

RESOLUTION NO. 16-052

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (STORM WATER DRAIN NO. 407 – TALLGRASS EAST COMMERCIAL PHASE 1/NORTH OF 21ST STREET NORTH, EAST OF WEBB) (468-85097).

WHEREAS, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets 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; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.* (the "Act"); and

WHEREAS, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **the owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Findings of Advisability. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a storm water drain system, including sidewalk and exercise equipment, to serve the Improvement District (the "Improvements").

(b) The estimated or probable cost of the Improvements is **Five Hundred Eighty-Nine Thousand Dollars (\$589,000)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If, at the time the City Engineer bids or is ready to bid the Improvements for construction it appears that the final cost will be more than 10% over the project cost estimate set forth above, a new petition with an increased estimated costs must be circulated and submitted. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvements District defined below in accordance with the provisions hereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

See *Exhibit A* attached hereto.

(d) The method of assessment is: **on a fractional basis as described below:**

Parcel A shall pay 19.33% of the Improvement District portion of the total cost
Parcel B shall pay 71.66% of the Improvement District portion of the total cost
Parcel C shall pay 9.01% of the Improvement District portion of the total cost

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 2. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in *Section 1* of this Resolution.

Section 3. Plans and Specifications. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 4. Bond Authority; Reimbursement. 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 5. Effective Date. 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.

ADOPTED by the City Council of the City of Wichita, Kansas, on March 15, 2016.

(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law

EXHIBIT A
(Parcel A)

Part of Lot 4, Block 1, Tallgrass East Commercial to Wichita, Sedgwick County, Kansas described as follows: **COMMENCING** at the Northwest corner of Lot 1, Block 1, as platted in said Tallgrass East Commercial also being a point on the boundary of aforesaid Lot 4; Thence Bearing N09°19'07"W, along the West line of said Lot 4, a distance of 16.40 feet; Thence Bearing N88°49'35"E, a distance of 291.19 feet to the **POINT OF BEGINNING**; Thence continuing Bearing N88°49'35"E, a distance of 100.89 feet; Thence Bearing N01°10'25"W, a distance of 63.39 feet; Thence Bearing N88°49'35"E, a distance of 253.27 feet; Thence Bearing N01°10'25"W, a distance of 197.97 feet; Thence Bearing S88°49'35"W, a distance of 297.94 feet; Thence Bearing S65°31'53"W, a distance of 59.46 feet; Thence Bearing S00°47'16"E, a distance of 237.85 feet to the **POINT OF BEGINNING**.

(said Parcel 'A' containing 1.736 acres, more or less)

(Parcel B)

Part of Lot 4, Block 1, Tallgrass East Commercial to Wichita, Sedgwick County, Kansas described as follows: **COMMENCING** at the Northwest corner of Lot 4, Block 1, in said Tallgrass East Commercial; Thence Bearing N88°49'35"E, along the North line of said Lot 4, a distance of 300.01 feet to the **POINT OF BEGINNING**; Thence continuing Bearing N88°49'35"E, along said North line, a distance of 841.12 feet to the Northeast corner of said Lot 4; Thence Bearing S01°10'25"E, along the East line of said Lot 4, a distance of 720.00 feet; Thence Bearing S88°49'35"W, along the South line of said Lot 4, a distance of 490.26 feet; Thence Bearing N01°10'25"W, a distance of 492.59 feet; Thence Bearing S88°49'35"W, a distance of 207.71 feet; Thence Bearing N01°10'25"W, a distance of 35.00 feet; Thence Bearing S88°49'35"W, a distance of 94.98 feet; Thence Bearing S65°31'53"W, a distance of 54.02 feet; Thence Bearing N00°47'16"W, a distance of 213.77 feet to the **POINT OF BEGINNING**. **EXCEPT** the following: **COMMENCING** at a the Northeast corner of Lot 4, Block 1 in Tallgrass East Commercial to Wichita, Sedgwick County, Kansas; Thence Bearing S88°49'35"W, along the North line of said Lot 4, a distance of 370.26 feet; Thence Bearing S01°10'25"E, a distance of 45.00 feet to the **POINT OF BEGINNING**; Thence continuing Bearing S01°10'25"E, a distance of 157.45 feet to the P.C. of a curve to the right; Thence along said curve to the right (non-tangent), having a radius of 196.00 feet, a chord bearing of S43°54'27"E, a chord distance of 213.52 feet, through a central angle of 66°00'27", an arc distance of 225.80 feet; Thence Bearing S10°54'14"E, a distance of 2.25 feet; Thence Bearing N88°49'35"E, a distance of 179.98 feet to a point on the boundary of a pipeline Right of Way Agreement as recorded at the Sedgwick County Register of Deeds Office on Film 2475, Page 1639; Thence Bearing S01°10'25"E, along said boundary and parallel with and 45.00 feet West of the East line of said Lot 4, a distance of 100.00 feet; Thence Bearing S88°49'35"W, a distance of 196.17 feet to the P.C. of a curve to the left; Thence along said curve to the left (non-tangent), having a radius of 1,000.00 feet, a chord bearing of N09°09'23"W, a chord distance of 60.98 feet, through a central angle of 03°29'41", an arc distance of 60.99 feet; Thence Bearing N10°54'14"W, a distance of 37.12 feet to the P.C. of a curve to the left; Thence along said curve to the left (tangent), having a radius of 165.00 feet, a chord bearing of N11°26'12"W, a chord distance of 3.07 feet and through a central angle of 01°03'57", an arc distance of 3.07 feet; Thence Bearing S88°49'35"W, a distance of 233.79 feet; Thence Bearing N01°10'25"W, a distance of 316.50 feet to a point on the aforementioned boundary

line of a pipeline Right of Way Agreement; Thence Bearing N88°49'35"E, along said boundary line and parallel with and 45.00 feet South of the North line of said Lot 4, a distance of 120.00 feet to the **POINT OF BEGINNING**.
(said Parcel 'B' containing 8.123 acres, more or less)

(Parcel C)

Lot 3, Block 1, Tallgrass East Commercial to Wichita, Sedgwick County, Kansas together with a portion of Lot 4, Block 1, Tallgrass East Commercial to Wichita, Sedgwick County, Kansas being more particularly described as follows: **BEGINNING** at the Southeast corner of Lot 3, Block 1 in said Tallgrass East Commercial; Thence Bearing N01°10'25"W, along the East line of said Lot 3, a distance of 200.00 feet to the Northeast corner of said Lot 3; Thence Bearing S88°49'35"W, along the North line of said Lot 3, a distance of 150.00 feet to the Northwest corner of said Lot 3; Thence Bearing S01°10'25"E, along the West line of said Lot 3, a distance of 200.00 feet to the Southwest corner of said Lot 3, also being a P.I. in the boundary of Lot 4, Block 1, in said Tallgrass East Commercial; Thence Bearing S88°49'35"W, along the South boundary of said Lot 4, a distance of 30.00 feet; Thence Bearing N01°10'25"W, a distance of 294.62 feet; Thence Bearing N88°49'35"E, a distance of 218.27 feet; Thence Bearing S01°10'25"E, a distance of 294.62 feet to a point in the South boundary of said Lot 4; Thence Bearing S88°49'35"W, along said South boundary, a distance of 38.27 feet to the **POINT OF BEGINNING**.
(said Parcel 'C' containing 1.476 acres, more or less)