridge.

It runs horizontal on the picture.

Woodlawn Bridge Plans Presented

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Second District County Commissioner Tom Scott, Public Works Director Grover McLure and Don Yelton, assistant county engineer, presented plans for a new bridge on South Woodlawn at last night's council meeting.

The new bridge is a simple structure, McLure said. It is constructed on piers with four spans. The new bridge will be 160 foot long and four lanes wide. It will replace the narrow two-lane 86 foot bridge currently being

used. The new bridge will also have a pedestrian walk.

While under construction, the road will be closed about four months, McLure said. A lot of work along the banks will have to be done and as many trees as possible will be left along the banks, he added.

The total project will cost \$435,000. The county will pay \$280,000 for the structure and \$138,000 for the approaches. Derby's cost for the project will be \$17,000 for ap-

proaches.

McLure said the county officials will be back at the March 2 council meeting to secure the council's approval so the bids could be let in March.

The council approved salary and appropriation ordinances, accepted petitions for Derby Hills East improvements and approved an electrical license for Ziegler Electric.

Mayor Yocom read a letter he had prepared to read in Topeka Wednesday. He and several other councilmen will appear in protest of a county-wide consolidation plan for police and fire departments.

Derby Daily Reporter
2-18-76

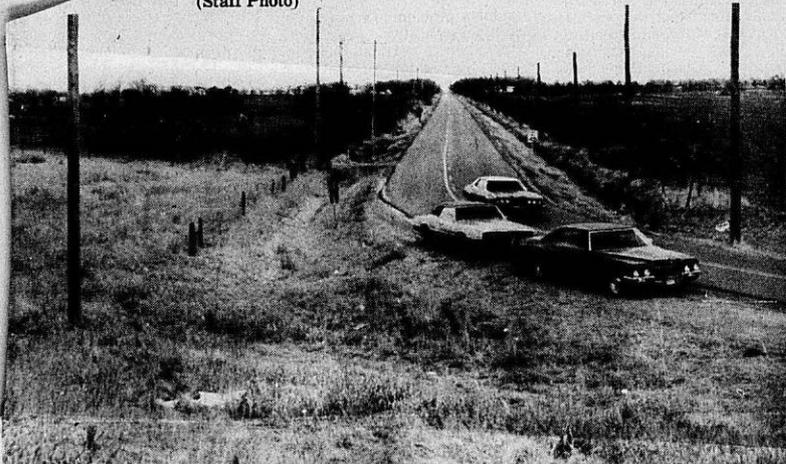
NOTIFICATION OF GRANT-IN-AID ACTION		Do Not Use This Space
1. STATE APPLICATION IDENTIFIER 0201-15.400		2. (Reserved for use by State central information reception agency)
3. GRANTOR: a. Federal agency Department of the Interior		
b. Organizational unit Bureau of Outdoor Recreation		
c. Administering office - (1) Name Mid-Continent Region		
(2) Address - P.O. Box 25387 Denver Federal Center		City Denver State Colorado Zip Code 80225
4. FEDERAL AGENCY GRANT IDENTIFIER: a. Code 20-00329		b. Title Kansas Coliseum Camper Park Development
c. Purpose Sedgwick County will develop a camper park consisting of site grading for two small lakes & whole park area; roads, camper pads, park building to include bathhouse & gatehouse, water system for whole park, sewer system & dump station, electrical for bathhouse, gatehouse, area lighting & hookups for camper pads & drainage system.		
5. GRANTEE: a. Name Sedgwick County		
b. Address - Street or P.O. Box Sedgwick County Courthouse - Room 320		City Wichita State Kansas Zip Code 67203
6. GRANTEE TYPE (Check only the single most applicable box)		
a. State <input type="checkbox"/>	b. Inter-state <input type="checkbox"/>	c. County <input checked="" type="checkbox"/>
d. City <input type="checkbox"/>	e. School district <input type="checkbox"/>	f. Special unit <input type="checkbox"/>
g. Community action <input type="checkbox"/>	h. Sponsored organization <input type="checkbox"/>	i. Other <input type="checkbox"/>
7. APPLICATION RECEIPT DATE		
Year 76	Month 01	Day 30
8. ACTION DATE		
Year 76	Month 02	Day 11
9. EFFECTIVE STARTING DATE		
Year 76	Month 02	Day 11
10. ENDING DATE		
Year 78	Month 01	Day 31
11. TYPE OF ACTION (Check as many boxes as apply to this action)		
a. New grant <input checked="" type="checkbox"/>	b. Continuation grant <input type="checkbox"/>	c. Supplemental grant (Identify agency in item 18) <input type="checkbox"/>
d. Change in existing grant	(1) Increase in duration <input type="checkbox"/>	(2) Decrease in duration <input type="checkbox"/>
(3) Cancellation <input type="checkbox"/>	(4) Increase(s) <input type="checkbox"/>	(5) Decrease(s) <input type="checkbox"/>
12. AMOUNT OF CONTRIBUTION		
a. Federal - (1) basic \$ 170,714.00	(2) Supplemental \$	b. State \$
c. Local \$ 170,714.00	d. Other \$	
13. CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM (if none, clarify in item 18)		b. Supplemental Program Number
a. Program Number 15.400	None	
14. AUTHORIZATION		
a. Federal Budget Accounts	10-16-5005-0-2-405	
b. Public Laws	P.L. Title Sec. 88-578, Sec. 5	PL Title Sec.
c. U.S. Code	16 USC 4601 - 4	
15. FACILITY LOCATION: (For facility grant actions only)		
a. City north of downtown Wichita; SE corner of I-35W and 85th St.	b. County Sedgwick	
16. REMARKS State Contact: Mr. Lynn Burris, Jr., Director Kansas Park and Resources Authority 801 Harrison Street Topeka, Kansas 66612 (913) 296-2281		SF-240 prepared by Maxine Monie (303) 234-2634
STANDARD FORM 240 June 1970 Bureau of the Budget Circular A-98 240-101		

Wichita-Sedg. County Metro.
Area Planning Department
City Building, 4th Floor, 455N. Main
Wichita, Kansas 67202



Meridian Street Bridge Site

County Commissioner Tom Scott is shown above (kneeling front right) with Wichita - Sedgwick County officials who made a field inspection Wednesday at the site of the new Meridian Street bridge over the big ditch. The photo was taken on top of the dike which will be moved south about 100 feet so the bridge and approach construction can get underway. Those involved in the inspection tour yesterday were Phil Dietrich, from the county engineer's office; M. S. Mitchell, Wichita - Sedgwick County Flood Control office; Brent Remsberg, county traffic engineer; Chuck Houseman, county right-of-way agent; Art Latham, bridge design engineer for Professional Engineer Consultants Inc., Ken Everett, project engineer for PEC; Don Yelton, Assistant Sedgwick County Engineer; Dave Dwyer, structural engineer for the county and Commissioner Tom Scott. - (Staff Photo)



North End Of Bridge

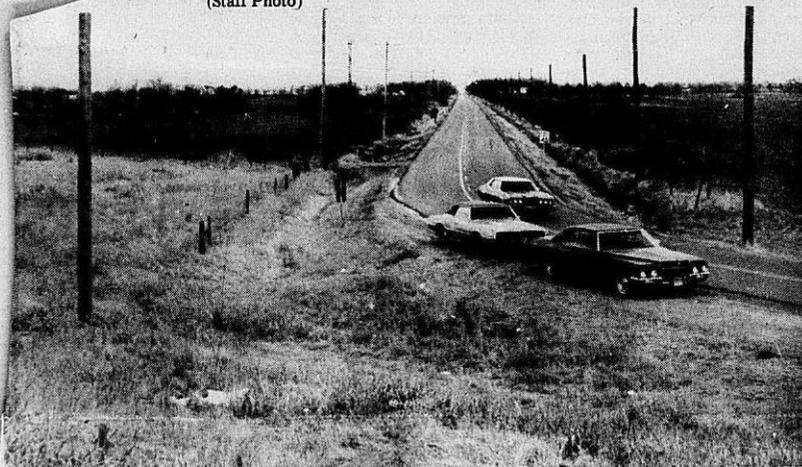
Looking due north from the top of the big ditch. The north end of the new 800 foot bridge and approach will join up with the existing Meridian street pictured above. - (Staff Photo)





Meridian Street Bridge Site

County Commissioner Tom Scott is shown above (kneeling front right) with Wichita - Sedgwick County officials who made a field inspection Wednesday at the site of the new Meridian Street bridge over the big ditch. The photo was taken on top of the dike which will be moved south about 100 feet so the bridge and approach construction can get underway. Those involved in the inspection tour yesterday were Phill Dietrich, from the county engineer's office; M. S. Mitchell, Wichita - Sedgwick County Flood Control office; Brent Remsberg, county traffic engineer; Chuck Houseman, county right-of-way agent; Art Latham, bridge design engineer for Professional Engineer Consultants Inc., Ken Everett, project engineer for PEC; Don Yelton, Assistant Sedgwick County Engineer; Dave Dwyer, structural engineer for the county and Commissioner Tom Scott. - (Staff Photo)



North End Of Bridge

Looking due north from the top of the big ditch. The north end of the new 800 foot bridge and approach will join up with the existing Meridian street pictured above. - (Staff Photo)



South End Of Bridge

Looking south from the top of the big ditch over the expanse of the drainage area which will be spanned by the new Meridian street structure. - (Staff Photo)

CIP PROJECT REQUEST FORM

Project Title: ANNUAL REAPPRAISAL PROGRAM		Project Category: REAL ESTATE ASSESSMENTS		Project Number:	
Location: SEDGWICK COUNTY, KANSAS		Project History: New <input checked="" type="checkbox"/> Revised <input type="checkbox"/>		Last Assigned Project Number:	
Description: Through data processing using multiple regression and other data programs, to develop a program to reappraise all real estate each year based on the "Fair Market Value" concept, which is according to law.			Need: (Attach separate sheet if necessary) To be fair to all property owners in changing times, real estate should be appraised and assessed each year.		
Priority (circle) 1 2 3 4 5 6 7 8 9 10 Desirable Critical		Relation to other projects Now an attempt is made to reappraise all real estate every three years by people reappraising each piece of property. This is unsatisfactory and should be done each year.			
Estimated Life Indefinite years.		Is the Project included in the Adopted Master Plan? <u>Yes</u> <input checked="" type="checkbox"/> <u>No</u> <input type="checkbox"/>			
		Costs (000's)	Year Scheduled	Annual Costs Resulting from Project: (000's)	
Surveys, Plans & Engineering		125,000	1976	Operation	Regular Budget
Land Acquisition & Relocation		--	--	Maintenance	
Utility Relocation		--	--	Personnel	Regular Budget
Construction		--	--	Other	
Equipment &/or Furniture		--	--	Anticipated Revenues	
Total		125,000	125,000		
Proposed Method of Financing: (000's)					
a. Current revenue - City		\$ --	g. Revolving fund (Service Charges)		\$ --
- County		\$ --	f. Federal aid		\$ --
b. Existing Bond fund		\$ --	g. State aid		\$ --
c. General obligation bonds		\$ --	h. Special assessment		\$ --
d. Revenue bonds		\$ --	Federal Revenue Sharing Funds		\$ --
			i. Other (specify)		\$ --
			TOTAL		\$ 125,000
Roadways & Streets:			Location Map		
Existing Surface:		ADT:			
<input type="checkbox"/> Concrete		Existing: (Year _____)			
<input type="checkbox"/> Asphalt w/Base		Projected: (Year _____)			
<input type="checkbox"/> Asphalt w/o Base		Sufficiency Rating:			
<input type="checkbox"/> Gravel					
<input type="checkbox"/> Sand					
<input type="checkbox"/> Unopened					
Condition:		R/W	Street		
<input type="checkbox"/> Good		Width	Width		
<input type="checkbox"/> Fair		Existing			
<input type="checkbox"/> Poor		Required			
<input type="checkbox"/> Hazardous					
Prepared by: LOUIS B. EARLE					
Title: COUNTY ASSESSOR		Department: SEDGWICK COUNTY			
Division: COUNTY ASSESSOR		Date: 12/31/75			

1-71

COUNTY OF SEDGWICK
COUNTY ASSESSOR
 LOUIS B. EARLE
 ROOM 227, COURTHOUSE
 WICHITA, KANSAS 67203

POSTAGE
 paid for
 by TAXPAYERS of
 SEDGWICK, COUNTY



Mr. Robert A. Lakin
 Director of Planninh
 Metropolitan Area Planning Department
 10th Floor - City Hall
 455 North Main
 Wichita, Kansas 67202

Handwritten signature/initials

mark

December 20, 1975

Gentlemen:

With reference to your letter of December 11th, 1975 requesting my assistance and cooperation in a project concerning improvements for the County Area, I would like to submit the following suggestions for the betterment of this area and for the interests of the public on the Lake Afton area:

1. The establishment of a fireplace in the large shelter house.
2. Upgrade the rest rooms.
3. Build a Marina with a bait shop and boat slips. (Boat slips are already under the cabins but said cabins are so deteriorated that they have been condemned.)
4. A rest room is needed in the camping area on the north side of McArthur Street.
5. Black top the dirt roads as we have washout problems.

I am sure that these improvements and additions will add much to the improvement of the Lake Afton facilities and inasmuch as they are of a physical and permanent nature your consideration will be much appreciated.

