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RESOLUTION NO. 06-574

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON ST. PAUL FROM THE SOUTH LINE OF LOT 39, BLOCK B, SOUTH TO THE NORTH LINE OF 55TH ST. NORTH AND ON 55TH ST. NORTH FROM THE EAST LINE OF THE PLAT, WEST TO THE WEST LINE OF ST. PAUL AND ON 55TH CT. NORTH (LOTS 1 THROUGH 10, BLOCK B), FROM THE SOUTH LINE OF 55TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; ON 55TH CT. NORTH (LOTS 11 THROUGH 17, BLOCK B), FROM THE SOUTH LINE OF 55TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; ON 55TH CT. NORTH (LOTS 18 THROUGH 23, BLOCK B), FROM THE SOUTH LINE OF 55TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; AND ON 55TH CT. NORTH (LOTS 24 THROUGH 29, BLOCK B), FROM THE SOUTH LINE OF 55TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; AND ON 55TH CT. NORTH (LOTS 30 THROUGH 36, BLOCK B) FROM THE SOUTH LINE OF 55TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ON ST. PAUL AND 55TH ST. NORTH (NORTH OF 53RD ST. NORTH, WEST OF MERIDIAN) 472-84469 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 AUTHORIZING CONSTRUCTING PAVEMENT ST. PAUL FROM THE SOUTH LINE OF LOT 39, BLOCK B, SOUTH TO THE NORTH LINE OF 55TH ST. NORTH AND ON 55TH ST. NORTH FROM THE EAST LINE OF THE PLAT, WEST TO THE WEST LINE OF ST. PAUL AND ON 55TH CT. NORTH (LOTS 1 THROUGH 10, BLOCK B), FROM THE SOUTH LINE OF 55TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; ON 55TH CT. NORTH (LOTS 11 THROUGH 17, BLOCK B), FROM THE SOUTH LINE OF 55TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; ON 55TH CT. NORTH (LOTS 18 THROUGH 23, BLOCK B), FROM THE SOUTH LINE OF 55TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; AND ON 55TH CT. NORTH (LOTS 24 THROUGH 29, BLOCK B), FROM THE SOUTH LINE OF 55TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; AND ON 55TH CT. NORTH (LOTS 30 THROUGH 36, BLOCK B) FROM THE SOUTH LINE OF 55TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ON ST. PAUL AND 55TH ST. NORTH (NORTH OF 53RD ST. NORTH, WEST OF MERIDIAN) 472-84469 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on St. Paul from the south line of Lot 39, Block B, south to the north line of 55th St. North and on 55th St. North from the east line of the plat, west to the west line of St. Paul and on 55th Ct. North (Lots 1 through 10, Block B), from the south line of 55th St. North, south to and including the cul-de-sac; on 55th Ct. North (Lots 11 through 17, Block

B), from the south line of 55th St. North, south to and including the cul-de-sac; on 55th Ct. North (Lots 18 through 23, Block B), from the south line of 55th St. North, south to and including the cul-de-sac; and on 55th-Ct. North (Lots 24 through 29, Block B), from the south line of 55th St. North, south to and including the cul-de-sac; and on 55th Ct. North (Lots 30 through 36, Block B) from the south line of 55th St. North, south to and including the cul-de-sac and that sidewalk be constructed on St. Paul and 55th St. North (north of 53rd St. North, west of Meridian) 472-84469.

Said pavement 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 **Seven Hundred Fourteen Thousand Dollars (\$714,000)** 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 **September 1, 2006** 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:

NORTHGATE ADDITION

Lots 1 through 38, Block B
Lots 38 through 53, Block C

UNPLATTED TRACT 'A'

That part of the SE ¼ of Sec. 13, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the SW corner of said SE ¼; thence N00°10'43"E along the west line of said SE ¼, 1295.00 feet; thence S89°48'20"E, 1727.29 feet to a point 1314.77 feet north of the south line of said SE ¼ as measured parallel with the east line of said SE ¼ and 915.60 feet normally distant west of the east line of said SE ¼; thence N00°00'00"E parallel with the east line of said SE ¼, 139.23 feet to a point 1454.00 feet north of the south line of said SE ¼ as measured parallel with the east line of said SE ¼; thence S89°09'05"E parallel with the south line of said SE ¼, 255.03 feet to a point on the west line of the SE ¼ of the NE ¼ of said SE ¼, and for a point of beginning; thence N00°02'41"E along the west line of the SE ¼ of the NE ¼ of said SE ¼, 440.37 feet to a point 91.00 feet normally distant south of the south line of the NE ¼ of the NE ¼ of said SE ¼; thence S89°05'14"E parallel with the south line of the NE ¼ of the NE ¼ of said SE ¼, 660.34 feet to a point on the east line of said SE ¼; thence S00°00'00"E along the east line of said SE ¼, 439.63 feet to a point 1454.00 feet north of the SE corner of said SE ¼ as measured along the east line of said SE ¼; thence N89°09'05"W parallel with the south line of said SE ¼, 660.67 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: Lots 1 through 38, Block B, and Lots 38 through 53, Block C, NORTHGATE ADDITION, shall each pay 1/76 of the total cost of the improvements, and UNPLATTED TRACT 'A', shall pay 22/76 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted 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. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

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, October 24, 2006.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)