

CHARTER ORDINANCE NO. 16

A CHARTER ORDINANCE EXEMPTING THE CITY OF MERRIAM, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-701a, 14-701b, 14-701h AND 14-701i CONCERNING WATERCOURSE IMPROVEMENTS; RELATING TO WATERCOURSES IN CITIES OF THE SECOND CLASS; RELATING TO THE ALTERATION, CHANGE, DIVERSION AND IMPROVEMENT THEREOF; AND RELATING TO THE PAYMENT OF THE COST THEREOF BY THE ISSUANCE OF GENERAL OBLIGATION NOTES AND BONDS; PROVIDING SUBSTITUTE PROVISIONS THEREFOR; AND PROVIDING ADDITIONAL PROVISIONS RELATING TO THE IMPROVEMENT OF WATERCOURSES IN THE CITY OF MERRIAM.

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

SECTION 1. The City of Merriam, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 14-701a, 14-701b, 14-701h and 14-701i concerning watercourse improvements; relating to watercourses in cities of the second class; relating to the alteration, change, diversion and improvement thereof; and relating to the payment of the cost thereof by the issuance of general obligation notes and bonds; and hereby provides substitute provisions and additional provisions as set forth herein. Such referenced K.S.A. 14-701a, 14-701b, 14-701h and 14-701i are applicable to this City but not uniformly applicable to all cities.

SECTION 2. The governing body of the City of Merriam, Kansas, may by resolution declare the need to alter, change or divert the channel of any watercourse and make improvements as provided in K.S.A. 12-694. The resolution shall describe in general terms the alteration, change, diversion and improvement to be made and the estimated cost thereof, and may provide that the cost or a percentage of the cost shall be paid by the issuance of general obligation bonds. If the cost is to be paid by the issuance of general obligation bonds, temporary notes may be issued as provided by law, during the progress of the work, and after the improvement is completed and the total cost ascertained, general obligation bonds may be issued by ordinance.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the official City newspaper, all as provided by law.

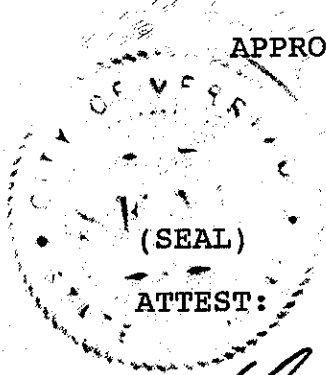
SECTION 4. THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN SIXTY DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF MERRIAM EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION

SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF MERRIAM DEMANDING AN ELECTION ON THE CHARTER ORDINANCE, IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

PASSED BY THE City Council the 23<sup>rd</sup> day of May, 1994.

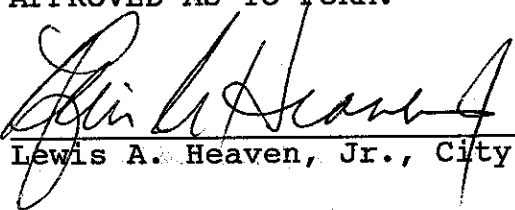
APPROVED BY THE Mayor this 23<sup>rd</sup> day of May, 1994.

  
IRENE B. FRENCH, Mayor



  
Connie J. Schmidt, City Clerk

APPROVED AS TO FORM:

  
Lewis A. Heaven, Jr., City Attorney

I hereby certify that the foregoing charter ordinance was published in the official city newspaper on the 25 day of May, 1994, and again on the 1st day of June, 1994.

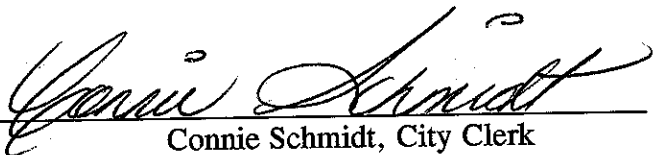
  
\_\_\_\_\_  
Connie Schmidt, City Clerk

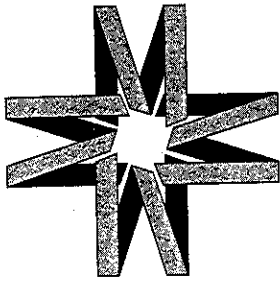
No petition demanding that such ordinance be submitted to a vote of the electors was filed with the City Clerk within sixty-one (61) days of the final publication of said ordinance.