Very truly yours,

Clifford A. Roddy
Clifford A. Roddy

CAR/mar



Mr. Clifford Roddy, Superintendent
Lake Afton, RFD #1
Goddard, Kansas 67052



METROPOLITAN AREA PLANNING
COMMISSION

City Building Annex
104 S. Main Street
Wichita, Kansas 67202

CIP PROJECT REQUEST FORM

Project Title: <i>Juvenile Court Center</i>		Project Category:		Project Number:	
Location: <i>1900 E Morris</i>		Project History: New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>		Last Assigned Project Number: <i>?</i>	
Description: <i>New bldg to house the Sedg. Co. Juvenile Court</i>			Need: (Attach separate sheet if necessary) <i>Additional Space</i>		
Priority (circle) 1 2 3 4 5 6 7 8 9 10 Desirable Critical		Relation to other projects <i>Next to Juvenile Court Detention Center</i>			
Estimated Life <i>40</i> years.					
Is the Project included in the Adopted Master Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
		Costs (000's)	Year Scheduled	Annual Costs Resulting from Project: (000's)	
Surveys, Plans & Engineering				Operation <i>No Additional</i>	
Land Acquisition & Relocation				Maintenance <i>10,000</i>	
Utility Relocation				Personnel <i>No Additional</i>	
Construction				Other	
Equipment &/or Furniture					
Total				Anticipated Revenues <i>\$30,000.00</i>	
Proposed Method of Financing: (000's)					
a. Current revenue - City		\$		e. Revolving fund (Service charges)	
- County		\$		f. Federal aid <i>\$500,000.00</i>	
b. Existing Bond fund		\$		g. State aid	
c. General obligation bonds		\$		h. Special assessment	
d. Revenue bonds		\$		i. Other (specify)	
				TOTAL	
Roadways & Streets:			Location Map		
Existing Surface:		ADT:			
<input type="checkbox"/> Concrete		Existing: (Year _____)			
<input type="checkbox"/> Asphalt w/Base		Projected: (Year _____)			
<input type="checkbox"/> Asphalt w/o Base		Sufficiency Rating:			
<input type="checkbox"/> Gravel					
<input type="checkbox"/> Sand					
<input type="checkbox"/> Unopened					
Condition:		R/W	Street		
<input type="checkbox"/> Good		Width	Width		
<input type="checkbox"/> Fair		Existing			
<input type="checkbox"/> Poor		Required			
<input type="checkbox"/> Hazardous					
Prepared by: <i>Judge Michael Corrigan</i>					
Title: <i>Juvenile Judge</i>		Department: <i>Juvenile Court</i>			
Division:		Date: <i>12-15-75</i>			

1-71

COUNTY OF SEDGWICK
JUVENILE COURT
MICHAEL CORRIGAN, JUDGE
11TH FLOOR COURTHOUSE
WICHITA, KANSAS 67203

POSTAGE
paid for
by TAXPAYERS of
SEDGWICK, COUNTY



Mr. Robert Lakin
Director of Planning
Metropolitan Area Planning Dept.
455 N. Main
Wichita, Kansas

SEDGWICK COUNTY PARK

Phase I
1973

Site work-grading, ground shaping bank stablization, etc. (all but final grading)	35,000
Channel Dredging	20,000
	Total - 55,000
	Federal/State aid - (27,500)

Phase II
1974

12,500 lin. ft. Rdwy w/parking bays	187,500
10 picnic areas (Shelter, tables, fireplaces, walks, etc.)	25,000
Landscaping	5,000
	Total - 217,500
	Federal/State aid - (108,750)

Phase III
1975

Sitework-grading, ground shaping, bank stablization, etc. (all but final grading)	35,000
Restroom Facilities	24,000
2 multi-purpose courts	9,000
1 lighted softball diamond	40,000
Trail system	5,000
3 tennis courts	22,500
Camper area (parking sites & electrical service)	10,000
Landscaping	5,000
Playground equipment	5,000
	Total - 155,500
	Federal/State aid - (72,750)

Phase IV
1976

6,250 lin. ft. Rdwy w/parking bays	93,750
Trail system	2,500
5 picnic areas	12,500
1 softball diamond (lighted)	40,000
1 multi-purpose court	4,500
2 tennis courts	15,000
Landscaping	5,000
	Total - 170,250
	Federal/State aid - (86,625)

Phase V
1977

6,250 lin. ft. Rdwy w/parking bays	93,750
Trail system	2,500
1 Baseball diamond (lighted)	60,000
Landscaping	5,000
Playground equipment	5,000
	Total - 166,250
	Federal/State aid - (83,125)

Phase VI
1978 .

1 Softball diamond	40,000
1 Baseball diamond (lighted)	60,000
5 picnic areas (shelter tables, fireplaces)	12,500
1 multi-purpose court	4,500
1 tennis court	7,500
Landscaping	5,000
Rest room facilities	14,000
Playground equipment	5,000
	<u>Total - 148,500</u>
	Federal/State aid - (74,250)

Grand Total - 913,000
Federal/State aid - 453,000

\$400,000 Plus To Be Spent

3-3-76

Derby Daily Reporter

Capital Improvement Area Approved

By VICKIE KING

Money, how to get it, where to get it and what to spend it for highlighted the Derby City Council meeting last night.

The largest amount was the money which will be spent for capital improvements within the city. This amount is expected to run around \$400,000, according to Bob Castle, city engineer.

The city council has been going over the long list of items needed for

several weeks. The list of needed improvements was prepared by the city engineer.

As they went down the list the council considered each item and the area it affected.

The items selected for this year's expenditure included approximately \$25,000 for Woodlawn Street south to Meadowlark; \$22,000 for Community Drive storm sewers; \$67,000 for streets in the Babcock II Addition in the north half; \$290,000 for streets in the Brookwood Addition and \$53,000 for an interceptor sewer.

The council instructed Castle to secure further information on the listed items and the council then would see how far the money would reach.

No word had been received from the Sedgwick County Commission as to the status of the Woodlawn Bridge project. The council voted to approve the project when the details are worked out. The total project will cost the city \$17,000.

Jim Meldinger, a member of the park board, appeared before

the council to present five bids for a fence in Riley Park. It was estimated the labor to have the fence installed by a fence company would cost about \$1,600 to \$1,800. The city has agreed to install the fence and save the installation charge.

The city accepted the bid of \$4,234.81 from The Trading Post. Other bids included Air Capital Fence Co., \$4,406.94; Wichita Fence Co., \$4,358.09; American Fence Co., \$3,309.84 but was short some of the specified items and Stanley Hardware, \$5,004.25.

Concillman Ronald Purcell asked "where will the money come from?"

Dick Hopper, chairman of the park board, said we came to you in December when we had the money in the park board fund and we were told if the money was not spent it would go into the general fund and would not be lost.

Councilman Donald Storck said they came to us before the deadline and we put them off.

Meldinger said the

Derby Jaycees built and have maintained the park and I think it is time the city did something.

Storck made a motion the funds be taken from revenue sharing money to purchase the fence from The Trading Post for \$4,244.81. The motion carried.

Chet Smith, Derby Fire Chief, gave a report on the Derby Volunteer Fire Department. He told about the new Jaws of Life the department has received and a rescue truck they have secured. Bids for the painting of a truck, lime yellow, were submitted and approved. The winning bid of \$275 was that of Gomez Paint Co., Wichita.

Derby Chief of Police Art Stone appeared before the council with a variety of requests which included making an application for communication equipment for \$26,836.50. He explained the various places where the money would come from if the application was approved. The city's share would be \$1,341.83. The

See Page 7: Improvement

Stated

E KING

school is about over. The out of school the afternoon lunches will be served during that week.

30 each day and the kindergarten week off, with no

the teachers parents of all as the and

Priorities

current report for board

underpasses - railroad crossings

Restoration of Neighborhoods

Downtown (Core) Revitalization

More money for drainage solutions

eg. Northwest area

replacement of
curb & sidewalk
extensions

Traffic circulation

arterials

bridges

expressways

drainage

traffic signals

Civic
History Museum
Restoration

Goals

geographic

project categories

intangible - safety - economic

neighborhood improvement

land banking

intersections E-W / street

how much is pay as you go (current / financing)?

GOALS

Land Use

OBJECTIVES

Transportation

Community Facilities

Public Utilities

POLICIES

Social, Economic & Governmental

Environmental

econ. development
congestion
social
educational problems
poverty

CIP - Administrative Committee

streets high volume, high accident rates, high maintenance

intersections Develop Goals for CIP
Notes thoughts & directions in relation to City's
CIP Geographic distrib of projects?
per capita?

Programs
drainage
art. streets
sanitation
high school
parking
sanitary sewer treatment

General Framework
Statutory expenditure of mill levy?
General Statutory Considerations
increase drainage or sewer
in city or out of City fringe
Special effort for CI to address poor & disadvantaged
Policy relative to geographic distribution
Goal - Maximize federal money? costs more because of this?

Investments in downtown
drainage
Urban Loop & other expressway projects

Goals & objectives for CIP

* January 22 - A-95 Review of CD projects
specific problem re drainage, streets
Goal complete arterial in north & 1 in south

Change cost ratios :

Total Revenues
Budget
Money
ATF

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

December 11, 1975

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WICHITA--SEDGWICK COUNTY

December 11, 1975
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Sincerely,



Robert A. Lakin
Director of Planning

RAL:MM:rne
Encl.

WICHITA - SEDGWICK COUNTY



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WICHITA - SEDGWICK COUNTY



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(316) 268-4681

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WICHITA - SEDGWICK COUNTY



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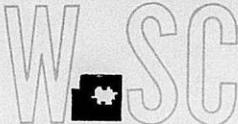
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PROJECTED ASSESSED VALUATION

Year	Total Assessed Valuation			% change from previous year
1961	^{Jan 1, 61} 482	159	099	.89
1962	^{Jan 1, 62} 486	461	229	+1.43
1963	493	426	241	+25.32
1964	618	388	960	+3.01
1965	637	027	921	+2.50
1966	652	958	410	+5.07
1967	686	068	181	+2.45
1968	702	939	011	-0.65
1969	698	308	095	+4.20
1970	727	697	639	+1.89
1971	741	481	372	+2.63
1972	761	056	480	+5.41
1973	802	281	940	+6.18
1974	830	262	563	16.71
1974	852	073	583	+3.27%
1975	879	936	389	+27,862,806
1976	908	710	308	+28,773,919
1977	938	425	135	+29,714,827
1978	969	111	636	30,686,501
1979	1,000	801	586	31,689,950
1980	1,033	529	797	32,726,211
1981	1,067	324	155	33,796,358
1982	1,102	225	654	34,901,499
				36,042,778

3.27
average
for
10
years

✓ 1,000,000

923, 945, 1738 Projected Assessed Valuation

~~KOC 178~~ 14.015 County Mill Levy

10
4000

Nov 27

East of Hoover ^{Primary Rec}
Haysville, MAPD

East of Broadway ^{Primary Rec}
Haysville, MAPD

East of Oliver ^{Primary Rec}
Haysville, Derby, MAPD

East of Rock Rd ^{Primary Rec}
Derby, MAPD

Haysville - Nov 13th 8 AM
Derby Nov 13th 17 PM

TABLE IV
~~Future~~ Bonding Capability of Sedgwick County

# Year	Revenue Produced by a constant 15.01 Mill Levy on Projected Assessed Valuation	Currently Outstanding GO Bond/ Princ + Int Requirements For Following Year	22.1 ÷ 0.005571 22.1 ÷ 0.005502 22.1 ÷ 0.005585 22.1 Excess Revenue	Bonding Capability
1975	13,209,605			
1976	13,641,559			
1977	14,087,638			
1978	14,548,303			
1979	15,024,033			
1980	15,515,359			

.001 = 1 mill
0.00 / 668

1.668 bond levy

Questions

- ① Total amount available through mill levy is not actually collected? Why isn't delinquency rate projected?
- ② The bond + interest fund mill levy actually raises more cash than is actually needed? Why?
- ③ Why is delinquent tax rate 4% when delinquency is running at less than 3%?

$$x + .55x = 14421$$

Future Business Company

$$1.55x = 14421$$

$$x = 9299.35$$

0.55x

$$1826540 \div 1.55$$

$$5637200 \div 1.55$$

$$10282880 \div 1.55$$

$$1518420 \div 1.55$$

$$2220402 \div 1.55$$

Revenue

10-21

no year

for

year

202,905.81	25PI
1922,140.81	27PI
880,580.41	77PI
808,842.41	85PI
880,450.21	87PI
198,212.21	88PI

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Mailing List for ~~Printed copies of~~
County Capital Improvements Program

1. Mr. Cliff Roddy, Supt.
Lake Afton
RFD #1
Goddard, Kansas 67052
2. Mr. Louis B. Earle
Sedgwick County Assessor
Sedgwick County Courthouse
Wichita, Kansas 67203
3. Mr. Jerry Bolen
Building Engineer
Sedgwick County Courthouse
Wichita, Kansas 67203
4. Mr. Gene Beaver, Director
Civil Defense
2415 Glen Oaks Drive
Wichita, Kansas 67218
5. Judge Tyler C. Lockett
Court of Common Pleas
Sedgwick County Courthouse
Wichita, Kansas 67203
6. Dr. Mervyn Silverman, Director
Wichita-Sedgwick County
Department of Community Health
1900 East 9th Street
Wichita, Kansas 67214
7. Judge Howard C. Kline
District Court
Sedgwick County Courthouse
Wichita, Kansas 67203
8. Mrs. Helen Woodman
Election Commissioner
Sedgwick County Courthouse
Wichita, Kansas 67203
9. Mr. Grover McLure, Director
Department of Public Works
1015 Stillwell
Wichita, Kansas 67213
10. Chief ~~Ray Davis~~ **GARY NICHOLS**
Sedgwick County Fire Dept.
Sedgwick County Courthouse
Wichita, Kansas 67203
11. M. S. Mitchell
Maintenance-Flood Control
12. Judge Michael Corrigan
Juvenile Court
Sedgwick County Courthouse
Wichita, Kansas 67203
13. Mr. Don M. Kordis
Sedgwick County Hospital
1001 North Minneapolis
Wichita, Kansas 67214
14. Mr. Clinton Willsie
Mental Health Clinic
1045 North Minneapolis
Wichita, Kansas 67214
15. Sheriff Johnny Darr
Sedgwick County Courthouse
Wichita, Kansas 67203
16. Mr. Paul Evans
Regional Criminal Justice
Planning Office
3369 East 49th Street South
Wichita, Kansas 67216
17. Mr. Syd Werbin
County Building, Planning
& Inspection
1015 Stillwell
Wichita, Kansas 67213
18. Mr. R. L. Blakely, Director
Sedgwick County Zoo
5555 Zoo Boulevard
Wichita, Kansas 67212
19. Mr. Gene Fey
Sanitation Division

*Keith Sauborn, District
Attorney
18th Judicial District
525 North Main*

~~County Capital~~
J. A. [Signature]

~~County and Mailing List (cont'd)~~

20. Mr. Walter Kenney
Elmer Fox and Company
Vickers-KSB&T Building
Wichita, Kansas 67202
21. Mr. Gary Leonard
Auditors Office
Sedgwick County Courthouse
Wichita, Kansas 67203
22. Mr. Jack Turner
County Counselor
Sedgwick County Courthouse
Wichita, Kansas 67203
23. Mr. Lorenzo Lefdahl
County Treasurer's Office
Sedgwick County Courthouse
Wichita, Kansas 67203
24. Mr. ~~Bo~~ O. B. McCracken
County Treasurer
Sedgwick County Courthouse
Wichita, Kansas 67203
25. Mr. George Pierce
County Clerk
Sedgwick County Courthouse
Wichita, Kansas 67203
26. Mr. John Philbrick
County Auditor
Sedgwick County Courthouse
Wichita, Kansas 67203
27. Mr. Paul Pickler
Purchasing Department
Sedgwick County Courthouse
Wichita, Kansas 67203
28. Mary Ann Mamoth
Personnel Director
Sedgwick County Courthouse
Wichita, Kansas 67203
29. Mr. James D. Rush
County Construction and Park Director
320 Sedgwick County Courthouse
Wichita, Kansas 67203
30. Mr. Sam Fulco ~~3 copies~~
County Coliseum Director
320 Sedgwick County Courthouse
Wichita, Kansas 67203
31. Mr. Gene Schulte
County Comptroller
Sedgwick County Courthouse
Wichita, Kansas 67203
32. Mr. Steve Asbury, Director
County Ambulance Service
Room 122
1001 N. Minneapolis
Wichita, Kansas 67214

Substituted

MR. KENNETH DICKWORTH
SEDGWICK Co. DIRECTOR OF
COMMUNICATIONS
SEDGWICK COUNTY COURTHOUSE.

