

RESOLUTION NO. 14-086

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER DRAIN NO. 393 (NORTH OF KELLOGG, EAST OF 127TH STREET EAST) 468-84934** 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 IMPROVING **STORM WATER DRAIN NO. 393 (NORTH OF KELLOGG, EAST OF 127TH STREET EAST) 468-84934** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **Storm Water Drain No. 393 (north of Kellogg, east of 127th Street East) 468-84934**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Three Hundred Twenty-One Thousand Dollars (\$321,000)** exclusive of interest on financing and administrative and financing costs, 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 **February 1, 2014**, exclusive of the costs of temporary financing.

SECTION 3. 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 "B"

That part of Lot 2, Block E, Meadowland Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the southwest corner of said Lot 2; thence N00°51'05"W along the west line of said Lot 2, 387.94 feet to a deflection corner in the west line of said Lot 2, said deflection corner also being on the south line of the Northwest Quarter of Section 23, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence N00°48'56"W along the west line of said Lot 2, 200.01 feet to a point of 200.00 feet normally distant north of the south line of said Northwest Quarter, thence N88°44'49"E parallel with the south line of said Northwest Quarter 777.18 feet to a point on the east line of said Lot 2; thence S21°13'02"E along the east line of said Lot 2, 212.56 feet to a deflection corner in said east line; thence S21°07'33"E along the east line of said Lot 2, 0.21 feet (platted), 0.22 feet (calculated), to the intersection with the south line of said Northwest Quarter; thence continuing S21°07'33"E along the east line of said Lot 2, 156.95 feet to the most easterly southeast

corner of said Lot 2; thence S45°55'54"W along the southeast line of said Lot 2, 462.07 feet to the most southerly southeast corner of said Lot 2; thence N83°51'53"W along the south line of said Lot 2, 573.24 feet to the point of beginning.

SECTION 4. 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 "B" shall pay 100 percent of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are re-platted before assessments have been levied, the assessments against the re-platted 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 5. 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 6. 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 7. 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 8. 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 9. 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 18th day of March 2014.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY E. REBENSTORF
DIRECTOR OF LAW