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RESOLUTION NO. 10-287

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 426, FOUR MILE CREEK SEWER (NORTH OF PAWNEE, WEST OF 143RD ST. EAST) 468-84707 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 426, FOUR MILE CREEK SEWER (NORTH OF PAWNEE, WEST OF 143RD ST. EAST) 468-84707 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 426, Four Mile Creek Sewer (north of Pawnee, west of 143rd St. East) 468-84707.

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 Eighty-Seven Thousand Dollars (\$87,000) 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 July 1, 2010, 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:

SD 259 4TH ADDITION

Lot 1, Block 1

UNPLATTED PROPERTY

A tract of land lying in a portion of Government Lots 1 and 2, Section 3, Township 28 South, Range 2 East, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows: BEGINNING at the northeast corner of said Northeast Quarter, thence along the east line of said Quarter on a Kansas coordinate system of 1983 south zone grid bearing of S00°16'43"E, 960.06 feet; thence parallel with and 960.00 feet south of the north line of said Quarter, S89°05'3"W, 675.04 feet; thence N45°11'06"W, 279.30 feet to a point lying 760.00 feet south of said north line; thence S89°05'3"W, 729.45 feet; thence N00°54'57"W, 760.00 feet to said north line; thence along said north line, N89°05'03"E, 1610.13 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 method of assessment of all costs of the improvement for which the improvement

district shall be liable shall be on a fractional basis: That Lot 1, Block 1, USD 259 4TH ADDITION shall pay 8272/10000 of the total cost payable by the improvement district, and that the UNPLATTED PROPERTY as described above shall pay 1728/10000 of the total cost payable by the improvement district; provided that the cost paid by the UNPLATTED PROPERTY shall not exceed \$15,000 and provided that the Lot 1, Block 1, USD 259 4TH ADDITION shall pay all costs that exceed \$15,000.

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.

PASSED by the governing body of the City of Wichita, Kansas, this 9th day of November, 2010.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:  
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GARY E. REBENSTORF,  
DIRECTOR OF LAW