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First Published in the Wichita Eagle on May 13, 2005

RESOLUTION NO. 05-266

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL U, SANITARY SEWER #8 (SOUTH OF HARRY, EAST OF MERIDIAN) 468-83915**, 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 U, SANITARY SEWER #8 (SOUTH OF HARRY, EAST OF MERIDIAN) 468-83915**, 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 U, Sanitary Sewer #8 (south of Harry, east of Meridian) 468-83915**.

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 **Thirty-Two Thousand Dollars (\$32,000)** 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 **October 1, 2004**, exclusive of the costs of temporary financing.

That, in accordance with the provision of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing sanitary sewer main, such benefit fee to be in the amount of Four Thousand Seven Hundred Twenty-Seven Dollars (\$4,727).

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:

A portion of Lot 1, Block B, Santa Fe Orient Industrial District 3rd Addition to Wichita, Sedgwick County, Kansas described as commencing at the NW corner of said Lot 1; thence S00°00'00"W along the west line of said Lot 1, 176.00 feet to the point of beginning; thence N89°53'40"E, parallel with the south line of said Lot 1, 190.50 feet; thence S00°00'00"W, parallel with the west line of said Lot 1, 72.00 feet; thence N89°53'40"E, parallel with the south line of said Lot 1, 112.00 feet; thence 00°00'00"E, parallel with the west line of said Lot 1, 35.00 feet; thence N89°53'40"E, parallel with the south line of said Lot 1, 12.89 feet to a point on the east line of said Lot 1; thence

S00°06'20"E, along the east line of said Lot 1, 127.00 feet to the SE corner of said Lot 1; thence S89°53'40"W, along the south line of said Lot 1, 315.62 feet to the SW corner of said Lot 1; thence N00°00'00"E, along the west line Of said Lot 1, 164.01 feet to the point of beginning.

PARCEL C:

A portion of Lot 2, Block B, Santa Fe Orient Industrial District 3rd Addition to Wichita, Sedgwick County, Kansas described as beginning at the SE corner of said Lot 2; thence S89°53'40"W, along the south line of said Lot 2, 315.00 feet to the SW corner of said Lot 2; thence N00°06'20"W, along the west line of said Lot 2, 127.00 feet; thence N89°53'40"E, parallel with the south line of said Lot 2, 119.11 feet; thence 00°00'00"E, parallel with the west line of Lot 1, in said Block B, 24.00 feet; thence S89°53'40"W, parallel with the south line of said Lot 2, 50.00 feet; thence N00°00'00"E, parallel with the west line of said Lot 1, 27.00 feet to a point on a line parallel with and 162.00 feet south of the north line of said Lot 2; thence N89°53'40"E, 245.80 feet, to a point on the east line of said Lot 2; thence S00°06'20"E, along the east line of said Lot 2, 178.01 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:

That the method of assessment of all costs of the lateral sanitary sewer for which the improvement district is liable, plus the benefit fee, shall be on a fractional basis: PARCEL "B" and PARCEL "C" shall each pay 50/100 of the total cost of the improvements.

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.

ADOPTED at Wichita, Kansas, May 10, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)