Barry

County Counselor
MR JACK TURNER

Suggested policy statements:

- 1) ~~1)~~ No limitation on CIP as a % of County Budget
- 2)
 - 1) Amount of funds that can be expended annually for capital improvements. Need for
 - 2) Annual amounts that can be financed through General funds, or through borrowing.
 - 3) The terms and conditions under which self-liquidating capital improvements shall be undertaken.
 - 4) The terms and conditions under which the County should accept outside assistance for the financing of capital improvements
 - 5) The types and maturities of bonds to be issued by the City for the financing of capital improvements.
 - 6) The feasibility of earmarking year-end surpluses of money for capital improvements.

Gary Leonard - Acting County Auditor
268-7591

CR-15 Refer to CR-6

CR-16 $300,000 \stackrel{.70}{=} 360,000$ X .30 108,000 Co
X .70 252,000 FAS

CR-17 Refer to CR-6

18

19

CR-20 $480,000 \stackrel{.70}{=} 576,000$ X .30 = 172,800
.70 = 403,200

CR-21 360,000
Refer to CR-8

CR-22 Refer to CR-20

CR-23 Refer to CR-6

CR-24
CR-25 504,000 X .30 151,200 Co
352,800 FAS

CR-26 Refer to CR-8

CR-27 720,000 X .30 216,000 Co
504,000 FAS

1016

CIP parallel to
City Preparation

take all projects which get turned in
rate as per report

1) List of project

2) MDC

redo measurement device

project

neighborhood

community

general set
of criteria

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system

Relate to com
goals

such as

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spread

general growth

Capital Improvements Program

1. If CIP is to be more than an academic exercise the following changes must be made:

- a) The CIP should be adopted by the BCC and the first year of the CIP be adopted as the Capital Budget of the County
- b) All capital items (including the County Road Program), should be included; this would require direction from the Commissioners to the department heads.
- c) A better financial analysis needs to be accomplished with help from the County Comptroller's Office.
- d) Must be a list of fiscal policy directions coming from the County.

2. Six year program ?

Fiscal analysis: Comparison of revenues and expenditures + bonding capacity could provide basis for Commissioner policy decisions

Chapter 10.—BONDS AND WARRANTS

Cross Reference to Related Sections:

Railroad aid bonds, see ch. 66, art. 10.

Articles

- 10-1. GENERAL BOND LAW. 10-101 to 10-133.
- 10-2. BRIDGE AND POOR BONDS. 10-201 to 10-205.
- 10-3. LIMITATION OF BONDED INDEBTEDNESS. 10-301 to 10-305.
- 10-4. FUNDING BONDS. 10-401 to 10-433.
- 10-5. FISCAL AGENCY. 10-501 to 10-509.
- 10-6. REGISTRATION BY STATE TREASURER. 10-601 to 10-605.
- 10-7. DESTROYED OR LOST BONDS AND WARRANTS. 10-701 to 10-705.
- 10-8. WARRANTS. 10-801 to 10-816.
- 10-9. STATE SINKING FUND. 10-901 to 10-907.
- 10-10. MISCELLANEOUS PROVISIONS. 10-1001 to 10-1008.
- 10-11. CASH-BASIS LAW. 10-1101 to 10-1121.
- 10-12. REVENUE BONDS. 10-1201 to 10-1213.

Article 1.—GENERAL BOND LAW

Cross References to Related Sections:

Application to commission government, see 13-2904.
School buildings, modification of limitations, see 75-2315 to 75-2318.
Offering municipal bonds to school fund commissioners, see 75-2305, 75-2312.

10-101. "Municipality" defined. "Municipality," as used in this chapter and all acts amendatory thereto, unless otherwise expressed in such amendment, shall mean and include every corporation and quasi corporation empowered to issue bonds in payment of which taxes may be levied. [R. S. 1923, § 10-101; Dec. 27.]

Revision note, 1923: General bond section to provide uniform procedure.

Revisor's Note:

Source or prior law references are omitted under the sections of the general bond law of 1923 (the same being all the sections in this article except 10-103a, 10-118a, 10-118b, 10-126, 10-127 to 10-131) as the source of each particular section of the 1923 bond law is not definitely ascertainable.

Research and Practice Aids:

Bonds—1.
C. J. S. Bonds §§ 1 et seq., 27.

Bar Journal References:

Revision of statutes, Franklin Corrick, 6 J. B. A. K. 284 (1938).

CASE ANNOTATIONS

1. Disorganized school-district territory not liable for debts of district to which attached. *Hunziker v. School District*, 153 K. 102, 106, 109 P. 2d 115.
2. Cited in holding county hospital bonds subject to limitations of 10-301. *State, ex rel., v. Robb*, 183 K. 502, 505, 183 P. 2d 223.

3. Ordinance, notice of election and bond election held. *Kansas Utilities, Inc., v. City of Paola*, 163 K. 566, 567, 196 P. 2d 199.

4. City of Horton within definition. *City of Horton v. Robb*, 173 K. 398, 400, 246 P. 2d 101.

10-102. "Municipal bonds" defined. "Municipal bonds," as used in this chapter and all acts amendatory thereto, unless otherwise expressed in such amendment, shall include all bonds issued by any municipality except railroad aid bonds. [R. S. 1923, § 10-102; Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Cross References to Related Sections:

Supplemental act, cities over 115,000, 1238 to 13-1245.

Research and Practice Aids:

Municipal Corporations—2907.
C. J. S. Municipal Corporations §§ 1902 et seq.

CASE ANNOTATIONS

1. Ordinance, notice of election and bond election held. *Kansas Utilities, Inc., v. City of Paola*, 163 K. 566, 567, 196 P. 2d 199.

10-103. Terms and denomination of municipal bonds. That all municipal bonds including bonds payable from assessments against the property benefited, shall be made to mature in not more than twenty (20) installments of approximately equal amounts each year, and the first such installment shall mature not more than two (2) years after the date of issuance and the last such installment

conclusion of such hearing the board is satisfied from the evidence that the rate of interest paid by said bank on its deposits will result in an impairment of its capital stock, the board may prescribe the maximum rate of interest to be paid by said bank upon its deposits. A

copy of the order so made shall be mailed to the bank and such bank shall conform with said order: *Provided*, That any order so made shall not impair the validity of existing contracts. [K. S. A. 9-1806; L. 1965, ch. 80, § 1; June 30.]

Chapter 10.—BONDS AND WARRANTS

Article 1.—GENERAL BOND LAW

10-103. Terms and denominations of municipal bonds. That all municipal bonds including bonds payable from assessments against the property benefited, shall be issued to mature in not more than twenty (20) installments of approximately equal amounts each year: *Provided*, That upon approval of the office of the attorney general the earlier installments may be reduced and the later installments increased so that the total amount required to pay principal and interest during the period covered by the maturity of such bonds shall be approximately the same or more nearly the same amount each year considering only the bonds then being issued or also considering all overlapping debt on the territory responsible for payment of the bonds. The first such installment shall mature not more than two (2) years after the date of issuance and the last such installment shall mature not more than twenty-one (21) years after the date of issuance, which bonds shall bear interest at a rate not to exceed the maximum rate of interest prescribed by section 104 [10-1009] of this act payable semi-annually or at such times as may be fixed by the municipalities. Each bond shall specify the date of its separate maturity, and shall be in such denomination as the authority issuing the same shall direct. [K. S. A. 10-103; L. 1967, ch. 75, § 1; L. 1968, ch. 135, § 1; L. 1970, ch. 64, § 2; March 21.]

Law Review and Bar Journal References:

Discussed in "Statutory Changes of Interest to Lawyers," Robert F. Bennett, 36 J. B. A. K. 169, 170 (1967).

Increased bond interest rates under 1968 amendments discussed, Robert F. Bennett, 37 J. B. A. K. 159, 162 (1968).

CASE ANNOTATIONS

2. After effective date of 10-1009, interest rate prescribed therein applicable to subsequent bond issues, regardless of when election proceedings therefor held. *Baker v. Unified School District*, 206 K. 531, 585, 480 P. 2d 400.

10-123 a. → **10-104.** Limitations on improvement bonds; partial issuance, when. No bonds shall

be issued in payment for any public improvement in excess of the actual cost and expense of such improvement, but the installment coupons shall include the interest on such installment to the maturity thereof. Nothing herein shall prevent the partial issuance of bonds to the extent of the then determined actual costs and expenses of a public improvement and thereafter issuing bonds for the balance of the actual costs and expenses, but the total of such issues shall not exceed the total amount authorized. [K. S. A. 10-104; L. 1968, ch. 409, § 1; July 1.]

Law Review and Bar Journal References:

Cited in discussion of 1968 amendment authorizing partial bond issuance, Robert F. Bennett, 37 J. B. A. K. 159, 162 (1968).

CASE ANNOTATIONS

2. Cited in holding notice of school bond election sufficient. *West v. Unified School District*, 204 K. 29, 35, 460 P. 2d 103.

10-105. Signing and execution of bonds by municipal officers and boards of education; interest coupons. Such bonds issued by any county shall be signed by the chairman of the board of county commissioners and attested by the county clerk, under the seal of the county. Bonds issued by any city shall be signed by the mayor and attested by the city clerk, under the seal of the city. Bonds issued by any township shall be signed by the trustee, attested by the township clerk, and countersigned by the township treasurer. Bonds issued by the board of education of any city shall be signed by the president and attested by the clerk of the board under the seal of such board. Bonds issued by any unified district shall be signed by the president of the board of education, attested by the clerk and countersigned by the treasurer of the board. Bonds issued by any other school district shall be signed by the director, attested by the clerk and countersigned by the treasurer of the school board. Bonds issued by any drainage district shall be signed by the chairman of the board of directors or supervisors and attested

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shall mature not more than twenty-one (21) years after the date of issuance, which bonds shall bear interest at a rate not to exceed five percentum (5%) per annum, payable semi-annually or at such times as may be fixed by the municipalities. Each bond shall specify the date of its separate maturity, and shall be in such denomination as the authority issuing the same shall direct. [R. S. 1923, § 10-103; L. 1925, ch. 62, § 1; L. 1947, ch. 103, § 1; L. 1955, ch. 69, § 1; June 30.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Research and Practice Aids:

Municipal Corporations § 923.
C. J. S. Municipal Corporations §§ 1935 et seq.

Law Review References:

Mentioned in "Municipal Borrowing in Kansas," Fred W. Rausch, Jr., 10 K. L. R. 513, 518 (1962).

CASE ANNOTATIONS

1. Cited in holding county hospital bonds subject to limitations of § 10-301. State, *ex rel.*, v. Robb, 163 K. 502, 505, 183 P. 2d 233.

10-103a. Same; validation of bonds issued prior to April 9, 1947. All bonds heretofore issued by any municipality, the terms of which are within the requirements of section 1 [10-103] of this act, are hereby validated and declared to be legal and binding obligations of the issuing municipalities. [L. 1947, ch. 103, § 2; April 9.]

10-104. Limitations on improvement bonds. No bonds shall be issued in payment for any public improvement in excess of the actual cost and expense of such improvement, but the installment coupons shall include the interest on such installment to the maturity thereof. [R. S. 1923, § 10-104; Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

CASE ANNOTATIONS

1. Cited in action to enjoin issuance of school district bonds. Gray v. Joint Rural High School District No. 9, 178 K. 387, 394, 286 P. 2d 147.

10-105. Signing and execution of bonds by municipal officers; interest coupons. Such bonds issued by any county shall be signed by the chairman of the board of county commissioners and attested by the county clerk, under the seal of the county. Bonds issued by any city shall be signed by the mayor and attested

by the city clerk, under the seal of the city. Bonds issued by any township shall be signed by the trustee, attested by the township clerk, and countersigned by the township treasurer. Bonds issued by the board of education of any city shall be signed by the president and attested by the clerk of the board under the seal of such board. Bonds issued by any school district shall be signed by the director, attested by the clerk and countersigned by the treasurer of the school board. Bonds issued by any drainage district shall be signed by the chairman of the board of directors or supervisors and attested by the secretary of the board under the seal of such board.