  
\_\_\_\_\_  
Connie Schmidt, City Clerk

The undersigned, City Clerk, of the City of Merriam, Kansas does hereby certify that the above and foregoing is a true copy of Charter Ordinance No. 16 of the City of Merriam, Kansas, and of the statement of the manner of adoption thereof.

Dated this 1st day of August, 1994.

  
\_\_\_\_\_  
Connie Schmidt, City Clerk



# THE CITY OF MERRIAM

9000 West 62nd Terrace

Merriam, Kansas 66202-2815

FAX (913) 722-0238

August 1, 1994

Mr. Bill Graves  
Secretary of State  
Second Floor, State Capitol  
Topeka, Kansas 66612-1594

Dear Mr. Graves:

On behalf of the Governing Body of the City of Merriam, Kansas, I am enclosing a certified copy of Charter Ordinance No. 16 to be filed with your office.

If additional information is required, please contact me as soon as possible.

Sincerely,

THE CITY OF MERRIAM, KANSAS

Connie Schmidt  
City Clerk

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Enclosure

CERTIFICATION OF TRUE COPY

I, Connie J. Schmidt City Clerk of the  
City of Merriam, Kansas, hereby certify that the foregoing  
and attached Charter Ordinance 16  
is a true and correct copy of Charter Ordinance 16

Dated this 1<sup>st</sup> day of August, 1994



Connie J. Schmidt  
CITY CLERK

First Published in The  
Johnson County Sun, Wed-  
nesday, May 25, 1994.  
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NO. 16

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MERRIAM, KANSAS, FROM  
THE PROVISIONS OF  
K.S.A. 14-701a, 14-701b,  
14-701h AND 14-701i  
CONCERNING WATER-  
COURSE IMPROVE-  
MENTS; RELATING TO  
WATERCOURSES IN  
CITIES OF THE SECOND  
CLASS; RELATING TO THE  
ALTERATION, CHANGE,  
DIVERSION AND IM-  
PROVEMENT THEREOF;  
AND RELATING TO THE  
PAYMENT OF THE COST  
THEREOF BY THE IS-  
SUANCE OF GENERAL  
OBLIGATION NOTES AND  
BONDS; PROVIDING SUB-  
STITUTE PROVISIONS  
THEREFOR; AND PRO-  
VIDING ADDITIONAL  
PROVISIONS RELATING  
TO THE IMPROVEMENT  
OF WATERCOURSES IN  
THE CITY OF MERRIAM.

BE IT ORDAINED BY  
THE GOVERNING BODY  
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SECTION 1. The City of  
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provements; relating to  
watercourses in cities of the  
second class; relating to the  
alteration change, diversion  
and improvement thereof;  
and relating to the payment  
of the cost thereof by the is-  
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notes and bonds; and  
hereby provides substitute  
provisions and additional  
provisions as set forth  
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is to be paid by the issuance  
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sued as provided by law,  
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and effect from and after its  
passage, approval, and pub-  
lication in the official City  
newspaper, all as provided  
by law.

SECTION 4. THIS IS A

### AFFIDAVIT OF PUBLICATION

**I, KANSAS, JOHNSON COUNTY, ss: Georglann Thacker being sworn, Deposes and say: That she is legal publications of THE JOHNSON COUNTY SUN, a semi-weekly newspaper of the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, and that said newspaper is not religious or fraternal publication.**

**Said newspaper is a semi-weekly published at least weekly 50 times a week and has been so published continuously and uninterruptedly in said county for a period of more than five years prior to the first publication thereof; and has been admitted at the post office of Merriam, Kansas in said County as a second class matter.**

**The attached notice is a true copy thereof and was published in the entire issue of said newspaper for two weeks (weeks/days) the first publication thereof as aforesaid on the 25th day of June, 1994, with subsequent publications being made on the following dates:**

1 19 94 \_\_\_\_\_ 19 \_\_\_\_\_  
\_\_\_\_\_ 19 \_\_\_\_\_ 19 \_\_\_\_\_

*Georglann Thacker*

**To before me this 1st day of June 19 94**

*Deanna J. Martson*  
NOTARY PUBLIC

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\_\_\_\_\_ 61.25 \_\_\_\_\_