



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** April 2, 2018  
**TO:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** George Brajkovic, City Manager  
**SUBJECT:** Authorizing the Appointment of Municipal Court Judge and City Attorney

**DISCUSSION:**

K.S.A. 14-201 requires the Mayor, by and with the consent of the City Council, to appoint certain city officers in April each year. Charter Ordinance 26 gives the Mayor, by and with the authority of the City Council, the authority to appoint two officers each year. These officers include:

Municipal Court Judge  
City Attorney

**BUDGET IMPACT:**

There is no anticipated impact on the 2018 budget.

The City currently has an agreement with Municipal Judge William Pray to pay \$600 per month for services rendered. No change is anticipated due to this appointment.

The cost of legal services for the services of Shannon Marcano as City Attorney are unchanged from the prior arrangement in 2017.

**ACTION NEEDED:**

Adopt Resolution 04-18-02, authorizing the Appointment of Municipal Court Judge and City Attorney.

**ATTACHMENTS:**

Resolution 04-18-02

**cc:** Dan Porter, Assistant City Manager  
William Pray, Municipal Court Judge  
Shannon M. Marcano, City Attorney

**RESOLUTION NO. 04-18-02**

**A RESOLUTION APPOINTING OFFICERS OF THE CITY OF TONGANOXIE,  
KANSAS, IN ACCORDANCE WITH K.S.A. 14-201 AND CHARTER  
ORDINANCE 26**

**WHEREAS**, K.S.A. 14-201 requires the Mayor, by and with the consent of the City Council, to appoint certain city officers in April each year; and

**WHEREAS**, Charter Ordinance 26 gives the Mayor, by and with the consent of the City Council, the authority to appoint the Municipal Court Judge and the City Attorney; and

**WHEREAS**, the Mayor wishes to appoint the following city officers:

William Pray	Municipal Court Judge
Shannon M. Marcano	City Attorney

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE  
CITY OF TONGANOXIE, KANSAS:**

**Section 1.** That the Mayor, by and with the consent of the City Council, hereby appoints the following city officers:

William Pray	Municipal Court Judge
Shannon M. Marcano	City Attorney

**Section 2.** That this resolution shall become effective upon passage.

**ADOPTED** by the Governing Body this 2<sup>nd</sup> day of April, 2018.

**SIGNED** by the Mayor this 2<sup>nd</sup> day of April, 2018.

**SEAL**

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Jason K. Ward, Mayor

ATTEST:

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Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

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Shannon M. Marcano, City Attorney

**ORDINANCE NO. 1436**

**AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF TONGANOXIE, LEAVENWORTH COUNTY, KANSAS**

**WHEREAS**, a Petition and Consent to Annexation (attached as **Exhibit A**) for the tract of land legally described as follows:

Tract 2, as shown on Certificate of Survey by Joseph A. Herring and recorded as Document No. 2018S018, being more particularly described as follows:

Tract of land in the Southeast Quarter of Section 8, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 38'21" East for a distance of 687.42 feet along the East line of said Southeast Quarter; thence South 88 degrees 26'03" West for a distance of 49.83 feet to the Westerly line of U.S. Highway 24 as described in Condemnation Case No. 34555 and reflected on survey by Richard T. Schmidt dated December 8, 2017; thence continuing South 88 degrees 26'03" West for a distance of 208.71 feet as established from survey by Richard T. Schmidt; thence North 01 degrees 39'12" West for a distance of 270.00 feet as established from survey by Richard T. Schmidt; and to the apparent Southwest corner of JOHN EVANS SUBDIVISION #1 as platted; thence North 88 degrees 26'03" East for a distance of 208.71 feet to the said Westerly right of way of U.S. Highway 24; thence South 01 degrees 39'12" East for a distance of 270.00 feet to the point of beginning.

and as shown on **Exhibit B** (the "Land"), was filed with the Governing Body of the City of Tonganoxie, Kansas by the record title owner of the Land; and

**WHEREAS**, the Land lies upon or touches the boundary line of the City of Tonganoxie, and therefore "adjoins" the City within the meaning of K.S.A. Supp. 12-519(d); and