The bonds issued by any other municipality, not herein named, shall be signed by the chairman or other presiding officer of the governing board and attested by the secretary or clerk of such board under the seal of the board, if it have a seal, but if such board is no authorized by law to use a seal, then the bonds shall be countersigned by the treasurer of such board. Interest coupons shall be signed by the chairman of the board of county commissioners, the mayor of the city, the township trustee, the president of the board of education, the director of the school district, or the chairman or other presiding officer of the governing board of any other municipality, and the clerks or secretaries respectively. *Provided*, The interest coupons attached to any bond may be signed with a facsimile of the signature of any officer required to sign such interest coupons. [R. S. 1923, § 10-105; Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Research and Practice Aids:

Municipal Corporations § 927.
Hatcher's Digest, Bonds § 2, 3.
C. J. S. Municipal Corporations § 1948.

CASE ANNOTATIONS

1. Disorganized school-district territory not liable for debts of district to which attached. Hunziker v. School District, 153 K. 102, 106, 109 P. 2d 115.

2. Cited in holding county hospital bonds subject to limitations of 10-301. State, *ex rel.*, v. Robb, 163 K. 502, 505, 183 P. 2d 233.

3. Township bonds and coupons; proper method of signing. State, *ex rel.*, v. Woodruff, 164 K. 339, 341, 344, 189 P. 2d 899.

10-105a, 10-105b. [L. 1955, ch. 68, §§ 1, 2; Repealed, L. 1963, ch. 65, § 8; July 1.]

Revisor's Note:

Uniform facsimile signature of public officials act, sec 75-4001 to 75-4006.

shall be mailed to shall conform with at any order so made of existing con- L. 1965, ch. 80, § 1;

any public improve- cost and expense the installment con- on such install- reof. Nothing herein issuance of bonds to terminated actual costs ic improvement and for the balance of the but the total of such the total amount au- 4; L. 1968, ch. 409,

References:
968 amendment author- Robert F. Bennett, 37

TATIONS

ce of school bond elec- ted School District, 201

d execution of bonds l boards of education; bonds issued by any y the chairman of the mission desires to purchase the issue of bonds authorized by said transcript.
If the state school fund commission does not purchase such bonds they shall be sold at public sale as follows: The officers having charge of the sale of such bonds shall publish a notice of such sale one time in some newspaper having general circulation in the county where said bonds are issued, and in the official state paper. Said notice shall be published not less than ten (10) days nor more than thirty (30) days before such sale and shall contain the following information: (a) The date, time and place at which a public auction will be held or at which written sealed bids will be received and considered for the sale of such bonds for cash at not less than par and accrued interest; (b) the date of issue, total par value and denomination of the bonds being sold; (c) the dates and amounts of maturities of such bond issues; (d) the dates on which interest on such bonds shall become due and payable; (e) the place

by the secretary of the board under the seal of such board.

The bonds issued by any other municipality, not herein named, shall be signed by the chairman or other presiding officer of the governing board and attested by the secretary or clerk of such board under the seal of the board, if it have a seal, but if such board is not authorized by law to use a seal, then the bonds shall be countersigned by the treasurer of such board. Interest coupons shall be signed by the chairman of the board of county commissioners, the mayor of the city, the township trustee, the president of the board of education, the director of the school district, or the chairman or other presiding officer of the governing board of any other municipality, and the clerks or secretaries respectively: *Provided*, The interest coupons attached to any bond may be signed with a facsimile of the signature of any officer required to sign such interest coupons. [K. S. A. 10-105; L. 1965, ch. 410, § 12; May 17.]

10-106. Sale of bonds; public sale, when; bids. That it shall be the duty of the officers having charge of the sale of such bonds to send a certified copy of the transcript of the proceedings required by law preliminary to their issue, as required for registration of bonds by the state auditor, by registered mail, to the state school fund commission, and it shall be the duty of the state school fund commission within ten (10) days after receiving such transcript to notify such officers in writing whether or not the state school fund commission desires to purchase the issue of bonds authorized by said transcript.

If the state school fund commission does not purchase such bonds they shall be sold at public sale as follows: The officers having charge of the sale of such bonds shall publish a notice of such sale one time in some newspaper having general circulation in the county where said bonds are issued, and in the official state paper. Said notice shall be published not less than ten (10) days nor more than thirty (30) days before such sale and shall contain the following information: (a) The date, time and place at which a public auction will be held or at which written sealed bids will be received and considered for the sale of such bonds for cash at not less than par and accrued interest; (b) the date of issue, total par value and denomination of the bonds being sold; (c) the dates and amounts of maturities of such bond issues; (d) the dates on which interest on such bonds shall become due and payable; (e) the place

or places where and the approximate date on which the bonds being sold will be delivered to the purchaser; (f) a statement that a good faith deposit in the form of a certified or cashier's check in the amount of two percent (2%) of the total par value of the bonds being sold shall accompany each bid or in the case of public sale at auction the same shall be furnished by each bidder; (g) a statement disclosing whether or not the purchaser of the bonds will be required to pay for the printing thereof and whether or not and to what extent the purchaser of the bonds will be required to pay the expense of legal services rendered to the municipality in connection with the issuance of the bonds including the fees of recognized bond counsel for an opinion as to legality of issuance; (h) the assessed valuation of the municipality; and (i) the total bonded indebtedness of the municipality as of the date on which the bonds being sold are dated including the bonds submitted for bid: *Provided*, That it shall be permissible for such bonds to be advertised as provided herein prior to their being offered to the state school fund commission and sold as provided herein subject to rejection by the state school fund commission, and in such case, rate of interest may be omitted in advertising and the bidders requested to specify the lowest interest rate or rates on such bonds at which they will pay not less than par and accrued interest.

If sold at public sale with sealed bids, purchasers shall submit their bids in writing, sealed, for all or any part of such bonds, and each bid shall be accompanied by a certified check for two percent (2%) of the total amount of such bid. In case any purchaser, whose bid is accepted, shall fail to carry out his contract, the said deposit shall be forfeited to the municipality issuing the bonds. Sealed bids shall be opened publicly and only at the time and place specified in the notice. At the time and place specified, the bonds shall be sold to the highest and best bidder or bidders, and the bonds may be allotted among the bidders, however, any or all bids may be rejected. No contract for the sale of such bonds shall be made with anyone other than the state school fund commission, except on bids submitted as herein provided. No bonds shall be delivered to any purchaser until the amount of the bid is placed in the hands of the officer in charge of the sale. The provisions of this section relating to the public sale of bonds shall not apply to bonds secured solely and only by revenues and bonds sales where the total

10-106. Sale of bonds. That it shall be the duty of the officers having charge of the sale of such bonds to send a certified copy of the transcript of the proceedings required by law preliminary to their issue, as required for registration of bonds by the state auditor, by registered mail, to the state school fund commission, and it shall be the duty of the state school fund commission within ten days after receiving such transcript to notify such officers in writing whether or not the state school fund commission desires to purchase the issue of bonds authorized by said transcript.

If the state school fund commission does not purchase such bonds the issue may be advertised in the official paper of the municipality, and be placed on sale for cash at not less than par and accrued interest. Or such bonds may be sold at public sale as follows: The officers having charge of the sale of such bonds to publish once a notice in some newspaper having general circulation in the county where they are issued, and in the official state paper, said publication to be not less than ten days before such sale, stating the amount, date, maturity and rate of interest of such bonds and the time when and the place where the bonds will be sold.

Purchasers shall submit their bids in writing, sealed, for all or any part of such bonds, and each bid shall be accompanied by a certified check for two percent of the total amount of such bid. In case any purchaser, whose bid is accepted, shall fail to carry out his contract, the said deposit shall be forfeited to the municipality issuing the bonds. At the time and place specified, the said bids shall be opened and the bonds sold to the highest and best bidder or bidders, and the bonds may be allotted among the bidders, but any or all bids may be rejected. No bonds shall be delivered to any purchaser until the amount of the bid is placed in the hands of the officer in charge of the sale. [R. S. 1923, § 10-106; L. 1925, ch. 93, § 1; March 17.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Cross Reference to Related Sections:

School fund commissioners, purchase of bonds, see 75-2305, 75-2312.

Research and Practice Aids:

Municipal Corporations § 921(1).
C. J. S. Municipal Corporation §§ 1930-1933.
Transcript of proceedings, Vernon's Kansas Forms § 502.

CASE ANNOTATIONS

1. Contract for sale of improvement bonds made before bonds offered to school fund commission is valid. *Grecian v. Hill City*, 123 K. 542, 512, 220 P. 163.

2. Sale of revenue bonds by city pursuant to publication notice complies herewith. *State, ex rel. Kansas City*, 148 K. 623, 625, 84 P. 241, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119.

3. "Ten day" provision relating to school fund commissioners held directory not mandatory. *City of Hutchinson v. Ryan*, 154 K. 751, 752, 753, 754, 757, 121 P. 241, 179.

4. Taxpayer must allege individual loss to maintain suit where section violated. *Lewis v. City of South Hutchinson*, 162 K. 104, 116, 174 P. 241, 242.

5. Cited in holding county hospital bonds subject to limitations of 10-301. *State, ex rel. Robb*, 163 K. 502, 505, 183 P. 2d 223.

10-107. Registration of bonds. The clerk, secretary or other recording officer of every municipality shall register said bonds in his office: Such bonds shall also in every case, except city bonds and bonds issued by boards of education, be registered by the county clerk and such registration shall show the date, number, amount thereof, rate of interest, number of coupons, amount of cash to whom payable, where payable and date of maturity. [R. S. 1923, § 10-107; Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Research and Practice Aids:
Municipal Corporations § 936.
C. J. S. Municipal Corporations § 1949.
Registration by county clerk, certificate, Vernon's Kansas Forms § 503.

CASE ANNOTATIONS

1. Cited in holding county hospital bonds subject to limitations of 10-301. *State, ex rel. Robb*, 163 K. 502, 505, 183 P. 2d 223.

10-108. Transcript of proceedings and records by state auditor. Before any bond shall become a valid obligation, a full and complete transcript of the proceedings leading up to the issuance thereof, properly certified by the clerk, secretary or other recording officer of the municipality issuing them, shall be filed with the auditor of state, and said bonds and coupons attached thereto shall be registered in the office of the auditor of state in proper records kept for that purpose, so that the payment or cancellation thereof may be entered thereon, and after bonds so registered the state auditor shall, under oath of his office, certify upon said bonds that they have been so registered. [R. S. 1923, § 10-108.]

amount of the issue does not exceed one hundred thousand dollars (\$100,000), and in such cases, such bonds may be sold at public or private sale as the officers having charge of the sale of such bonds shall determine. The practice of providing more than one issue within a twelve (12) month period for any one project is prohibited unless the project engineer or architect certifies that it is necessary to do so for the orderly construction progress of the project. [K. S. A. 10-106; L. 1965, ch. 84, § 1; June 30.]

CASE ANNOTATIONS

6. Cited; statute controlling rate of interest on bonds is one in effect at time of issuance, not time when issuance authorized. *Baker v. Unified School District*, 206 K. 581, 585, 480 P. 2d 409.

10-107. Registration of bonds. The clerk, secretary or other recording officer of every municipality shall register said bonds in his office. Such bonds shall also in every case, except city bonds and bonds issued by boards of education, be registered by the county clerk and such registration shall show the date, number, amount thereof, rate of interest, number of coupons, amount of each, to whom payable, where payable and date of maturity: *Provided*, That unified school districts may elect to register said bonds with the county clerk in each county wherein any portion of the unified district is located and in which case such bonds shall be registered as provided herein. [K. S. A. 10-107; L. 1967, ch. 78, § 1; July 1.]

10-108.

CASE ANNOTATIONS

2. Presentation of note and transcript for registration; electorate not sufficiently informed concerning use of bond proceeds. *Unified School District v. Hedrick*, 203 K. 478, 481, 454 P. 2d 536.

10-110. Records of cancellations; notices to and by fiscal agents; unlawful acts; penalties. The auditor of state shall revise the bond records in his office from time to time, by canceling all records of bonds and coupons which have theretofore been paid, and for the purpose of enabling him to carry out the provisions of this act it is hereby made the duty of the clerk, secretary or other recording officer of the municipality to furnish to the auditor of state a sworn statement of all outstanding bonded indebtedness in such form as and whenever said auditor shall require.

If any municipality shall at any time take up, refund or pay off any bonds or coupons other than through a duly designated fiscal agency, the clerk, secretary or other recording

officer of the municipality shall cancel the same and shall within thirty (30) days thereafter present said bonds or coupons to the auditor of state for cancellation and record thereof on the register of the auditor of state; and if said municipality shall have a duly designated fiscal agent other than the state treasurer, it shall, within said period of thirty (30) days, give written notice of such payment and cancellation to said fiscal agent. Where a fiscal agent or agents other than the state treasurer have been designated by the governing body of a municipality for payment of its bonds or coupons, each fiscal agent shall cancel all bonds and coupons paid by it and within thirty (30) days thereafter shall notify the auditor of the state of Kansas and the municipality in such prescribed or approved form and manner as may be required by the auditor. Any such clerk, secretary or other recording officer of any municipality who shall fail to furnish said sworn statement when required so to do by the state auditor or shall fail to present said bonds or coupons to the state auditor for cancellation shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of one hundred dollars (\$100). [K. S. A. 10-110; L. 1969, ch. 63, § 1; July 1.]

Cross References to Related Sections:

Designation of fiscal agent other than state treasurer, see 10-501, 10-503.

