

THE CITY OF WICHITA
OFFICE OF PUBLIC WORKS - ENGINEERING

TO: Dale Rea, Deputy City Clerk

DATE: December 21, 1989

FROM: Steve Lackey, Director of Public Works



SUBJECT: Agreement to Respread
Assessments: Reflection
Ridge 4th Addition

Please place the attached agreement on the Consent Agenda. The purpose of the document is to respread special assessments to reflect recent platting activity.

Recommendation/Action: Approve the agreement and authorize the Mayor to sign.

BM/MEL:wt
Attach.

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT


DATE: December 20, 1989

TO: Vicky Huang, Subdivision Engineer

FROM: Douglas J. Moshier, Senior Assistant City Attorney

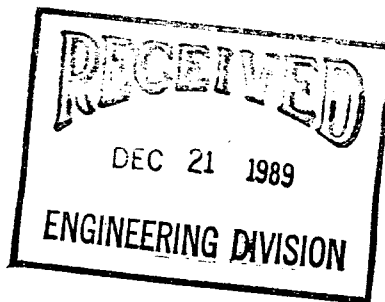
SUBJECT: Agreement for Respread
Assessments

The attached Agreement for respreading assessments in Reflection
Ridge 4th Addition is approved as to form.


Douglas J. Moshier
Senior Assistant City Attorney

DJM:cdh

Attachment



AGREEMENT

BY AND BETWEEN

THE CITY OF WICHITA, KANSAS,
Party of the First Part

and

Reflection Ridge, Inc.
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of Reflection Ridge, within the City Limits of the City of Wichita; and

WHEREAS, Party of the Second Part is the landowner of all or part of the improvement district; and

WHEREAS, portion of the improvement district of said improvements has been platted and/or replatted; and

WHEREAS, Party of the Second Part desires that a reassessment be made to reflect the changes in platting; and

WHEREAS, the Party of the First Part and Party of the Second Part are both desirous of accomplishing such a reassessment.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties agree as follows:

1. Unplatted tracts in the SE ¼, Section 4, T27S, R1W (D-747-UP & part D-746-UP).
was part of the improvement district for the following City project(s):

Main 15, Southwest Interceptor Sewer

Project J40470, Code 67-26

Said property was replatted as Reflection Ridge 4th Addition

2. The Parties agree to make a reassessment for said project in the following manner:

The assessment to D-747-UP (\$1,592.05 annual, 1990 through 2003) and The assessment to the east 400 feet of D-746-UP (\$768.75 annual, 1990 through 2003) is to be pro-rated on an equal fraction basis to the 64 lots in Reflection Ridge 4th Addition (1/64 each).

3. The Party of the Second Part is the owner of the property described in section one above and said Party of the Second Part hereby waives the notice and hearing requirements of K.S.A. 12-6a12(b) with respect to the reassessment herein described.

4. The Party of the Second Part further waives his right to appeal the special assessments for the above mentioned projects (including this described reassessment) and agrees that no suit to set aside said assessment shall be brought by him nor shall he in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in constructing this project and levying the special assessments therefor.

5. The Party of the Second Part further agrees that he will indemnify the Party of the First Part against any and all costs, expenses, claims and judgments for which the Party of the First Part is held responsible or which are entered against the Party of the First Part arising out of or as a result of the reassessment herein described.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the _____ of _____, 19__.

THE CITY OF WICHITA, KANSAS

Approved as to form:

Thomas R. Pawelczyk
Director of Law

BY _____

Mayor
Party of the First Part

Attest:

City Clerk

REFLECTION RIDGE, INC.

BY Reginald V. Boothe Pres.
Reginald V. Boothe
Party of the Second Part

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this 13th day of December, 1989, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Reginald V. Boothe, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Connie S. Johnston
Notary Public

My Appointment Expires:
July 18, 1993

(4099A)

