

CHAPTER XX. SEWER SYSTEM BENEFIT AREAS AND DEVELOPMENT

Article 1. General Provisions

20-101. Sewer System Benefit Area. Whenever the City determines additional sewer system improvements should be constructed, it may establish a Sewer System Benefit Area by Resolution. The Sewer System Benefit Area shall constitute all parcels that could be served by the additional sewer system improvements. Property owners within the Sewer System Benefit Area need not approve of the Sewer System Benefit Area, subject to Section 20-104.

20-102. Purpose. The purpose of the Sewer System Benefit Area is to allow for the construction of new sewer infrastructure to parcels of land that are not currently served by sewer services. For each Sewer System Benefit Area, the City shall design and construct the sewer system. Each parcel within the Sewer System Benefit Area must be within the corporate limits of the City and pay a proportional share of the costs of the design and construction of the system, which shall be set by Resolution, prior to being granted access to use and tap into the system once constructed. This procedure may be used as an alternative to a Sewer Benefit District established pursuant to K.S.A. § 12-6a01 *et seq.*, and this procedure shall not include any special assessments against any property itself.

20-103. Creation of Sewer System Benefit Area. A Sewer System Benefit Area shall be created by Resolution of the Governing Body. Such Resolution shall include the following information:

- (1) A map of the area to be served;
- (2) A map of the proposed lines and services to be run, including total length of each segment;
- (3) Identification of any additional facilities required, including but not limited to lift stations, and the location thereof;
- (4) Identification of the total area that could be served by the system;
- (5) Identification of each parcel that could be served by the system, including the size of each such parcel;
- (6) An estimate of the total cost to design and construct the system;
- (7) Using that estimate, an apportionment of the cost per acre, including an identification of each parcel's proportional share of the cost of the additional sewer system improvements; and
- (8) The term, expressed as a number of years, during which the owners of parcels in the Sewer System Benefit Area will be required to pay to connect to such system as provided in Section 20-107.

The Governing Body shall hold a public hearing on the creation of a Sewer System Benefit Area, and shall notify all property owners within the Sewer System Benefit Area within twenty (20) days of the date of such Public Hearing.

20-104. Appeal. If a written protest is received in the same manner as any objection made under K.S.A. § 12-6a06 within 30 days of the Resolution being passed, the City shall rescind the Resolution.

20-105. Resolution to Be Recorded. If a Sewer System Benefit Area is created under this Article, the same shall be recorded with the county or counties in which it sits, and shall be recorded against every parcel included in the Sewer System Benefit Area.

20-106. Actual Costs to Be Used. Upon completion of the sewer infrastructure completed under a Sewer System Benefit Area, the City shall pass a second Resolution setting forth all actual costs to the City in designing and constructing the infrastructure. This amount shall be used as the total cost of the additional sewer system improvements, and the Resolution shall re-calculate the proportional costs and promptly notify all property owners within the Sewer System Benefit Area of the new amount. This second Resolution shall also be Recorded against each parcel in the Sewer System Benefit Area. Actual costs are determined exclusively by the City and shall include, but not be limited to costs for design, professional services, legal services, land acquisition, construction, installation, surveying, studies, remediation, financing costs, and interest incurred by the City.

20-107. Requirements to Attach to Sewer System Benefit Area. Upon completion of the Sewer System Benefit Area infrastructure, any parcel wishing to gain access to the sewer improvements during the term identified in the first Resolution cannot do so until the owner has paid the proportional share of that parcel's cost of the additional sewer system improvements, as set forth in the second Resolution passed pursuant to Section 20-106. The payment of costs under this Chapter shall be made at the time of platting for each phase of the parcel's development. In the event a parcel is platted in separate phases. If no plat is required, the payment shall be made at the time of connection to the sewer infrastructure. In no case can a parcel connect to Sewer System Benefit Area infrastructure without paying the fees set forth herein, unless the term stated in Section 20-108.8 has expired. This fee shall be in addition to any additional Sewer Development Fees provided for in the City's Fee Resolution. In the event a parcel wishes to connect to Sewer System Benefit Area infrastructure, and such parcel was located outside the City corporate limits at the time such Sewer System Benefit Area was created, such parcel shall pay the proportional share of that parcels' cost of the additional sewer system improvements calculated as if such parcel were included in the Sewer System Benefit Area when created.

20-108. Service Area Must Be Within City to Connect. In the event any parcel within a Sewer System Benefit Area is not fully inside the corporate limits of the City, that parcel may not attach to the City's sewer infrastructure constructed through the Sewer System Benefit Area without first annexing into the City of Spring Hill, Kansas. In no case shall a sewer system developed under this Article be used to serve property outside the City.

20-109. Discretion of City.

A. The decision to design and construct sewer infrastructure, to establish a Sewer System Benefit Area, and all decisions related to the design and construction, including alignment, of the sewer infrastructure shall be at the City's sole and exclusive discretion, subject to Section 20-104.

B. The City may, in its sole discretion, accept an alternative payment by a property owner for all or part of its payments required under this Chapter. Such alternative payment may be accepted to offset costs by City in the construction of Sewer System Benefit Area infrastructure, such as obtaining easements, deeds of dedication, or other property interests necessary to construct the Sewer System Benefit Area infrastructure. The alternative payment, such as a donation of land necessary for the construction of Sewer System Benefit Area infrastructure, shall be valued based on the City's determination of the value of the interest conveyed to the City as alternative payment.