10-111. Statements of cancellation, destruction or return of bonds or coupons upon payment by fiscal agents. It is hereby made the duty of the fiscal agents of the state of Kansas upon the payment of any bond or coupon of any municipality as herein defined ["] to cancel the same and return such canceled bond or coupon to the clerk of the municipality issuing the same. When a fiscal agent or agents other than the state treasurer have been designated by the governing body of a municipality for the payment of certain of its bonds or coupons, the fiscal agent shall, upon the payment of such bonds or coupons, cancel said bonds or coupons and shall, at the direction of the municipality, destroy or return to the municipality said bonds or coupons at any time after six (6) months from their payment date. The municipality shall direct the fiscal agent as to the method by which said bonds or coupons shall be destroyed. All orders of the state treasurer for the payment of fiscal agency funds, when presented to the state auditor for countersignature, shall be accompanied

NOTATIONS

improvement bonds made school fund commission, 123 K. 542, 547, 548
 by city pursuant to re-rewritten. State, ex rel., 225, 84 P. 2d 409, relating to school tax not mandatory. 144 K. 751, 752, 753, 754
 individual loss to state. Lewis v. City of Goodland, 104, 116, 174 P. 2d 318
 county hospital bonds. 301. State, ex rel., 13 P. 2d 223

tion of bonds. The recording officer shall register said bonds and shall also in every and bonds issued by be registered by the registration shall show amount thereof, rate of interest, amount of each payable and date of [R. S. 1923, § 10-107; Dec. 27.]

Note" under 10-101.

936.
 provisions § 1949.
 Clerk, certificate, Vernon's

NOTATIONS

county hospital bonds sub-301. State, ex rel., 13 P. 2d 223.
 of proceedings and or. Before any bonds obligation, a full and the proceedings lead thereof, properly certified or other recording officer issuing them, shall for of state, and said attached thereto shall be of the auditor of state for that purpose, and cancellation thereof in, and after being so auditor shall, under seal on said bonds the fact so registered. [R. S.

23, § 10-109; L. 1933, ch. 34, § 1 (Special Session); Nov. 11.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Research and Practice Aids:
 Forms, Vernon's Kansas Forms § 504.

Law Review References:
 Mentioned in "Municipal Borrowing in Kansas," Fred W. Ransch, Jr., 10 K. L. R. 515 (1902).

CASE ANNOTATIONS

1. Taxpayer cannot maintain action to compel auditor to expunge registration. Citizens Utilities Co. v. City of Goodland, 146 K. 172, 174, 69 P. 2d 318.

10-109. Statement for auditor of state. The clerk, secretary or other recording officer of the municipality shall file with the auditor of state a statement in such form and including such information as the auditor of state may require, signed by all the officers who signed the bonds and attested by the proper officer with the corporate seal of the municipality, if it have a seal, and duly acknowledged before the clerk of the district court. [R. S. 1923, § 10-109; Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

CASE ANNOTATIONS

1. Taxpayer cannot maintain action to compel auditor to expunge registration. Citizens Utilities Co. v. City of Goodland, 146 K. 172, 175, 69 P. 2d 318.

10-110. Records of cancellations; penalty. The auditor of state shall revise the bond records in his office from time to time, by cancelling all records of bonds and coupons which have theretofore been paid, and for the purpose of enabling him to carry out the provisions of this act it is hereby made the duty of the clerk, secretary or other recording officer of the municipality to furnish to the auditor of state a sworn statement of all outstanding bonded indebtedness in such form as and whenever said auditor shall require.

If any municipality shall at any time take up, refund or pay off any bonds or coupons other than through the fiscal agency, the clerk, secretary or other recording officer of the municipality shall cancel the same and shall within thirty days thereafter present said bonds or coupons to the auditor of state for cancellation and record thereof on the register of the auditor of state. Any such clerk, secretary or other recording officer of any municipi-

pality who shall fail to furnish said sworn statement when required so to do by the state auditor or shall fail to present said bonds or coupons to the state auditor for cancellation shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of one hundred dollars. [R. S. 1923, § 10-110; L. 1933, ch. 34, § 2 (Special Session); Nov. 11.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Research and Practice Aids:
 Municipal Corporations § 953.
 C. J. S. Municipal Corporations § 1855.

CASE ANNOTATIONS

1. Taxpayer cannot maintain action to compel auditor to expunge registration. Citizens Utilities Co. v. City of Goodland, 146 K. 172, 175, 69 P. 2d 318.

10-111. Statement of cancellations. It is hereby made the duty of the fiscal agents of the state of Kansas upon the payment of any bond or coupon of any municipality to cancel the same and return such canceled bond or coupon to the clerk of the municipality issuing the same. All orders of the state treasurer for the payment of fiscal agency funds, when presented to the state auditor for countersignature, shall be accompanied by a certified statement of all bonds and coupons to be paid by such order, and before countersignature of such order by the state auditor, the payment of said bonds and coupons shall be by said state auditor endorsed on the bond and coupon register in his office. No fee shall be charged said municipality by any of the officers mentioned above in connection with the registration or cancellation of bonds; *Provided, however,* That this provision shall not apply to the regular statutory fiscal agency fees. [R. S. 1923, § 10-111; L. 1933, ch. 34, § 3 (Special Session); Nov. 11.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

10-112. Recitals in bonds. All municipal bonds shall constitute a general obligation of the municipality issuing the same and shall recite the authority under which they are issued and that they are issued in conformity with the provisions, restrictions and limitations thereof and that such bonds and the interest thereon are to be paid by such municipality, and such recital when said bonds have been duly registered as herein provided, shall im-

port absolute verity and shall be conclusive in favor of all persons purchasing said bonds, that all proceedings and conditions precedent have been had and performed to authorize the issuance of such bonds and such bonds shall be negotiable. [R. S. 1923, § 10-112; Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Research and Practice Aids:

Municipal Corporations—924.
C. J. S. Municipal Corporations §§ 1937-1939.
Form, Vernon's Kansas Forms § 505.

CASE ANNOTATIONS

1. Cited in denying injunction to protect security for municipal bonds. *Hittencore Inv. Co. v. Birney*, 150 K. 684, 686, 95 P. 2d 299.

2. Disorganized school-district territory not liable for debts of district to which attached. *Hunziker v. School District*, 153 K. 102, 106, 109 P. 2d 115.

3. Applied; Laws 1945, chapter 179 (19-2731 to 19-2752) relating to sewer district bonds, constitutional. *Johnson County Comm's v. Robb*, 161 K. 683, 695, 171 P. 2d 784.

4. Discussed; various objections to bond issue considered; injunction denied. *Lewis v. City of South Hutchinson*, 162 K. 104, 110, 174 P. 2d 51.

5. Ordinance, notice of election and ballot must show statute under which bond election held. *Eastern Kansas Utilities, Inc. v. City of Paola*, 165 K. 558, 566, 567, 196 P. 2d 199.

6. Township cannot issue bonds without express or clearly implied statutory authority. *Township Board of Ash Creek v. Robb*, 166 K. 138, 139, 199 P. 2d 521.

7. Cited to show necessity for temporary injunction to enjoin selling of bonds. *Morton Salt Co. v. City of South Hutchinson*, 159 P. 2d 897, 899, 903.

8. Where bonds have been issued and sold it is too late to ask court to enjoin issuance or ask for return thereof. *Watters v. Joint Rural High School District No. 5*, 191 K. 2, 5, 378 P. 2d 1021.

10-113. Levies for sinking fund; penalty for failure to make. It shall be the duty of the proper officers charged with the levying of taxes to levy in each year a sum sufficient to pay the interest on such bonds, and the bonds falling due in that year, and any such officer failing to make such levies shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of one hundred dollars: *Provided*, If the bonds mature in such manner as to require it, there may be levied during the first year in which a tax is to be collected two installments with not to exceed interest for two years, or one installment and interest for one year or more, and the last levy on any bond issue shall contain the installment with the interest to

date of maturity of the last bond outstanding. [R. S. 1923, § 10-113; Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Research and Practice Aids:

Municipal Corporations—951.
C. J. S. Municipal Corporations §§ 1937-1939.

CASE ANNOTATIONS

1. Ordinance, notice of election and ballot must show statute under which bond election held. *Eastern Kansas Utilities, Inc. v. City of Paola*, 165 K. 558, 566, 567, 196 P. 2d 199.

10-114. Special assessments; improvements; apportionment; and when levied. Whenever the governing body of a city shall issue internal improvement bonds, the cost of which is chargeable against the property, they shall apportion such special assessments in installments, and the apportionment contained in the special assessment ordinance shall hold good for all installments that are to be collected for such specific property chargeable with the cost of said improvement.

Such ordinance shall contain the amount of assessments apportioned to each lot or piece of ground within the territory, and shall state the number of installments in which such special assessments are to be collected; and thereafter the clerk shall certify, annually, at the time that other taxes are certified, and the special assessments so apportioned, and so certified, to the county clerk, a list of the property liable for the cost of such improvement, except such property as to which the special assessments above mentioned have been paid in full, together with the amounts due on each of said lots or pieces of ground, which amounts shall include the annual installments and interest on all balances for one year at the rate at which such bonds were issued, and such amounts so certified shall be collected as other taxes to be collected.

The ordinance apportioning such special assessments shall provide for the collection of two installments with not to exceed interest for two years, or one installment and interest for one year or more, in the first year in which such special assessment is to be collected, if the bond issue for such improvement and interest on the same shall be collected in such manner as to require such special assessment last amount so certified shall be collected.

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maturity of the last outstanding bond. All
part of said installments, each installment
being separately set out and designated by
the year in which it is to be extended upon
the tax rolls, may be included in one certifi-
cate. [R. S. 1923, § 10-114; Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to pro-
vide uniform procedure.

Cross Reference to Related Section:
Application to commission government, sec 13-
1904.

Research and Practice Aids:
Municipal Corporations § 953.
C. J. S. Municipal Corporations § 1955.

10-115. Payment of special assessments.
Where bonds have been or are to be issued
by any municipality, which bonds are payable
from special assessments to be levied by such
municipality, the owner of any lot or piece
of land liable to any such special assessment
may redeem his property from such liability
by paying the entire amount chargeable
against his property at any time before the is-
suanee of the bonds, or after the issuance of
the bonds by paying all of the installments of
the assessments which have been levied, and
also the amount of the unlevied installments,
with interest on the latter at the rate of in-
terest provided in said bonds from the date of
the bonds to the time of maturity of the last
installment.

In all cases where installments of special
assessments not yet levied are paid, as above
provided, whether before or after the issuance
of the bonds, to the treasurer of the municipa-
lity issuing such bonds, he shall receipt
therefor, and all sums so paid shall be applied
solely to the payment of such improvements
or the redemption of the bonds issued therefor.
Where any piece of property has been re-
deemed from liability for the cost of any im-
provement, as herein provided, such property
shall not thereafter be liable to further special
assessment for the cost of such improvement.
[R. S. 1923, § 10-115; Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to pro-
vide uniform procedure.

10-116. Refunding of indebtedness.
Every municipality shall have the power to
take up and refund its matured legal bonds or
installments thereon, including interest. Such

bonds shall be issued to mature serially in in-
stallments of approximately equal amounts
each year for a period not exceeding ten years,
the first installment of such bonds to mature
not later than in the second year following
date of such issue. Such bonds shall be issued
according to law in an amount not exceeding
the former indebtedness so refunded. [R. S.
1923, § 10-116; L. 1925, ch. 94, § 1; March 20.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to pro-
vide uniform procedure.

Research and Practice Aids:
Funding bond payable in installments, Vernon's
Kansas Forms § 506.

→ 10-116a . CASE ANNOTATIONS

1. Act relates to refunding of bonds by agreement
with owner. State, *ex rel.*, v. Davis, 116 K. 211, 225
P. 10, 4.

**10-117. Unlawful issue, diversion or mis-
use of bond proceeds or tax funds; penalties.**
Any person who shall appropriate, use, or aid
or abet in appropriating or using any of the
funds procured by the sale of bonds by a mun-
cipality for any other purpose than that for
which such bond issue was intended, or shall
issue any refunding bonds in excess of the in-
debtedness refunded, or shall misappropriate
or use, or aid or abet in misappropriating or
using, any of the funds raised by taxation for
the purpose of paying the principal or interest
of such bonds for any purpose other than pay-
ing such principal or interest, shall be deemed
guilty of a misdemeanor, and on conviction
thereof shall be fined in a sum not less than
one hundred nor more than one thousand
dollars, and in addition thereto may be im-
prisoned in the county jail for not less than
three months nor more than twelve months,
and shall also be liable in a civil action to
the municipality issuing the bonds for the
amount so misappropriated or used. Any
officer of any municipality who shall be con-
victed in a court of competent jurisdiction of
a misdemeanor as herein set out shall, in ad-
dition to the penalty or penalties herein pre-
scribed, forfeit his office. [R. S. 1923, § 10-
117; Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to pro-
vide uniform procedure.

Cross Reference to Related Sections:
Diversion of interest and sinking funds for refund-
ing bonds, see 10-118a, 10-118b.

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by a certified statement of all bonds and coupons to be paid by such order, and before countersignature of such order by the state auditor, the payment of said bonds and coupons shall be by said state auditor endorsed on the bond and coupon register in his office. No fee shall be charged said municipality by any of the officers mentioned above in connection with the registration or cancellation of bonds: *Provided, however*, That this provision shall not apply to the regular statutory local agency fees. [K. S. A. 10-111; L. 1969, ch. 63, § 2; L. 1971, ch. 36, § 1; July 1.]

* Reference is apparently to the definition of municipality in 10-101.

Cross References to Related Sections:

Designation of fiscal agent other than state treasurer, see 10-501, 10-503.

10-112.

Law Review and Bar Journal References:

Mentioned in "Municipal Borrowing in Kansas," Fred W. Hausch, Jr., 10 K. L. R. 515 (1962).

10-113.

CASE ANNOTATIONS

2. Mentioned; action to enjoin special assessments. *Waldenberg v. City of Reading*, 198 K. 43, 53, 410 (1943).

10-114a. Unanticipated additional interest on temporary notes for city improvements; assessments against city at large. Whenever assessments levied for any city improvements are challenged by court action and such action delays the payment of temporary notes issued to finance such improvements, causing unanticipated additional interest on said notes, the governing body is authorized to assess against the city at large and issue bonds for the payment of the amount of such interest and the amount, if any, representing the difference between the amount of the challenged assessment and the amount finally assessed against the property. [L. 1968, ch. 60, § 1; July 1.]

