

(Published in *The Times-Sentinel* on October __, 2022)

ORDINANCE NO. 1085

AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE RE-ASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NO. 980 OF THE CITY OF CLEARWATER, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS.

WHEREAS, the governing body of the City of Clearwater, Kansas (the "City") has heretofore authorized the following internal improvements (collectively, the "Improvements") to be constructed in the City pursuant to K.S.A. 12-6a01 *et seq.* (the "Act"):

Project No. 1 - Indian Lakes – Paving Improvements

Resolution No. 2-2012, as amended

Pavement on Janet, Indian Lakes Drive and Silverado Court; and

Project No. 2 - Indian Lakes – Sanitary Sewer Phase I Improvements

Resolution No. 3-2012, as amended

Construction of a lateral sanitary sewer; and

Project No. 3 - Indian Lakes – Water Distribution System Phase I Improvements

Resolution No. 4-2012, as amended

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances; and

Project No. 4 - Indian Lakes – Drainage Phase I Improvements

Resolution No. 5-2012, as amended

Construction of a storm sewer drain to serve; and

Project No. 5 - Indian Lakes 2nd Addition – Water System Improvements

Resolution No. 1-2013

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, and appurtenances; and

Project No. 6 - Indian Lakes 2nd Addition– Sanitary Sewer Improvements

Resolution No. 2-2013

Construction of a lateral sanitary sewer; and

WHEREAS, pursuant to the Act and Ordinance No. 980 of the City, the governing body has levied and assessed a portion of the costs of such Improvements against certain property that has now been replatted as Lots 3 through 15, Block 1; Lots 1 through 16, Block 2; Lot 6, Block 3; Lot 2, Block 1; Lots 1 and 2, Block 4; and Reserve B; all of Indian Ridge Addition to the City; and

WHEREAS, the owner of Lots 3 through 15, Block 1; Lots 1 through 16, Block 2; Lot 6, Block 3; Lot 2, Block 1; Lots 1 and 2, Block 4; and Reserve B; of Indian Ridge Addition to the City, has, pursuant to an Agreement By and Between the City and such owner (the "Respread Agreement"), agreed that certain re-assessments should be made on such properties for the Improvements; and

WHEREAS, the owner of Lots 3 through 15, Block 1; Lots 1 through 16, Block 2; Lot 6, Block 3; Lot 2, Block 1; Lots 1 and 2, Block 4; and Reserve B; of Indian Ridge Addition to the City, has waived its rights to notice and a hearing for a re-assessment under the Act and waived its right to appeal the special assessments for the above mentioned projects (including the described re-assessment) and has agreed that no suit to set aside said assessment shall be brought by it nor shall it in any other way bring an action to question the validity of the assessment proceedings taken by the City; and

WHEREAS, the governing body of the City hereby finds and determines that it is necessary and advisable to re-assess the amounts levied against such property by Ordinance No. 980

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

Section 1. The City authorizes and directs the assessments against of Lots 3 through 15, Block 1; Lots 1 through 16, Block 2; Lot 6, Block 3; Lot 2, Block 1; Lots 1 and 2, Block 4; and Reserve B; of Indian Ridge Addition to the City, levied by Ordinance No. 980, shall be re-assessed as described in the Respread Agreement, and, in particular, *Schedule 1* to the Respread Agreement.

Section 2. The Respread Agreement is hereby approved and authorized, and the Mayor or other authorized signatory is hereby authorized and directed to execute and deliver the Respread Agreement on behalf of the City in substantially the form presented for review prior to passage of this ordinance, and such other documents, certificates and instruments as may be necessary or desirable to carry out the purposes and intent of this ordinance. The City Clerk of the City is hereby authorized and directed to attest the execution of the Respread Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this ordinance under the City's corporate seal.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official City newspaper.

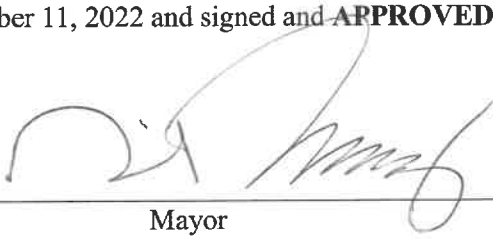
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PASSED by the governing body of the City on October 11, 2022 and signed and **APPROVED** by the Mayor.

(SEAL)



ATTEST:



Mayor



City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on October 11th, 2022; that the record of the final vote on its passage is found on page 1 of journal ____; and that it or a summary thereof was published in *The Times-Sentinel* on October ____, 2022.

DATED: October 11th, 2022



City Clerk

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF CLEARWATER, KANSAS
HELD ON OCTOBER 11, 2022**

The governing body met in regular session at the usual meeting place in the City, at 6:30 p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

(Other Proceedings)

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE RE-ASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NO. 980 OF THE CITY OF CLEARWATER, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS.

Thereupon, Councilmember Robben moved that said Ordinance be passed. The motion was seconded by Councilmember Pike. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: Walter, Shore, Titterington

Nay: _____

Thereupon, a majority of the members of the governing body having voted in favor of the adoption of the Ordinance, it was given No. 1085; was approved and signed by the Mayor and attested by the City Clerk; and the City Clerk was ordered to cause the Ordinance to be published one time in the official City newspaper as required by law.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Clearwater, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)



Jay Pee
Clerk