

(Published in *The Times Sentinel* on _____, 2018)

ORDINANCE NO. 910

**A HOME RULE ORDINANCE OF THE CITY OF CHENEY, KANSAS,
AUTHORIZING THE ASSESSMENT OF SPECIAL ASSESSMENTS FOR SEWER
MAIN IMPROVEMENTS APPLICABLE TO PROPERTY LOCATED IN THE
CITY.**

WHEREAS, a Petition was filed, pursuant to K.S.A. 12-6a01 et seq. (the “Act”), with the City of Cheney, Kansas (the “City”) on or about January 11, 2018 (the “Sewer Main Petition”) requesting the engineering and construction of sewer main lines and other related improvements necessary to serve the property included within the improvement district proposed and petitioned for in said Sewer Main Petition and benefitting said proposed improvement district property; and

WHEREAS, the Sewer Main Petition was executed by the owners of 100% of the property to be included in the improvement district proposed and petitioned for in said petition; and

WHEREAS, on January 11, 2018 the governing body of the City, pursuant to the Act and the Sewer Main Petition, adopted City Resolution No. 289-2018 which authorized the engineering and construction of the improvements proposed and petitioned for in said Sewer Main Petition; and

WHEREAS, in accordance with the provisions of the Sewer Main Petition, City Resolution No. 289-2018 apportioned the costs of the improvements with twenty-five percent (25%) payable by the improvement district and seventy-five percent (75%) payable by the City-At-Large, with the City-At-Large share paid using CDBG Grant Funds;

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

SECTION 1. Findings. The governing body of the City hereby makes the following findings:

1. The governing body of the City hereby finds and determines that all portions of the properties included within the improvement district set forth in City Resolution No. 289-2018 benefited when and because the City Resolution No. 289-2018 improvements were made.
2. The governing body of the City hereby finds and determines that the levy and assessment of special assessments accomplished by this Home Rule Ordinance is a reasonable assessment plan which will result in imposing substantially equal burdens or shares of the costs of the City Resolution No. 289-2018 improvements upon similarly benefited property within all portions of the properties included within the improvement district set forth in City Resolution No. 289-2018.
3. The governing body of the City hereby finds and determines that it is necessary and advisable to authorize by this Home Rule Ordinance the levy and assessment of special assessments levied to pay the costs of the City Resolution No. 289-2018 improvements.

SECTION 2. That pursuant to Resolution No. 289-2018 adopted on the 11th day of January 2018, the City of Cheney, Kansas has constructed sewer main improvements and other related improvements necessary to serve the property included within the Benefit District described below in the City of Cheney, Sedgwick County, Kansas. The total cost of such improvements is \$287,188.30, of which \$71,797.08 is chargeable to specific real estate (“the Benefit District”) and \$215,391.22 is chargeable to the City-at-Large. The cost of said improvements are hereby apportioned, assessed and levied to the

Benefit District, excluding public right-of-way, as follows:

BENEFIT DISTRICT PROPERTY DESCRIPTION:

Lot 1, Block 1, Albers Industrial Park, an addition to Cheney, Sedgwick County, Kansas

BENEFIT DISTRICT ASSESSMENT:

\$71,797.08

SECTION 3. The owner of any property so assessed may at any time prior to 5:00 P.M. on Thursday, July 26, 2018 pay the whole of the assessment against any lot or parcel with interest accrued to the date of payment to the City Treasurer. The City Clerk is hereby empowered to accept payment on behalf of the City Treasurer for this purpose and subsequently deposit the funds received pursuant to the instructions of the City Treasurer.

SECTION 4. That to provide for the payment of said improvements, the property within the benefit districts described above shall be subject to special assessments. Said special assessments shall be assessed equally per square foot against all lots and pieces of land within the improvement districts created by this ordinance, and shall be payable in installments of approximate equal amounts each year for 10 years, bearing interest at the rate of zero percent (0%) per annum. The City Clerk shall certify annually to the Sedgwick County Clerk the payments due for special assessments, together with the interest accrued or to accrue thereon, pursuant to K.S.A. 12-6a10.

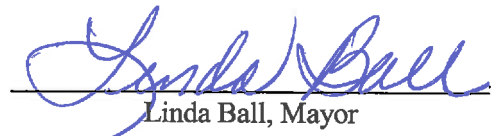
SECTION 5. Effective Date. This Home Rule Ordinance shall be effective from and after its final passage by the governing body and its publication once in the official City newspaper.

PASSED AND ADOPTED by the governing body of the City of Cheney, Kansas on July 12th, 2018 and **SIGNED** by the Mayor.



(SEAL)

ATTEST:


Linda Ball, Mayor


Danielle Young, City Clerk