**WHEREAS**, in addition to the land adjoining the City, the record title owner of the Land has petitioned and consented in writing to the annexation of the Land, thereby satisfying K.S.A. 12-520 (a) (7); and

**WHEREAS**, in accordance with 12-520a (f), no resolution, notice or public hearing required under K.S.A. 12-520a is required as a prerequisite to the annexation of land owned or held in trust for the city or any agency therefor, or land all of the owners of which petition for or consent thereto in writing; and

**WHEREAS**, the Tonganoxie Governing Body wishes to complete the annexation process by adopting an ordinance formally annexing the Land into the City of Tonganoxie.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS:**

Section 1: That, as the conditions for annexation under K.S.A. 12-520 (a) (7) have been met, the Land, legally described as follows:

Tract 2, as shown on Certificate of Survey by Joseph A. Herring and recorded as Document No. 2018S018, being more particularly described as follows:

Tract of land in the Southeast Quarter of Section 8, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 38'21" East for a distance of 687.42 feet along the East line of said Southeast Quarter; thence South 88 degrees 26'03" West for a distance of 49.83 feet to the Westerly line of U.S. Highway 24 as described in Condemnation Case No. 34555 and reflected on survey by Richard T. Schmidt dated December 8, 2017; thence continuing South 88 degrees 26'03" West for a distance of 208.71 feet as established from survey by Richard T. Schmidt; thence North 01 degrees 39'12" West for a distance of 270.00 feet as established from survey by Richard T. Schmidt; and to the apparent Southwest corner of JOHN EVANS SUBDIVISION #1 as platted; thence North 88 degrees 26'03" East for a distance of 208.71 feet to the said Westerly right of way of U.S. Highway 24; thence South 01 degrees 39'12" East for a distance of 270.00 feet to the point of beginning.

is hereby annexed into the City of Tonganoxie, Kansas.

Section 2: That if any section, clause, sentence or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 3: That this ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Tonganoxie, Kansas as provided by law.

**PASSED** by the City Council this 2<sup>nd</sup> day of April, 2018.

**APPROVED** by the Mayor this 2<sup>nd</sup> day of April, 2018.

**SEAL**

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Jason Ward, Mayor

ATTEST:

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Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

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Shannon M. Marciano, City Attorney

Exhibit A  
Petition and Consent to Annexation

**ANNEXATION PETITION**

**To the Governing Body of the City of Tonganoxie, Kansas:**

**For the annexation of land into the City of Tonganoxie, Kansas.**

**We the undersigned owners of all the following described land, located in Leavenworth County, Kansas, legally described as follows or attached:**

Tract 2, as shown on Certificate of Survey by Joseph A. Herring and recorded as Document No. 2018S018, being more particularly described as follows:

Tract of land in the Southeast Quarter of Section 8, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 38'21" East for a distance of 687.42 feet along the East line of said Southeast Quarter; thence South 88 degrees 26'03" West for a distance of 49.83 feet to the Westerly line of U.S. Highway 24 as described in Condemnation Case No. 34555 and reflected on survey by Richard T. Schmidt dated December 8, 2017; thence continuing South 88 degrees 26'03" West for a distance of 208.71 feet as established from survey by Richard T. Schmidt; thence North 01 degrees 39'12" West for a distance of 270.00 feet as established from survey by Richard T. Schmidt; and to the apparent Southwest corner of JOHN EVANS SUBDIVISION #1 as platted; thence North 88 degrees 26'03" East for a distance of 208.71 feet to the said Westerly right of way of U.S. Highway 24; thence South 01 degrees 39'12" East for a distance of 270.00 feet to the point of beginning.

**Hereby formally petition for and consent to the annexation of such land to the City of Tonganoxie, Kansas.**

Dated this 2nd day of April, 2002018.

John W. Evans  
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Jessy Ann Evans  
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Subscribed and sworn before me this 2 day of April, 20018.

Notary Seal

[Signature]  
Notary Public

My Commission expires: 10-3-19

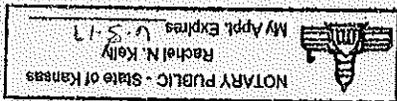


Exhibit B  
Certificate of Survey

