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RESOLUTION NO. 06-152

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER DRAIN NO. 276 (NORTH OF PAWNEE, WEST OF 127TH ST. EAST) 468-84073** 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. 276 (NORTH OF PAWNEE, WEST OF 127TH ST. EAST) 468-84073** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **05-679** adopted on **December 20, 2005** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve **Storm Water Drain No. 276 (north of Pawnee, west of 127th St. East) 468-84073**.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Six Hundred Eighty-Five Thousand Dollars (\$685,000)** 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 **January 1, 2006**, 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:

CASA BELLA ADDITION

Lots 1 through 43, Block 1
Lots 1 through 7, Block 2
Lots 1 through 9, Block 3
Lots 1 through 35, Block 4

UNPLATTED TRACT A

An unplatted tract of property in Wichita, Kansas described as follows: That part of the SE1/4, of Sec. 34, T27S, R2E of the 6th P.M., Sedgwick County, Kansas described as commencing at the S.E. corner of said SE1/4; thence N00°12'54"E along the east line of said SE1/4, 660.00 feet for a place of beginning; thence N89°53'29"W, parallel with the south line of said SE1/4, 660.00 feet; thence N65°18'22"W, 190.32 feet; thence S75°31'11"W, 159.20 feet; thence N89°53'05"W, 267.83 feet; thence S83°16'32"W, 70.76 feet; thence N69°00'34"W, 140.26 feet; thence N13°57'01"E, 104.04 feet; thence N00°06'55"E, 267.28 feet; thence N25°26'38"E, 202.32 feet; thence S89°55'28"E,

parallel with the north line of the SE1/4 of said SE1/4, 1345.94 feet to the east line of said SE1/4; thence S00°12'54"W along said east line, 632.62 feet to the place of beginning AND that part described as commencing at the N.W. corner of said SE1/4; thence S00°06'55"W along the west line of said SE1/4, 623.66 feet to the place of beginning; thence S72°50'23"E, 281.58 feet; thence N39°21'42"E, 298.00 feet; thence N50°38'18"W, 26.97 feet; thence N39°21'42"E, 120.00 feet; thence N23°08'44"W, 138.64 feet; thence N39°21'42"E, 130.00 feet; thence N50°38'18"W, 75.69 feet; thence N00°00'00"E, 90.11 feet to the north line of said SE1/4; thence S89°57'27"E along the north line of said SE1/4, 846.75 feet to the N.E. corner of NW1/4 of said SE1/4; thence S00°09'54"W along said east line, 509.98 feet; thence N89°56'27"W, 65.39 feet; thence S00°03'33"W, 125.95 feet; thence N89°56'27"W, 50.00 feet; thence S28°55'02"W, 434.83 feet; thence S00°04'32"W, 315.00 feet; thence S08°44'40"W, 154.02 feet; thence N89°53'05"W, 660.88 feet; thence N00°54'28"E, 53.15 feet; thence S65°45'51"W, 173.28 feet; thence N89°55'28"W, parallel with the south line of the NW1/4 of said SE1/4, 162.12 feet to the west line of said SE1/4; Thence N00°06'55"E along said west line, 877.43 feet to the place of beginning.

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: Lots 1 through 43, Block 1, Lots 1 through 7, Block 2, Lots 1 through 9, Block 3, and Lots 1 through 35, Block 4, CASA BELLA ADDITION shall each pay 1/242 of the total cost payable by the improvement district. UNPLATTED TRACT A shall pay 148/242 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessment 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.

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.

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. 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, March 21, 2006.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)