

ORDINANCE NO. 030247

Levying a special assessment for the Fiscal Year 2003-2004 upon all real estate, exclusive of the improvements thereon, not exempt by law from general taxation in the West Trafficway District in Kansas City, Missouri, for the purpose of maintaining, improving and repairing the trafficways located in said West Trafficway District, and providing for the manner of payment and collecting of said special assessment, pursuant to Section 60 of Article III and Section 356 of Article X of the Charter of Kansas City.

WHEREAS, the Trafficways Commission of Kansas City, Missouri, through the City Manager, has recommended to the Council of said City, in Resolution No. 2003-3, adopted February 25, 2003, a copy of which is attached hereto and by reference made a part hereof, that a special assessment be made upon the real estate, exclusive of the improvements thereon, in the WEST TRAFFICWAY DISTRICT for the Fiscal Year 2003-2004, for the purpose of maintaining, improving and repairing the trafficways located in the WEST TRAFFICWAY DISTRICT; and

WHEREAS, the Council finds and determines that the real estate subject to the special assessment made in this ordinance receives a special benefit in at least the amount of the assessment, and that the amount of the special assessment is based on a portion of and does not exceed the actual cost of maintenance, repair and improvements for which the assessment is levied and used; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That pursuant to Section 60 of Article III and Section 356 of Article X of the Charter of Kansas City there is hereby levied for the Fiscal Year 2003-2004, upon all real estate, exclusive of all improvements thereon, not exempt by law from general taxation in the WEST TRAFFICWAY DISTRICT in Kansas City, Missouri, as established in Section A13.6 of Article XIII of the Administrative Code of Kansas City, Missouri, as amended, a special assessment of twenty-five cents (\$.25) on each hundred dollars of the assessed value of all said real estate, exclusive of said improvements, said assessed value to be the same as shown by the books of the City Assessor for the assessment of real estate in said WEST TRAFFICWAY DISTRICT made for general City purposes in said year as to all real estate listed on said books for taxation for general City purposes.

Section 2. The special assessment hereby levied and made shall be used for the purpose of maintaining, improving, and repairing the trafficways located in the WEST TRAFFICWAY DISTRICT, as provided by Section 60 of Article III and Section 356 of Article X of the City Charter.

Section 3. The maintaining, improving and repairing of the trafficways within the district confers a special benefit upon the lands located within the district and the amount of

the special assessment is based on a portion of and does not exceed the actual cost of maintenance, repair and improvements for which the assessment is levied and used.

Section 4. The special assessment hereby levied shall be entered and extended by the Commissioner of Accounts against each tract or parcel of land in said WEST TRAFFICWAY DISTRICT liable to such assessment, and shall be a lien thereon from the date of the taking effect of this ordinance and be payable and collectible in the same manner and at the same time, as far as practicable, as is provided by the City Charter and ordinances for entering, extending and collecting of general City taxes on said real property, except that no rebate shall be deducted or allowed from said assessment in any case. Said special assessment shall become delinquent at the same time, and when delinquent shall bear the same rate of interest and be subject to the same penalties as provided by the Charter and ordinances in the case of delinquent general City taxes.

The laws and ordinances governing the entering, extending, payment, collection and the sale for nonpayment of general taxes of the City, shall, as far as practicable, govern the entering, extending, collection and the sale for nonpayment of the special assessment hereby levied, provided that if a sale of any land to enforce the collection of this assessment is contrary to the public policy or laws of this state, then the amount of the assessment in default with interest and penalties accrued thereon may be collected by suit in the manner prescribed by Section 383, Article XII, of the City Charter, except in the case of such suit, the amount of said assessment and the description thereof shall be evidenced by certificate of the City Treasurer, instead of by special tax bill.

The taxes herein levied above are levied subject to adjustment upon receipt of equalized assessments and the extension, billing and collection thereof shall be effected in the same manner as that of the General Taxes of the City, anything to the contrary herein notwithstanding.

Section 5. It shall be the duty of the City Treasurer to keep a separate account of all the assessments levied and collected in pursuance of this ordinance, and said moneys, when collected, shall be deposited in the banks or banking institutions of said City having a contract with the City for deposit and safekeeping of the funds of said City, in pursuance of the Charter and ordinances of Kansas City; and all interest, if any, received from such depository or depositories on account of the depositing of any fund therein arising from this assessment, shall be credited to and become a part of the fund received from this assessment, and shall be used for the same purposes for which this assessment is made.

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Approved as to form and legality:

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Assistant City Attorney