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RESOLUTION NO. 14-113

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 100, MAIN 01, SOUTHWEST INTERCEPTOR SEWER (WEST OF BROADWAY, NORTH OF MACARTHUR) 468-84947** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

WHEREAS, pursuant to a Resolution adopted April 15, 2014, a Notice of Hearing was published April 18, 2014 and April 25, 2014, noticing a May 6, 2014 hearing on the advisability of certain internal sanitary sewer improvements; and said April 15, 2014 Resolution set forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; and (e) the proposed apportionment of the cost between the improvement district and the City at large, all pursuant to K.S.A. 12-6a04, *et seq.* (the "Act"); and

WHEREAS, the City Council (the "Governing Body") of the City has conducted the noticed hearing in accordance with the provisions of the Act.

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 100, MAIN 01, SOUTHWEST INTERCEPTOR SEWER (WEST OF BROADWAY, NORTH OF MACARTHUR) 468-84947** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE, TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 100, Main 01, Southwest Interceptor Sewer (west of Broadway, north of MacArthur) 468-84947**.

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

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Two Hundred Ten Thousand Dollars (\$210,000)** 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 **October 11, 2013**, exclusive of the costs of temporary financing.

SECTION 3. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2

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:

SCOTT & WEIR ADDITION

Tract 1: BEG 183.51 FT N SE COR LOT 1 NWLY 94.02 FT TO RR ROW NELY 425.87 FT S 421.92 FT TO BEG BLOCK 1

Tract 2: THAT PART LOT 1 BEG 82.82 FT N SE COR TH N 100.69 FT NW 94.02 FT TO W LI TH SW 101.5 FT ELY 63.35 FT S 5 FT ELY 52.79 FT TO BEG BLOCK 1

Tract 3: THAT PART LOT 1 BEG SE COR N 82.82 FT WLY 52.79 FT N 5 FT WLY 63.35 FT TO W LI SW 91.57 FT TOSW COR E 136.3 FT TO BEG BLOCK 1

Tract 4: LOT 2, BLOCK 1

Tract 5: LOT 3, BLOCK 1

Tract 6: LOT 4, BLOCK 1

Tract 7: LOT 5, BLOCK 1

Tract 8: LOT 6, BLOCK 1

Tract 9: LOT 7, BLOCK 1

PILLSBURY ADDITION

Tract 10: LOT 1

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.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis with each tract listed above paying 1/10th of the total cost assessed to the improvement district.

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. 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 6th day of May, 2014.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY E. REBENSTORF
DIRECTOR OF LAW