

First Published in the Wichita Eagle on October 4, 2013

RESOLUTION NO. 13-185

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 136, WESTLINK SANITARY SEWER (SOUTH OF 13TH, WEST OF MAIZE) 468-84883** 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 THE CONSTRUCTION OF **LATERAL 136, WESTLINK SANITARY SEWER (SOUTH OF 13TH, WEST OF MAIZE) 468-84883** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution **No. 13-099** adopted on **June 4, 2013** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Lateral 136, Westlink Sanitary Sewer (south of 13th, west of Maize) 468-84883**.

Said sanitary sewer 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 **Thirty Thousand Dollars (\$30,000)** 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 **June 1, 2013**, 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:

PARCEL "A"

All of Lot 1, Huntington Park Addition, Wichita, Sedgwick County, Kansas TOGETHER WITH that part of Lot 2, Huntington Park Addition, Wichita, Sedgwick County, Kansas described as beginning at the southeast corner of said Lot 1, said point also being a common lot corner with said Lot 2; thence S03°44'55"E along the easterly line of said Lot 2, 80.00 feet; thence S86°15'05"W, 368.50 feet to a point on the westerly line of said Lot 2; thence N03°44'55"W, along the westerly line of said Lot 2, 251.33 feet to a deflection corner in the westerly line of said Lot 2; thence N56°40'12"E along the westerly line of said Lot 2, 41.14 feet to a point on the northerly line of said Lot 2, said line being a curve having a 50.00 foot radius; thence southeasterly, easterly, and northeasterly along said curve, also being the northerly line of said Lot 2, for an arc distance of 106.17 feet to a deflection corner in the northerly line of said Lot 2; thence S88°33'55"E along the northerly line of said Lot 2, 53.63 feet to a common lot corner of said Lots 1 and 2; thence S03°44'55"E along the common lot line of said Lots 1 and 2, 187.42 feet to a common lot corner of said Lots 1 and 2; thence N86°15'05"E along the common lot line of said Lots 1 and 2, 191.99 feet to the point of beginning.

PARCEL "B"

Lot 2, Huntington Park Addition, Wichita, Sedgwick County, Kansas; EXCEPT that part of Lot 2, Huntington Park Addition, Wichita, Sedgwick County, Kansas described as beginning at the southeast corner of said Lot 1, Huntington Park Addition, Wichita, Sedgwick County, Kansas, said point also being a common lot corner with said Lot 2; thence S03°44'55"E along the easterly line of said Lot 2, 80.00 feet; thence S86°15'05"W, 368.50 feet to a point on the westerly line of said Lot 2; thence N03°44'55"W, along the westerly line of said Lot 2, 251.33 feet to a deflection corner in the westerly line of said Lot 2; thence N56°40'12"E along the westerly line of said Lot 2, 41.14 feet to a point on the northerly line of said Lot 2, said line being a curve having a 50.00 foot radius; thence southeasterly, easterly, and northeasterly along said curve, also being the northerly line of said Lot 2, for an arc distance of 106.17 feet to a deflection corner in the northerly line of said Lot 2; thence S88°33'55"E along the northerly line of said Lot 2, 53.63 feet to a common lot corner of said Lots 1 and 2; thence S03°44'55"E along the common lot line of said Lots 1 and 2, 187.42 feet to a common lot corner of said Lots 1 and 2; thence N86°15'05"E along the common lot line of said Lots 1 and 2, 191.99 feet to the point of beginning; and EXCEPT that part of Lot 2, Huntington Park Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the southeast corner of said Lot 2; thence S88°26'57"W along the south line of said Lot 2, 368.77 feet to the southwest corner of said Lot 2; thence N03°44'55"W along the west line of said Lot 2, 223.00 feet; thence N88°26'57"E parallel to said south line, 368.77 feet to a point on the east line of said Lot 2; thence S03°44'55"E along the east line of said Lot 2, 223.00 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 **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: PARCEL "A" shall pay 53/100 of the total cost of the improvements; PARCEL "B" shall pay 47/100 of the total cost of the improvements.

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.

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. 12-6a01 et seq., as amended.

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 1st day of October, 2013.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY E. REBENSTORF
DIRECTOR OF LAW