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RESOLUTION NO. 15-043

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER DRAIN NO. 273 (SOUTH OF 21ST, EAST OF GREENWICH) 468-84048** 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. 273 (SOUTH OF 21ST, EAST OF GREENWICH) 468-84048** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution **No. 05-340** adopted on **June 28, 2005** and Resolution No. **07-713** adopted on **December 11, 2007** are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve **Storm Water Drain No. 273 (south of 21st, east of Greenwich) 468-84048**.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be **Three Hundred Eighty Thousand Dollars (\$380,000)** 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 **November 1, 2014**, 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:

CROSS POINTE 2ND

Parcel 2, Block 1

(Legal description attached hereto)

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: Parcel 2 shall be assessed 100% of the project cost.

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 (the "Act").

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. 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 11. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

PASSED by the governing body of the City of Wichita, Kansas, this 10th day of February, 2015.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

SHARON L. DICKGRAFE
INTERIM DIRECTOR OF LAW AND CITY ATTORNEY

**Cross Pointe 2nd
Parcel 2, Block 1**

A portion of Lot 7 and Reserve C, Block 1, Cross Pointe 2nd, an Addition to Wichita, Sedgwick County, Kansas, more particularly described as:

Beginning at the southeast corner of Lot 7, Block 1, Cross Pointe 2nd, an Addition to Wichita, Sedgwick County, Kansas; thence South 89°16'20" West as platted in said Cross Pointe 2nd, along the south line of said Lot 7 for a distance of 656.88 feet to the southwest corner of said Lot 7; thence North 0°43'40" West along the west line of said lot 7 for a distance of 698.92 feet to a corner of said Lot 7; thence bearing North 89°17'02" East for a distance of 417.60 feet; thence deflecting at a right angle, bearing South 0°42'58" East for a distance of 16.00 feet; thence deflecting at a right angle, bearing North 89°17'02" East for a distance of 274.00 feet to the east line of said Lot 7; thence bearing South 8°16'40" East along the east line of said Lot 7 for a distance of 33.84 feet to a deflection in the east line of said Lot 7; thence bearing South 1°41'07" West along the east line of said Lot 7 for a distance of 400.13 feet to a deflection in the east line of said Lot 7; thence bearing South 4°23'02" West along the east line of said Lot 7 for a distance of 250.45 feet to the Point of Beginning; containing 10.83 acres, more or less.

TOGETHER WITH

Reserve C, Block 1, Cross Pointe 2nd, an Addition to Wichita, Sedgwick County, Kansas; containing 2.24 acres, more or less.

Said Parcel 2 encompasses a total of 13.06 acres, more or less.