

First Published in the Wichita Eagle on September 13, 2013

**RESOLUTION NO. 13-165**

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON **HOOVER COURT (LOTS 4, 5, 14, AND 15, BLOCK 2) FROM THE WEST LINE OF HOOVER AVENUE, WEST TO AND INCLUDING THE CUL-DE-SAC (SOUTH OF HARRY, WEST OF HOOVER) 472-85067** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON **HOOVER COURT (LOTS 4, 5, 14, AND 15, BLOCK 2) FROM THE WEST LINE OF HOOVER AVENUE, WEST TO AND INCLUDING THE CUL-DE-SAC (SOUTH OF HARRY, WEST OF HOOVER) 472-85067** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **12-250** adopted on **December 4, 2012** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to pave **Hoover Court (Lots 4, 5, 14, and 15, Block 2) from the west line of Hoover Avenue, west to and including the cul-de-sac (south of Harry, west of Hoover) 472-85067.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be **Two Hundred Forty-Six Thousand Dollars (\$246,000)** exclusive of the cost of interest on borrowed money, with 100 Percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **September 1, 2012**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**AIRPORT INDUSTRIAL PARK**

Lots 4 and 15, Block 2

**PARCEL 'A'**

Lot 5, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas, EXCEPT that part of said Lot 5, Block 2, described as: Commencing at the southeast corner of said Lot 5, Block 2; thence N27°56'56"W, a distance of 113.55 feet to the point of beginning of said tract on the west line of a 30 foot Texas-Cities Service Pipeline Easement as shown on said Airport Industrial Park plat; thence S12°37'44"E, along said west line, a distance of 24.42 feet; thence S01°28'40"E, a distance of 76.61 feet; thence S88°31'20"W, a distance of 100.00 feet; thence N01°28'40"W, a distance of 100.57 feet; thence N88°31'20"E, a distance of 95.28 feet to the point of beginning.

**PARCEL 'B'**

That part of Lot 5, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas described as: Commencing at the southeast corner of said Lot 5, Block 2; thence N27°56'56"W, a distance of 113.55 feet to the point of beginning of said tract on the west line of a 30 foot Texas-Cities Service Pipeline Easement as shown on said Airport Industrial Park plat; thence S12°37'44"E, along said west line, a distance of 24.42 feet; thence S01°28'40"E, a distance of 76.61 feet; thence S88°31'20"W, a distance of 100.00 feet; thence N01°28'40"W, a distance of 100.57 feet; thence N88°31'20"E, a distance of 95.28 feet to the point of beginning.

**PARCEL 'D'**

Beginning at the northeast corner of Lot 14, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas; thence south along the east side of said Lot 14, a distance of 127.48 feet; thence west parallel with the north line of said Lot 14, a distance of 235.31 feet; thence northwesterly 127.72 feet to a point on the north line and 242.70 feet west of the northeast corner of said Lot 14; thence east 242.70 feet to the point of beginning.

**PARCEL 'E'**

That part of Lot 14, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas described as commencing at the northeast corner of said Lot 14; thence south, along the east line of said Lot 14, 127.48 feet; thence west, parallel with the north line of said Lot 14, 235.31 feet to the point of beginning; thence continuing west, parallel with the north line of said Lot 14, 100.75 feet to a point on the west line of said Lot 14; thence northwesterly, along said west line, 94.68 feet to the northwesterly corner of said Lot 14; thence along the northwesterly line of said Lot 14 along a curve having a radius of 75 feet, an arc distance of 60.49 feet to a point on the north line of said Lot 14; thence east along said north line 63.59 feet to a point 242.70 feet west of the northeast corner of said Lot 14; thence southeasterly 127.72 feet to the point of beginning.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **square foot** basis.

That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above

is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas this 10th day of  
September, 2013.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

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GARY E. REBENSTORF  
DIRECTOR OF LAW