10-116a. Refunding of revenue bonds by certain cities over 200,000; conditions; investment of certain proceeds. Any city having a population in excess of two hundred thousand (200,000) which has or may hereafter issue revenue bonds may issue, without election, revenue bonds pursuant to the provisions of this act to refund any previous issue or issues or part thereof of its outstanding revenue bonds. The principal amount of such refunding revenue bonds shall not exceed the principal amount of the revenue bonds being refunded together with the amount of any interest which has accrued thereon or interest

that will accrue to the date of redemption and the amount of any premium required to be paid in order to call such bonds for redemption, and payment at the earliest call date. Such refunding revenue bonds may be sold or exchanged for the bonds being refunded either as a whole or in installments at any time or times, either at, before, or after the maturity of the bonds being refunded: *Provided, however*, That if such refunding revenue bonds be sold, the bonds being refunded shall become due or shall be subject to redemption and payment in accordance with their terms within ten (10) years from the date of issuance of the refunding bonds: *And provided further*, That the maturities of such refunding bonds shall not extend beyond the last maturity date of the bonds being refunded. If such refunding revenue bonds are sold more than six (6) months prior to the maturity or earliest prior redemption date of the bonds being refunded, the proceeds derived from such sale, together with any other moneys on hand, shall be placed in escrow under a trust agreement with a bank located in such city and having full trust powers and having a combined capital and surplus of not less than one million dollars (\$1,000,000). Said proceeds and moneys shall be invested in noncallable direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America, which obligations shall mature or be subject to redemption by the holders thereof not later than the respective dates when the proceeds of said obligations together with the interest accruing thereon and any other monies or investments held in escrow will be required for the purposes intended. Said trust agreement shall pledge or assign the moneys and investments, including earnings thereon, so held in trust for the payment of the principal of and the interest on the revenue bonds being refunded and any redemption premium and shall contain provisions for protecting and enforcing the rights and remedies of the holders of such revenue bonds. No bonds shall be issued under the authority of this section to refund any refunding revenue bonds issued under this section unless at that time all previous bonds refunded under the authority of this section shall have been paid. Such refunding revenue bonds issued pursuant to this act shall not be general obligations of such city and shall be payable solely and only from utility revenues as provided by law; and, except as herein provided, the issuance of such refunding revenue bonds,

CASE ANNOTATIONS

1. Diversion of county fund for highway loan is in violation of this act. *State, ex rel., v. Saline County Comm'rs*, 128 K. 437, 439, 278 P. 54.
2. Bond ballot for "public building" held not to violate section. *Drenning v. City of Topeka*, 148 K. 366, 373, 81 P. 2d 720.
3. Mentioned; mandamus action compelling township trustees to sign water system bonds. *State, ex rel., v. Woodruff*, 164 K. 339, 346, 189 P. 2d 899.

10-118. Sinking fund levy to pay bonds maturing at same time. Whenever any municipality has issued bonds the entire amount of which become due and payable at the same time, it shall be the duty of the proper officers of such municipality to levy in each year a sinking fund sufficient to pay the said bonds when due, in addition to the tax necessary to pay the interest thereon. [R. S. 1923, § 10-118; Dec. 27.]

Source or prior law: See "Note" under 10-106.

Revision note, 1923: General bond section to provide uniform procedure.

CASE ANNOTATIONS

1. County treasurer is custodian of school-district sinking fund. *State, ex rel., v. Lewis*, 138 K. 725, 727, 27 P. 2d 250.

10-118a. Diversion of interest and sinking funds for refunding bonds; penalties. Whenever any municipality, as defined in section 10-101, Revised Statutes of Kansas, 1923, shall have refunded any of its outstanding bonded indebtedness, all funds on hand to the credit of the bonds so refunded shall be transferred to the credit of the interest and sinking fund for the refunding bonds so issued; and any and all taxes originally levied for the payment of said outstanding bonds so refunded, when collected, shall be paid into the interest and sinking fund created for the payment of said refunding bonds and interest. Any diversion of such funds to other purposes shall constitute a misappropriation thereof; and any person who shall divert or aid or abet in the diversion of any of such funds for any other purpose shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in the sum of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000); and in addition thereto, may be imprisoned in the county jail for not less than three (3) months or more than twelve (12) months; and shall also be liable in a civil action to the municipality for the amount so diverted. Any official of any municipality who shall be convicted in a court of competent jurisdiction of a misdemeanor

as herein set out, shall in addition to the penalty or penalties herein described, forfeit office. [L. 1933, ch. 31, § 1 (Special Session); Dec. 30.]

Research and Practice Aids:

Municipal Corporations—951.

C. J. S. Municipal Corporations § 1951.

10-118b. Diversion not basis of protest. The fact that any such diversion has taken place shall not be the basis of protest to avoid the payment of his taxes any taxpayer, and all such protests shall be of no force and effect. [L. 1933, ch. 31 (Special Session); Dec. 30.]

10-119. Changing territory or disorganization of municipality; liability; taxes. Whenever a part of the territory of a municipality has been detached and attached to some other municipality, or when a municipality has been disorganized by law and the territory attached thereto included in some other municipality or municipalities, such territory shall be liable for payment of all bonds issued or other indebtedness incurred by such municipality, such detachment or disorganization of proper taxing officers of the municipality which such territory is attached to, and such taxes upon such attached territory as necessary to pay its proper proportion of interest and principal of such bonds or indebtedness as aforesaid, and such persons may be compelled by mandamus at the instance of the holders of such bonds or indebtedness to levy such tax. [R. S. § 10-119; L. 1963, ch. 393, § 32, May 1963.]

Source or prior law: See "Note" under 10-106.

Revision note, 1923: General bond section to provide uniform procedure.

Revisor's Note:

Referred to in 24-131, 72-834.

Cross Reference to Related Sections:

See, also, 10-1002, 10-1003, 10-1008.

CASE ANNOTATIONS

1. Territory of a district liable for bond issue even if later detached. *Pease v. Board of Comm'rs*, 135 K. 429, 431, 10 P. 2d 887.
2. Section not applicable when territory of district created. *Baker v. Consolidated Dist.*, 143 K. 695, 696, 56 P. 2d 109.
3. Owners in detached territory not liable to enjoin bond issue. *Paul v. Holt*, 294, 303 P. 2d 186.
4. The word "issued" construed. *Holt*, 180 K. 291, 292, 93 P. 2d 188.
5. Cited; detachment of territory does not render issuance of bonds inequitable. *Holt*, 180 K. 308, 311, 93 P. 2d 208.

shall in addition to the penalties herein described, forfeit the sum of \$1,000. [L. 1933, ch. 31, § 1 (Special Session)]

Aids:

Corporations §§ 1953, 1954.
 Diversion not basis of tax liability. [L. 1933, ch. 31, § 1 (Special Session)]

Disorganized territory or disorganized territory of any municipality, or whenever any territory attached to or under the jurisdiction of any municipality shall be liable for the taxes issued or other indebtedness of such municipality before its disorganization, and the taxes of the municipality to which such territory is attached shall be a lien in proper proportion of the taxes of such bonds or other tax. [R. S. 1923, § 32, May 15]

"Note" under 10-101.

General bond section to provide for holding elections in any such municipality. [R. S. 1923, § 10-120, Dec. 27.]

2-834.

Sections: 108, 10-1008.

NOTATIONS

Liability for its debts. [L. 1933, ch. 31, § 1 (Special Session)]
 Consolidated Bond Act of 1920.
 Pool v. Holt, 151 K. 2d 100.
 construed. Pool v. Holt, 151 K. 2d 100.
 if territory held under a lease. [L. 1933, ch. 31, § 1 (Special Session)]
 2d 208.

10-120. Bond election; publication of notice. Whenever an election is required for the issuance of bonds for any purpose by any municipality other than a school district, drainage district or irrigation district, or where a different procedure for giving notice of the election is specifically provided by law, upon compliance with the legal requirements necessary and precedent to the call for such election, the proper municipal officers shall call an election to be held within thirty (30) days after compliance with the necessary requirements, or within ninety (90) days, should such long period include the date of a general election.

Notice of such election shall be published in a newspaper of general circulation in the municipality once each week for three consecutive weeks, the first publication to be not less than twenty-one days prior to such election; if in a weekly, semiweekly or triweekly paper, on any one day of the week upon which such paper is published; if in a daily paper, on Wednesday or Thursday of each of the three consecutive weeks. Such notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued and shall be signed by the municipal officers, or a majority of them, having authority to call an election in such municipality. Such election shall be held at the usual place of holding elections and shall be conducted by the officers or persons provided by law for holding elections in such municipality.

At such elections all qualified electors shall be entitled to vote. The vote of such election shall be by ballot; such ballot shall comply with the usual requirements for an official ballot for candidates for public office insofar as such requirements are applicable thereto; upon such ballot shall be printed the bond proposition submitted, preceded by the words "Shall the following be adopted?" and followed by the words "To vote in favor of the bonds make a cross X mark in the square after the word 'Yes.'" "To vote against the bonds make a cross X mark in the square after the word 'No,'" followed by sufficient spaces. If more than one proposition or question be submitted on said ballot the different propositions or questions shall be separately numbered and printed and separated by a broad, solid line one eighth of an inch wide. Such elections to be in all respects governed and the results declared according to the rules and regulations provided by law

for holding elections in any such municipality. [R. S. 1923, § 10-120, Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Cross References to Related Sections:

Elections generally, see ch. 25.
 Ballots and ballot boxes, see 25-605.

Research and Practice Aids:

Municipal Corporations—918(1).
 C. J. S. Municipal Corporations §§ 1920 et seq.

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CASE ANNOTATIONS

1. Instruction should be printed after each bond proposition. *Thomas v. Covell*, 119 K. 684, 685, 240 P. 574.
2. Notice calling election need not be first published on Wednesday or Thursday. *Pittsburg Board of Education v. Davis*, 120 K. 768, 771, 245 P. 112.
3. Notice of special bond election held to comply with statute. *City of Aurora v. French*, 126 K. 383, 268 P. 93.
4. School bond election; notice misleading; proposition misstated on ballot; election vitiated. *Board of Education v. Powers*, 142 K. 664, 666, 51 P. 2d 421.
5. Proposition not being clearly stated vitiates the election. *Kansas Electric Power Co. v. City of Eureka*, 142 K. 117, 122, 45 P. 2d 877.
6. Notice signed only by mayor and city clerk; election not vitiated. *Kansas Power Co. v. City of Washington*, 145 K. 962, 969, 67 P. 2d 1095.
7. Dual proposition in bond election; issuance of bonds enjoined. *Kansas Utilities Co. v. City of Paola*, 148 K. 267, 270, 271, 80 P. 2d 1064.
8. Provisions relating to notice mandatory; defective notice held validated by legislature. *City of Wichita v. Robb*, 163 K. 121, 122, 124, 179 P. 2d 837.
9. Municipal bond ballot not in conformity with statute held sufficient. *Ineger v. City of Hillsboro*, 164 K. 533, 538, 190 P. 2d 420.
10. Bond election notice and bond ballot held in compliance herewith. *City of Coffeyville v. Robb*, 165 K. 219, 225, 194 P. 2d 475.
11. Ordinance, notice of election and ballot must show statute under which bond election held. *Eastern Kansas Utilities, Inc., v. City of Paola*, 165 K. 558, 567, 196 P. 2d 199.

12. Act inapplicable to rural high-school bond election. *Baugh v. Rural High School District*, 185 K. 123, 129, 340 P. 2d 891.

13 to 17. [Numbers reserved for future use.]
18. Election notice signed by mayor and city clerk only, sufficient; purpose of bond issue sufficiently stated. *Western Missouri Power Co. v. City of Washington*, 80 P. 2d 420, 421.

10-121. Elections for acquisition of land. Whenever any election is required to authorize the acquisition of land for, or the making of any public improvement, and such proposition is coupled with the proposition of the issuance of bonds and the levy of taxes to pay for the same, such election shall be held in all respects as provided for bond elections alone, except when such election is held at the same time as a general election. [R. S. 1923, § 10-121; Dec. 27.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

CASE ANNOTATIONS

1. Proposition to acquire land or make improvements and issue bonds is bond election. *Thomas v. Covell*, 119 K. 684, 686, 240 P. 574.

10-122. Investment of sinking fund. The officers of any municipality which has levied and collected a sinking fund for the payment of bonds not then due may invest the said sinking fund in any municipal bonds of this state which shall become due at or prior to the due date of the bonds for which such sinking fund was levied and collected: *Provided*, No sinking fund shall be invested under this act in the bonds of any county; township, city or school district where the bonded indebtedness thereof shall exceed fifteen (15) percent of its total assessed valuation as shown by the last assessment preceding such investment. [R. S. 1923, § 10-122; L. 1931, ch. 88, § 1; L. 1933, ch. 35, § 1 (Special Session); Nov. 22.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Cross Reference to Related Section:

Investment of proceeds of bond issues in direct obligations of the United States, see 10-131.

Research and Practice Aids:

Municipal Corporations—951.
C. I. S. Municipal Corporations §§ 1953, 1954.

CASE ANNOTATIONS

1. County treasurer is custodian of school-district sinking fund. *State, ex rel., v. Lewis*, 138 K. 725, 727, 728, 27 P. 2d 250.

10-123. Temporary notes for improvements; renewal, when. If a municipality have theretofore duly authorized the making of an improvement, which is to be paid in whole or in part by the issuance of bonds, then the governing body of such municipality is authorized to issue such municipal temporary notes, bearing interest at the rate of not exceeding six percent (6%) per annum, payable semiannually, maturing not later than the due date of the first installment of such bonds, or four (4) years from the date of such notes whichever is sooner, not exceeding the aggregate amount of bonds which are to be issued and are then unissued, as estimated by the approved estimates on file in the case of road bonds when the amount of said notes shall not exceed the total amount of the unissued bonds and the state or federal aid granted to said project; *Provided*, That any municipality may issue such temporary bond notes to pay for the cost of taking up any previously issued temporary notes as they mature when the improvements will not be completed at the maturity of such notes or when the municipality has completed the improvements and the payment of bonds is prevented, hindered or delayed by reason of any court order or litigation.

