RESOLUTION NO. 77-29

A RESOLUTION introduced by City Manager Neil Dobler consenting to the establishment of Shawnee County Main Sewer District No. 74, Lateral No. 8, as part of the Shawnee County, Kansas, Sherwood Regional Wastewater Treatment District, all pursuant to K.S.A. 19-27a01 et seq.

WHEREAS, the Board of County Commissioners (the "Board") of Shawnee County, Kansas, has, pursuant K.S.A. 19-27a01 et seq., and, other applicable law, (the "Act") created and established the Sherwood Regional Wastewater Treatment District (the "Treatment District") and constructed and installed sewerage treatment facilities and improvements therein to collect, treat and discharge wastewater and sewerage within the Treatment District (the "System Improvements"); and

WHEREAS, the Sherwood Park Development Co., L.L.C., (the "Developer") has, in accordance with the provisions of the Act, petitioned (the "Petition") the Board to create a sewer district to serve: Lots 1 through 31, inclusive, Block 'A'; Lots 1 through 13, inclusive, Block 'B'; Lot 1, Block 'C'; Lots 1 through 5, inclusive, Block 'D'; and Lots 1 and 2, Block 'E', all in Sherwood Park Subdivision No. 8, Shawnee County, Kansas, to be known as Shawnee County Main Sewer District No. 74, Lateral District No. 8, ("District"), which District will connect to the System Improvements within the Treatment District; and

WHEREAS, the Developer, in accordance with the Petition and the Act, will construct, at the Developer's sole expense, certain sewerage improvements which meet the Kansas Department of Health and Environment standards (the "District Improvements") within the District to effectuate the collection, treatment and discharge of the District's sewerage; and

WHEREAS, no portion of the District or District Improvements are served by or lie
within any City of Topeka, Kansas (the "City") wastewater treatment system; and

WHEREAS, on September 15, 2005, the City Council (the "Council") of the City passed and approved City Ordinance No. 18501 which annexed a specified tract of ground containing 62.49 acres, more or less, (the "Land Tract") into the City limits; and

WHEREAS, the Land Tract is the District, and, pursuant to the Act, since the same lies within the City limits, the creation of the District must have the consent of the City.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPEKA, KANSAS, that the City Council hereby consents to the creation of Shawnee County Main Sewer District No. 74, Lateral District No. 8.

ADOPTED and APPROVED by the City Council ______DEC 20 2005______

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 12/5/05 BY BBCY