

**80-2004. Surveys; plans and specifications; exclusion of unserviceable land; approval of plans; filing; cost; bonds to pay preliminary costs without an election, when.** (a) Whenever a sewage district shall have been established in any township as herein provided, the governing body thereof shall employ engineers to make a survey of the district, to prepare plans and specifications for the construction of main, intercepting and outfall sewers, and to determine the most practical and economical means for the disposal of sewage, either by the construction of one or more sewage-disposal plants, or by contract with adjacent cities or townships, or by both the construction of such plants and the making of such contracts, and if such engineers shall recommend the construction of such sewage-disposal plants, they shall submit plans and specifications therefor with estimates of the cost of construction and maintenance thereof. The plans and specifications shall also include such lateral sewer districts together with an estimate of the cost of construction thereof as may be deemed immediately necessary.

(b) If such engineers shall find that any land in such district cannot be serviced by the proposed sewage system, without extraordinary expenses, on account of the topography of the land or otherwise or that any land in the proposed sewage district is adequately served by sewers they shall so report to the governing body, in which case the governing body shall by resolution, exclude such land from the sewage district, and such land shall not be liable for any part of the cost of constructing or maintaining such sewage system. Such plans and specifications shall be submitted to the governing body of such sewage district, and if approved by the governing body of such district, the same shall be submitted to the secretary of health and environment for approval, and shall be subject to such change and modification as may be reasonably required by the secretary of health and environment and approved by the governing body of the sewage district. Whenever such plans and specifications have been finally approved by the secretary of health and environment and the governing body of such sewage district, a copy of such plans and specifications as finally approved shall be filed with the county clerk of the county within which said township is located and be available for inspection by all persons interested therein.

(c) The cost of such plans and specifications and all other preliminary costs and expenses shall be apportioned to the lots and pieces of land within such proposed sewage district, and collected in one or more installments, as the township board may determine in the manner hereinafter provided for the payment of the cost of construction of such improvements, except whenever such plans and specifications have been filed and approved as herein provided and the governing body of such sewage district shall determine not to call an election at that time on account of federal laws or regulations prohibiting or limiting the construction of public works or prohibiting or limiting the use of any materials necessary to such sewage system; in such case, the governing body of such sewage district shall issue bonds of such sewage district to pay the cost of such plans and specifications and other preliminary expense, which bonds shall be authorized and issued by resolution of the governing body of such sewage district and shall be a lien upon all lots and pieces of land within such sewage district, and shall mature serially or otherwise, as may be specified in such resolution, during a period of not to exceed twenty (20) years from the date of issuance, and except as herein provided, shall be subject to all the provisions of the acts contained in article 1 of chapter 10 of the Kansas Statutes Annotated, and any acts amendatory thereof or supplemental thereto. Any bonds issued for such purposes shall be in addition to and may exceed the limits of bonds for any other purposes as provided by law.

(d) The governing body of any such sewage district issuing bonds under the provisions of this section shall levy such taxes as may be necessary to pay such bonds and interest, and such taxes shall be levied upon all the lots and pieces of land within such sewage district, without regard to the buildings and improvements thereon, at their assessed value, and without further appraisalment. Whenever bonds have been issued under the provisions of this section, and if thereafter the governing body of such district, after approval at an election as provided in this act, shall issue bonds for the construction of such sewage system while all or part of the bonds, issued under the provisions of this section, are outstanding, the amount of such outstanding bonds shall be included in the cost of such system and in the total amount of bonds issued for the payment thereof, and the bonds issued under this section shall be exchanged for bonds of the same denomination and maturity of the general bond issue for such improvements.

**History:** L. 1941, ch. 399, § 4; L. 1943, ch. 328, § 2; L. 1975, ch. 462, § 124; L. 1978, ch. 99, § 40; April 25.