Said temporary notes shall be in the form usual for such bonds, except that evidence evidencing the interest need not be attached, shall be executed and registered as ordinary bonds, and shall be redeemed and cashed before or at the time permanent bonds are issued in lieu thereof, so that the amount of temporary notes and bonds issued and outstanding shall not at any time exceed the estimated cost and expense of said improvement. Said temporary notes may be redeemed from time to time, as required during the progress of said work, shall be negotiable and shall constitute a general obligation of the municipality issuing the same. Such temporary notes may be sold in the manner provided for the sale of bonds or may be sold at private sale at not less than par and accrued interest. [R. S. 1923, § 10-123; L. 1931, ch. 88, § 1; L. 1951, ch. 126, § 1; L. 1953, ch. 10, April 13.]

Source or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide uniform procedure.

Cross Reference to Related Sections:

Investment of proceeds of certain bond issues in 10-131 to 10-133.

the security thereof, and the rights, duties and obligations of the city in respect thereof, shall be governed by article 12 of chapter 10 of K. S. A. and all other laws generally applicable to revenue bonds issued in this state and by such city. [L. 1965, ch. 136, § 1; April 19.]

10-119.**CASE ANNOTATIONS**

6. Mentioned; K. S. A. 72-5318a determines rights between school districts affected by city annexation. *Williams v. Board of Education*, 198 K. 115, 123, 124, 422 P. 2d 874.

7. Mentioned in approving "equitable payment" by school district under 72-6776. *Unified School District No. 255 v. Unified School District No. 254*, 204 K. 282, 284; 463 P. 2d 499.

10-120.**CASE ANNOTATIONS**

19. Notice of bond election under K. S. A. 72-6761 determined by K. S. A. 1965 Supp. 72-67,114 (f). *Maher v. Vining*, 198 K. 691, 692, 693, 426 P. 2d 149.

20. Discussed in holding election proposition on school bonds did not sufficiently inform electorate of bond proceeds use. *Unified School District v. Hedrick*, 203 K. 478, 481, 482, 483, 454 P. 2d 536.

10-123. Temporary notes for improvements; renewal, when. If a municipality shall have theretofore duly authorized the making of an improvement, which is to be paid for in whole or in part by the issuance of bonds, then the governing body of such municipality, authorized to issue such bonds, may issue temporary notes, bearing interest at a rate not to exceed the maximum rate of interest prescribed by section 104 [10-1009] of this act, payable semiannually, maturing not later than the due date of the first installment of such bonds, or four (4) years from the date of said notes whichever is sooner, not exceeding in the aggregate the amount of bonds which are to be issued and are then unissued, as shown by the approved estimates on file (except in the case of road bonds when the amount of said notes shall not exceed the total amount of the unissued bonds and the state and federal aid granted to said project): *Provided*, That any municipality may issue renewal temporary bond notes to pay for the cost of taking up any previously issued temporary notes as they mature when the improvement will not be completed at the maturity date of such notes or when the municipality has completed the improvements and the issuance of bonds is prevented, hindered or delayed by reason of any court order or litigation.

Said temporary notes shall be in the form usual for such bonds, except that coupons evi-

dencing the interest need not be attached. Said notes shall be executed and registered as are permanent bonds, and shall be redeemed and canceled before or at the time permanent bonds are issued in lieu thereof, so that the amount of temporary notes and bonds issued and outstanding shall not at any time exceed the estimated cost and expense of said improvement. Said temporary notes may be issued from time to time, as required during the progress of said work, shall be negotiable and shall constitute a general obligation of the municipality issuing the same. Such temporary notes may be sold in the manner provided for the sale of bonds or may be sold at private sale at not less than par and accrued interest. [K. S. A. 72-123; L. 1970, ch. 64, § 3; March 21.]

10-126. Printing of coupons; size and form. When issuing bonds of the state of Kansas or of a county, a city, a board of education, a school district, a drainage district or any other political subdivision of the state of Kansas, the officials authorized to issue such bonds shall require in the printing of the bonds that the coupons attached thereto be approximately one and one-quarter inches (1 $\frac{1}{4}$ ") in width and four and one-quarter inches (4 $\frac{1}{4}$ ") in length. Said officials shall also require that the following information be shown upon each and every coupon attached to said bonds, respectively, to-wit: The left three inches (3") of each coupon shall be known as the body of the coupon, which shall contain (a) the number of the coupon, (b) the date upon which the coupon matures, (c) the name of the political subdivision of the state issuing said bond and coupon, (d) the amount of money of said coupon written in words, (e) the place at which the same is made payable, (f) the kind, date, and number of the bond to which the coupon pertains, and (g) the signatures of the officials authorized to sign the bonds and coupons. The right one and one-quarter inches (1 $\frac{1}{4}$ ") of the coupon shall be used for the briefing of certain information shown in the body of the coupon as follows: (a) In the upper one-third (1/3) of said space, the date of maturity of the coupon, (b) in the center of said space, the name of the municipality issuing said bond and coupon, and (c) in the lower one-third (1/3) of said space, the amount of the coupon in large figures. For the convenience of issuing officials and printers the following is a sample coupon printed in accordance with the foregoing requirements:

temporary notes for im-
when. If a municipal
duly authorized the
ent, which is to be paid
t by the issuance of
g body of such munici-
ing such bonds, may
bearing interest at the
six percent (6%) per-
ally, maturing not later
the first installment of
) years from the date of
is sooner, not exceed-
amount of bonds which
are then missed, ex-
estimates on file to
bonds when the amount
not exceed the total
of bonds and the state
d to said project). If
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otes to pay for the
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ure when the improp-
leted at the maturity
when the municipali-
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notes shall be in the
nds, except that
rest need not be re-
and registered as
re redeemed and
ve permanent bonds
of, so that the
d bonds issued
at any time ex-
expense of said
ary notes may be
as required
k, shall be negoti-
general obligation
of the same. Such
sold in the mar-
bonds or may be
ss than par value
§ 10-123.1. [L. 1927, ch. 97, § 1; June 1.]

Review References:
Mentioned in "Municipal Borrowing in Kansas,"
Fred W. Rausch, Jr., 10 K. L. R. 515 (1962).

CASE ANNOTATIONS

Such notes necessarily have characteristics of
municipal bonds. First State Bank v. Bone, 122 K.
191, 252 P. 250.
Section mentioned, but not considered as suit-
ed by statute of limitations. Schenk v. Kansas
134 K. 181, 183, 5 P. 2d 842.

10-124. Interest coupons receivable for
years. Interest coupons shall, as fast as they
become due, be receivable in payment of
amount due to the particular county, city, the
and of education of any city, the township,
school district, which may have issued such
coupons, and shall be received by all collect-
ing officers the same as cash, in payment of
such taxes. [R.S. 1923, § 10-124; Dec. 27.]

Case or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide
uniform procedure.

10-125. Bonds covered by 10-101 to 10-
123. This act shall govern the issuance of
municipal bonds, except where different
provisions are specifically provided by law,
in which case the specific provisions shall
control only so far as they conflict with this
act. [R.S. 1923, § 10-125; Dec. 27.]

Case or prior law: See "Note" under 10-101.

Revision note, 1923: General bond section to provide
uniform procedure.

bonds that the coupons attached thereto are
approximately one and one quarter inches
in width and four and one quarter inches in
length. Said officials shall also require that
the following information be shown upon each
and every coupon attached to said bonds,
respectively, to wit: The left three inches of
each coupon shall be known as the body of
the coupon, which shall contain (a) the num-
ber of the coupon, (b) the date upon which
the coupon matures, (c) the name of the
political subdivision of the state issuing said
bond and coupon, (d) the amount of money
of said coupon written in words (e) the place
at which the same is made payable, (f) the
kind, date, and number of the bond to which
the coupon pertains, and (g) the signatures
of the officials authorized to sign the bonds
and coupons.

The right one and one quarter inches of
the coupon shall be used for the briefing
of certain information shown in the body of
said coupon as follows: (a) in the upper one
third of said space, the date of maturity of
said coupon, (b) in the center of said space,
the name of the municipality issuing said
bond and coupon, and (c) in the lower one
third of said space, the amount of the coupon
in large figures.

For the convenience of issuing officials and
printers the following is a sample coupon
printed in accordance with the foregoing
requirements:

<p>No. 10</p> <p>On the first day of January, 1927, the Board of Education of the City of Wichita, Sedgewick County, Kansas, will pay bearer Twelve Dollars and Fifty Cents lawful money of the United States of America at the office of the State Treasurer, Topeka, Kansas, being six months' interest on its School Building Bond Series H, dated Feb. 1, 1922.</p> <p>Attest: _____ (Signature) _____ Clerk, Board of Education</p>	<p>No. 164</p> <p>(Signature) _____ President</p>	<p>Jan. 1, 1927</p> <p>Board of Education City of Wichita</p> <p>\$12.50</p>
		<p>[L. 1927, ch. 97, § 1; June 1.]</p>

CASE ANNOTATIONS

Cited in holding specific provisions control
district sinking fund. State, ex rel., v. Lewis,
124 K. 725, 728, 27 P. 2d 250.
Ordinance, notice of election and ballot must
be filed under which bond election held. East-
man v. Kansas Utilities, Inc., v. City of Paola, 165 K.
194, 567, 196 P. 2d 199.

10-126. Uniform printing of coupons.
When issuing bonds of the state of Kansas
a county, a city, a board of education,
school district, a drainage district, or any
other political subdivision of the state of
Kansas, the officials authorized to issue such
bonds shall require in the printing of the

Research and Practice Aids:
Municipal Corporations—926.
C. J. S. Municipal Corporations § 1940.
Public corporations, form of coupon, Vernon's
Kansas Forms § 507.

Law Review References:
Mentioned in "Municipal Borrowing in Kansas,"
Fred W. Rausch, Jr., 10 K. L. R. 515, 516
(1962).

10-127. Auditor to refuse to register. The
auditor of state shall refuse to register in
his office any bonds, the coupons of which
are not printed in accordance with the pre-
ceding section. [L. 1927, ch. 97, § 2; June 1.]

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the board of
city in which
located: Pro-
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test thereto
and county
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unity election
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No fee shall
d the register

of deeds shall file, but not record, the certified copies of such ordinances filed with him. [L. 1967, ch. 98, § 4; July 1.]

12-523. Effective dates of annexation; exceptions. Annexation ordinances of cities shall take effect on publication as provided by law, except that any annexation ordinance published within thirty (30) days before any election specified in this section shall become effective on the day following such election, unless such day is also within thirty (30) days before any election specified in this section in which case such ordinance shall become effective on the day following the last such election. Elections to which this section shall apply are: (1) Primary and general election of state, county and national officers, and (2) primary and general city elections, and (3) primary and general school elections. The provisions of this section shall not apply to any special election. [L. 1967, ch. 98, § 5; July 1.]

12-524. Annexation of city or part of city not authorized. Nothing in this act shall be construed to authorize any incorporated city to annex any part or the whole of any other incorporated city. [L. 1967, ch. 98, § 6; July 1.]

12-525. Act alternative. This act is alternative to any other statute prescribing method and procedure of annexation by cities. Any city may annex under this statute or any other statute applicable to such city. [L. 1967, ch. 98, § 7; July 1.]

Law Review and Bar Journal References:
Cited in "City Home Rule in Kansas," Wright W. Grummett, 9 W. L. J. 1, 10 (1969).

12-526. Severability. If any clause, paragraph, subsection or section of this act shall be held invalid or unconstitutional it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such invalid or unconstitutional clause, paragraph, subsection or section. [L. 1967, ch. 98, § 8; July 1.]

12-527. Annexation of lands located in water districts; title to facilities; agreement; compensation; bonded debt. Whenever a city shall annex lands located within a rural water district organized pursuant to the provisions of K. S. A. § 2a-612 *et seq.*, title to all facilities used for the transportation or utilization of water belonging to the water district shall vest in or become the property of the city upon payment by the city to the water district of the value of such property, as agreed by the

governing body of the city and the board of directors of the district, or if such agreement is not made, then as determined by the city: *Provided*, That the board of directors of any such district may bring an action in the district court to determine the reasonableness of the amount of compensation fixed and determined by any such city. The governing body of the city and board of directors of the district may provide, on such terms as may be agreed, that water transmission facilities owned by the district and located within the city may be retained by the district for the purpose of transporting water to customers outside the city. In addition to compensation for such physical facilities the city may pay to the water district an amount equal to that portion of outstanding indebtedness of the district which is properly attributable to the portion of the water district annexed by the city. [L. 1968, ch. 80, § 1; July 1.]

12-528. Same; bonds; limitations; use of other funds. If deemed necessary, the city is hereby authorized to issue general obligation or revenue bonds of the city without an election for approval thereof, and may use water utility funds as are available for the purpose of making any payments authorized herein. Bonds issued under authority of this section shall not be subject to any limitation on the aggregate amount of bonds authorized to be issued by the city for any purpose nor shall bonds issued hereunder be subject to any such limitation. [L. 1968, ch. 80, § 2; July 1.]

Article 6.—PUBLIC IMPROVEMENTS

GENERAL PAVING LAW AND RELATED PROVISIONS

12-601.

Law Review and Bar Journal References:
Mentioned in 1963-65 survey of municipal corporations, J. Richard Foth, 14 K. L. R. 329, 332 (1965).

CASE ANNOTATIONS

14. Mentioned; city ordinance providing for paving and grading street held invalid. *Terrill v. City of Lawrence*, 193 K. 229, 234, 392 P. 2d 909.

15. Application of section; term "block" considered. *Colorado Oil & Gas Corp. v. City of Topeka*, 196 K. 337, 338, 339, 340, 411 P. 2d 530.

16. Section inapplicable to proceedings under K. S. A. 12-6a01 *et seq.* *Ciddings v. City of Pittsburgh*, 197 K. 777, 780, 781, 782, 421 P. 2d 181.

12-602. Resolution, protest, contract, levy and assessment for improvements. Whenever the governing body of any city shall deem it necessary to grade, regrade, pave, repave, curb, recurb, gutter, regutter, macadamize,

OF LOTS

change frontage. That any incorporated city change the frontage of a city in the manner L. 1879, ch. 79, § 1; 12-513.]

PETITIONS

shall have no validity until the State v. Head, 34 K. 419, 8 P. 722.

