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MICROFILMED

RESOLUTION NO. 988

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 969 OF THE CITY OF COLBY, KANSAS, WHICH DETERMINED THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF COLBY, KANSAS (STREET IMPROVEMENTS - SEWELL AVENUE).

WHEREAS, the governing body of the City of Colby, Kansas (the "City"), has heretofore by Resolution No. 969 of the City, duly adopted on October 7, 2008 (the "Prior Resolution"), authorized, pursuant to K.S.A.-12-6a01 *et seq.*, the following described improvements:

Asphalt paving, together with curb and gutter of Sewell Avenue from the intersection of Willow, extending North approximately three hundred seventy feet (370') in the City of Colby, Thomas County, Kansas; and

WHEREAS, the Prior Resolution was recorded with the Register of Deeds of Thomas County, Kansas, and appears at Book 196, Page 503, File Number 20082450; and

WHEREAS, the governing body of the City hereby finds and determines that it is necessary to amend the Prior Resolution in order to clarify the method of assessment contained therein; and

WHEREAS, in order to make such modifications, the governing body of the City hereby finds and determines it necessary to amend and supplement *Section 1* of the Prior Resolution, as hereinafter set forth.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS, AS FOLLOWS:

Section 1. Amendments. *SECTION 1(C)* and *(D)* of the Prior Resolution are hereby amended to read as follows:

- (C) (1) TRACT 1: A tract of land located in the Southwest Quarter (SW ¼) of Section Seven (S07), Township Eight South (T08S), Range Thirty-three West (R33W) of the Sixth Principal Meridian (6th P.M.) in Thomas County, Kansas, more particularly described as follows:

Commencing at the southeast corner of said Quarter, thence, on an assumed bearing of N89°56'45"W, along the south line of said Section, a distance of one thousand two hundred seventy-six and fourteen hundredths (1276.14) feet and N00°03'15"E for a distance of seventy and no hundredths (70.00) feet to the point of beginning.

From the point of beginning, thence N89°56'45"W for a distance of one hundred eighty-one and twenty-eight hundredths (181.28) feet, thence N72°24'35"W for a distance of twenty-two and three hundredths (22.03)

feet, thence $N00^{\circ}12'21''E$ for a distance of three hundred forty-four and eighty-seven hundredths (344.87) feet, thence $S89^{\circ}56'45''E$ for a distance of two hundred one and fifty-eight hundredths (201.58) feet, thence $S00^{\circ}05'17''W$ for a distance of three hundred fifty-one and fifty-one hundredths (351.51) feet to the point of beginning, containing 1.63 acres.

- (2) TRACT 2: A tract of land located in the Southwest Quarter (SW $\frac{1}{4}$) of Section Seven (7), Township Eight (8) South, Range Thirty-three (33) West of the Sixth Principal Meridian, more particularly described as follows:

Commencing at the southwest corner of said Section, thence, on an assumed bearing of $N00^{\circ}12'21''E$, along the west line of said Section, a distance of one hundred seventy and eight hundredths (170.08) feet, and $S89^{\circ}47'39''E$ for a distance of seven hundred fifty-five and sixty-nine hundredths (755.69) feet to the point of beginning.

From the point of beginning, thence $N00^{\circ}11'35''E$ for a distance of five hundred sixty-three and ninety-seven hundredths (563.97) feet, thence $S89^{\circ}48'20''E$ for a distance of two hundred thirty and sixteen hundredths (230.16) feet, thence $S00^{\circ}12'21''W$ for a distance of six hundred thirty-five and ninety-four hundredths (635.94) feet, thence $N72^{\circ}25'57''W$ for a distance of two hundred forty-one and two hundredths (241.02) feet to the point of beginning.

Less:

A tract of land located in the Southwest Quarter (SW $\frac{1}{4}$) of Section Seven (S07), Township Eight South (T08S), Range Thirty-three West (R33W) of the Sixth Principal Meridian (6th P.M.) in Thomas County, Kansas, more particularly described as follows:

Commencing at the southwest corner of said Section, thence, on an assumed bearing of $N00^{\circ}12'21''E$, along the west line of said Section, a distance of one hundred seventy and eight hundredths (170.08) feet, and $S89^{\circ}47'39''E$ for a distance of seven hundred fifty-five and sixty-nine hundredths (755.69) feet to the point of beginning.

From the point of beginning, thence $N00^{\circ}11'35''E$ for a distance of two hundred eighty-nine and five hundredths (289.05) feet, thence $S89^{\circ}48'29''E$ for a distance of one hundred forty and twelve hundredths (140.12) feet, thence $S00^{\circ}12'21''W$ for a distance of three hundred thirty-two and eighty-seven hundredths (332.87) feet, thence $N72^{\circ}25'57''W$ for a distance of one hundred forty-six and seventy-four hundredths (146.74) feet to the point of beginning, containing 1.00 acres.

- (D) The method of assessment is:

Eighty and Fifty-four Hundredths Percent (80.54%) of the costs of the Improvements shall be assessed to Tract 1, described in *SECTION 1(C)(1)* above;

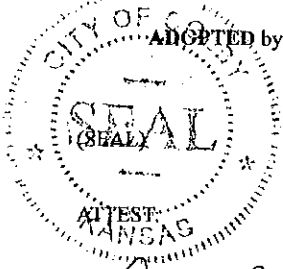
And

Nineteen and Forty-six Hundredths Percent (19.46%) of the costs of the Improvements shall be assessed to Tract 2, described in *SECTION 1(C)(2)* above.

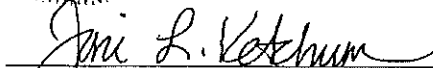
Section 2. Repealer; Ratification. *SECTION 1(D)* of the Prior Resolution is hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed.

Section 3. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Thomas County, Kansas.

ADOPTED by the governing body of the City on June 16, 2009.




Ken G. Bieber, Mayor


Joni L. Ketchum, Clerk