In action to enjoin city v. City of Wichita, 175 K. 148, 152, 259 P. 2d 581.

change. When the lot or lots may desire thereof changed, they may bring body a petition, each owner or owners, of such lot or lots of such city and in and specifically point changes desired, to be therefor, and shall no plats of each block by the change prayed late shall be an exact existing plat of such years of record in the deeds of the county, plats shall accurately the number, size and comprised within such changes of frontage B. ch. 79, § 2; March 13.]

petition, Vernon's Kansas including property, and s § 676.

PETITIONS

In action to enjoin city v. City of Wichita, 175 K. 148, 152, 259 P. 2d 581.

a petition; ordinance cordation. Upon the petition and plats it shall

be the duty of the governing body, at its next regular meeting, to examine, consider and determine the same; and if it shall appear that the public interest and convenience will in no way be prejudiced by the proposed change, it shall be allowed and made by an ordinance to be for that purpose passed, approved, published, recorded and preserved in like manner as other ordinances of such city; and within ten days after the publication of such ordinance the city clerk shall make under his hand as such clerk, and the seal of such city, a certificate setting forth that by such ordinance (describing the same by its number and the date of its passage and publication) a certain block or certain blocks of such city (describing them according to their description upon the recorded plat of such city) have been changed so as to accord with the plat to which such certificate is attached, and attach the same to the plat last referred to in section 2 [12-514] of this act, and then file such plat in the office of the register of deeds of the county, where the same shall be recorded and preserved as a part of the plat of such city. [L. 1879, ch. 79, § 3; March 13; R. S. 1923, § 12-515.]

Research and Practice Aids:

Zoning § 194.
C. J. S. Zoning §§ 108 et seq., 119.
Changing lot frontage, ordinance, certificate, Vernon's Kansas Forms §§ 678, 679.
Platting and subdivision of land, Kansas Probate Law and Practice § 999.

CASE ANNOTATIONS

- Changes made have no validity until certificate and plat filed. The State v. Head, 34 K. 419, 8 P. 722.
- Certificate must be in substantial compliance with provisions of act. The State v. Head, 34 K. 419, 8 P. 722.
- Section not applicable in action to enjoin city from vacating street. Babb v. City of Wichita, 175 K. 148, 152, 259 P. 2d 581.

12-516. Payment of costs; when change valid. The person or persons so petitioning for such change or changes shall pay all costs incident thereto, and no such change or changes shall be of any validity until the certificate and plat referred to in section 3 [12-515] shall have been filed in the office of the register of deeds of the proper county. [L. 1879, ch. 79, § 4; March 13; R. S. 1923, § 12-516.]

CASE ANNOTATIONS

- Section not applicable in action to enjoin city from vacating street. Babb v. City of Wichita, 175 K. 148, 152, 259 P. 2d 581.

BOUNDARY LINE DECLARATIONS

12-517. Ordinance declaring boundary, when. Before the last day of December in any year in which any territory has been added to or excluded from any city, the governing body of such city shall declare by ordinance the entire boundary of the city. [L. 1957, ch. 86, § 1; June 29.]

Source or prior law: 12-510a, 13-201, 13-1601, 14-446.

Research and Practice Aids:

Municipal Corporations § 28.
C. J. S. Municipal Corporations § 41.

12-518. Same; filing of certified copies. Whenever the governing body of any city shall by ordinance declare the entire boundary of such city, the city clerk shall forthwith file a certified copy of such ordinance as published with the county clerk, with the register of deeds of the county or counties in which such city is located, with the state highway engineer, and the city clerk of any city in a county having an election commissioner shall also file a certified copy of such ordinance as published with the election commissioner. No fee shall be charged for such filings, and the register of deeds shall file but not record the certified copy of any such ordinance which is filed in his office. [L. 1957, ch. 86, § 2; June 29.]

Article 6.—PUBLIC IMPROVEMENTS

Cross References to Related Sections:

General improvement and assessment law, see ch. 12, art. 6a.
Public improvements in first-class cities, see ch. 13, art. 10.
Public improvements in second-class cities, see ch. 14, art. 5.
Public improvements in third-class cities, see ch. 15, art. 7.

GENERAL PAVING LAW AND RELATED PROVISIONS

12-601. Cost of street improvements assessed against abutting owners. Whenever any street or avenue in any city shall be graded, regraded, paved, repaved, curbed, recurbed, guttered, reguttered, macadamized, remacadamized, or otherwise improved, the cost of such improvement shall be paid by and assessed to the property on each side of said street or avenue to the middle of the block. [R. S. 1923, § 12-601; Dec. 27.]

Source or prior law: L. 1891, ch. 73, § 7; L. 1913, ch. 129, § 1; L. 1921, ch. 143, § 1.

remacadamize, or otherwise improve any street, avenue, or any part thereof, for which a special tax is to be levied, as herein provided, said governing body shall by resolution declare such work or improvement necessary to be done, and such resolution shall be published for six (6) days in the official paper of the city, if the same be a daily, and for two (2) consecutive weeks, if the same be a weekly; and if the resident owners of more than one-half of the property liable for taxation therefor shall not within twenty (20) days from such last publication file with the clerk of said city their protest against such improvement, the governing body shall have power to cause such work to be done or such improvement to be made, and to contract therefor and to levy taxes as herein provided: Except that in all county-seat cities of the third class located in counties having a population of less than seven thousand (7,000) inhabitants and having a valuation of not less than thirteen million dollars (\$13,000,000) or not more than seventeen million dollars (\$17,000,000), such protest shall be sufficient and effective to prevent such work being done or such improvement being made, if and when said protest is so signed by a majority of the resident owners of real property liable to taxation for any such improvement, and filed with the city clerk as aforesaid.

Whenever a majority of the resident owners of real property liable to taxation for the improvement in two or more adjacent blocks shall petition the governing body to grade, regrade, pave, repave, curb, recurb, gutter, regutter, macadamize, remacadamize or otherwise improve the same, the governing body shall cause such work to be done or such improvement to be made, and shall contract therefor, and shall levy taxes for all such improvements as herein provided upon the property on each side of said street to the middle of the block. The sufficiency of said protest or petition as to the ownership of the property shall be determined by the record in the office of the register of deeds at the time of the adoption of said resolution. The cost of grading, regrading, paving, repaving, curbing, recurbing, guttering, reguttering, macadamizing, remacadamizing or otherwise improving intersections of streets and the cost of making any of said improvements in streets, avenues and alleys running along or through city property shall be paid for by the city at large, for which general improvement bonds of the city may be issued according to law: Provided, That if the petition of the resident

owners initiating the project so provides, the entire cost or a part thereof, of all such intersection improvements may be assessed against the benefited property in the same manner as the remainder of the improvements.

The governing body may in its discretion, levy the entire tax or special assessment for such cost at one time or may provide for the payment thereof by installments, and for such installments may issue bonds as provided by law. The owner of any property liable to such assessment may, within thirty (30) days from the time of the determination of the amount assessed against his property, pay the same in full, and his property shall not thereafter be liable for any assessment for the cost of such improvement, and bonds shall be issued only for the amount of the cost of such improvement remaining unpaid at the end of thirty (30) days from the time such assessment is fixed. [K. S. A. 12-602; L. 1967, ch. 83, § 1; July 1.]

Law Review and Bar Journal References:

Mentioned in survey of law of municipal corporations, Albert B. Martin, 10 K. L. R. 265 (1961).

Discussed in survey of law of real property and future interests, James K. Logan and N. William Hines, Jr., 10 K. L. R. 299 (1961).

12-606.

Law Review and Bar Journal References:

Discussed in survey of law of tax foreclosure sale, Leslie T. Tupy, 12 K. L. R. 339 (1963).

CASE ANNOTATIONS

7. Application of section; terms "platted ground" and "block" considered. Colorado Oil & Gas Corp. v. City of Topeka, 196 K. 337, 338, 339, 340, 312 344, 411 P. 2d 586.

12-608.

Law Review and Bar Journal References:

Mentioned in survey of constitutional and administrative law, Edward Larson, 10 K. L. R. 153 (1961).

Mentioned in survey of law of municipal corporations, Albert B. Martin, 12 K. L. R. 290 (1963).

CASE ANNOTATIONS

8. Appraisers appointed hereunder fixed value purely on a square-footage basis solely based on zoning; results were unreasonable, unjust and arbitrary assessment on certain lands. Strickland v. City of Wichita, 203 K. 954, 956, 958, 457 P. 2d 162.

12-614. Resurfacing and repair of paved streets; bonds; protest petition; election. Whenever the governing body of any incorporated city shall deem it necessary to resurface or repair any paved street or any portion thereof, which paved street was originally curbed, guttered and a base and surfacing constructed in accordance with specifications

(2)

Lot 37
Davis Garden Add.
3200 W ~~Elm~~

Condo Owners
CUB

1971
1972
1973
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1976
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2020
2021
2022

Southern
Trinity
Add.

Kingdom
Rt

Waves #3

CFC 2
no. 10

METS
CFC
Candid
no. 10

6850
5950
4510

20969
3/28/68

15. Discussed in holding off street parking act (13-1388 to 13-1391) constitutional. *State, ex rel., v. City of Topeka*, 176 K. 240, 247, 270 P. 2d 270.

16. Constructed; city liable for entire cost of improvement, when. *Overholt v. City of Ellinwood*, 176 K. 330, 333, 270 P. 2d 213.

17. Taxpayer must be resident owner of real property to be proper protestor. *Baker v. City of Leoti*, 179 K. 123, 126, 292 P. 2d 720.

18. Phrase "two or more adjacent blocks" construed. *Berndt v. City of Ottawa*, 179 K. 749, 750, 751, 752, 298 P. 2d 230.

19. Mentioned; word "block" as used in 13-1602a defined (dissenting opinion). *State, ex rel., v. City of Kansas City*, 181 K. 870, 890, 881, 317 P. 2d 806.

20. Date when sufficiency of petition or protest determinable determined. *Shaw v. City of Wakeney*, 187 K. 301, 303, 304, 305, 306, 307, 356 P. 2d 832.

12-603. Intervening street connections.

Whenever any adjoining parallel streets or alleys in the city shall have been graded, guttered, curbed, paved, or macadamized, the governing body may, when they deem it necessary, grade, gutter, curb, pave or macadamize any intervening connecting street or alley, or portion thereof; and in all cases when two or more portions of any street or alley have been graded, guttered, curbed, paved, or macadamized, and intervening portions of said street or alley have not been graded, guttered, curbed, paved, or macadamized, the governing body may by resolution cause the intervening portion to be graded, guttered, curbed, paved or macadamized not to exceed two blocks, and levy special assessments to pay for the same, regardless of any protests of the property owners affected thereby. [R. S. 1923, § 12-603; Dec. 27.]

Source or prior laws: L. 1899, ch. 81, § 2; L. 1903, ch. 122, § 147; L. 1911, ch. 123, § 1.

Revision note, 1923: General paving section to provide uniform procedure.

Cross References to Related Sections:

Cities over 65,000, see 13-1031.
 Cities first class, between 40,000 and 110,000, see 13-1036.
 Similar provisions embodied in 13-1011.
 Application to commission government, see 13-2904.

Research and Practice Aids:

Municipal Corporations § 428.
 C. J. S. Municipal Corporations §§ 1347 et seq.

CASE ANNOTATIONS

Annotation to L. 1903, ch. 122, § 147:
 1. Authority of city to pave regardless of protest considered. *Bailey v. City of Wichita*, 108 K. 282, 283, 194 P. 928. Modified: 108 K. 854, 196 P. 1070.

Annotations to L. 1911, ch. 123, § 1:
 2. Connecting improvement may begin at end of other improvement. *Milling Co. v. Junction City*, 98 K. 253, 254, 157 P. 1174.

3. Statute not unconstitutional, although it authorizes laws by implication. *Milling Co. v. Junction City*, 98 K. 253, 255, 157 P. 1174.

4. City officers proceeding lawfully cannot be interfered with by injunction. *Fairchild v. City of Holton*, 101 K. 330, 333, 166 P. 503.

5. Authority of city officers under this section considered. *Fairchild v. City of Holton*, 101 K. 330, 333, 166 P. 503.

6. City may pave intervening portion regardless of protests. *Bailey v. City of Wichita*, 108 K. 284, 194 P. 928. Modified: *Bailey v. City of Wichita*, 108 K. 854, 196 P. 1070.

Annotations to R. S. 1923, 12-603:

7. City has implied power to pass ordinance changing name of streets. *Brown v. City of Topeka*, 146 K. 974, 977, 74 P. 2d 142.

8. Strip of land between vacated street and street not intersection. *Babb v. City of Wichita*, 108 K. 148, 152, 259 P. 2d 581.

12-604. State or federal lands.

Whenever any lands owned by the state of Kansas or the government of the United States are situated within the corporate limits of a city, and such city desires to grade or repave, or repave, curb or recurb, or gutter or regutter the streets, avenues or alleys adjacent to such lands, it may proceed to do so under the laws in force in reference to grading, regrading, paving or repaving, curbing or curbing, or guttering or reguttering streets, avenues or alleys in such cities; and such cities are hereby authorized and empowered for the purpose of grading or regrading, paving, repaving, curbing or recurling, or guttering or reguttering the one half street, avenue or alley adjacent to said lands, or the entire street, avenue or alley in case the adjacent lands on both sides of said street, avenue or alley are owned by the state of Kansas or the government of the United States, to contract for the grading or regrading, paving or repaving, curbing or recurling, or guttering or reguttering and pay for the same in the manner that they contract and pay for the grading or regrading, paving or repaving, curbing or curbing, or guttering or reguttering the intersections of streets, avenue or alleys. [R. S. 1923, § 12-604; Dec. 27.]

Revision note, 1923: General paving section to provide uniform procedure.

Research and Practice Aids:

Municipal Corporations § 426.
 C. J. S. Municipal Corporations § 1332.

12-605. Grading districts; block assessments.

In all cases where grading is to be done, the entire distance to be graded shall constitute the grading district, but for repaving, repaving, macadamizing, remacadamizing, curbing, recurling, guttering and