

RESOLUTION NO. 07-276

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 23, MAIN 13, SOUTHWEST INTERCEPTOR SEWER (AT KELLOGG, EAST OF 119TH ST. WEST) 468-84351 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 23, MAIN 13, SOUTHWEST INTERCEPTOR SEWER (AT KELLOGG, EAST OF 119TH ST. WEST) 468-84351 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 23, Main 13, Southwest Interceptor Sewer (at Kellogg, east of 119th St. West) 468-84351.

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 Three Hundred Seventy Thousand Dollars (\$370,000) 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 April 1, 2007 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:

RESTHAVEN GARDENS OF MEMORY ADDITION

Tract 1: The south 233.82 feet of the east 539.96 feet of lot 1 Resthaven Gardens of Memory Addition

UMPLATTED TRACTS

In Section 30, Twp 27S, R1W

Tract 2: Beginning 1081 feet west of southeast corner southwest ¼ north to point 264 feet north of north line of highway 54 south 264 feet easterly along highway 165 feet north 264 feet westerly 165 feet to beginning except for highway & except for point on south dedicated to the city (D 0073100UP)

In Section 31, Twp 27S, R1W

Tract 3: South 209.42 feet north 302.42 feet east 208 feet northwest 1/4 except for east 30 feet for road & except north 70 feet thereof (D 0062600UP)

Tract 4: South 109.42 feet north 511.84 feet east 208 feet northwest 1/4 except for east 30 feet for road. (D 0062800UP)

Tract 5: Beginning on south line of highway 54 & 208 feet west of east line of northwest 1/4 south 300 feet west 526.5 feet north 300 feet east to beginning except east 100 feet. (D 0062900UP)

Tract 6: Beginning on south line of highway 54 highway 54 & 208 feet west of east line of northwest ¼ south 300 feet west 100 feet north 300 feet east 100 feet to beginning. (D 0063000UP)

Tract 7: Beginning 794.5 feet west of east line of northwest ¼ on south line of highway 54 south 300 feet west 526.42 feet north 300 feet east to beginning except for west ½ & except for west 100 feet east 226.5 feet & except for part taken for highway in condemnation case 01C-1340. (D 0063100UP)

Tract 8: Beginning 921 feet west of northwest corner of the northwest ¼ on south line of highway 54 west 100 feet south 300 feet east 100 feet north to beginning. (D 0063200UP)

Tract 9: West 1/2 of tract beginning on south line of highway 54 794.5 feet west of east line of the northwest ¼ south 300 feet west 527.5 feet north 300 feet east 526.5 feet to beginning. (D 0063300UP)

Tract 10: Beginning 511.84 feet south of northeast corner of the northwest 1/4 west 208 feet south 225.74 M-L to north line ROW northeast to a point south of beginning north 178.75 feet to beginning. (D 0063400UP)

Tract 11:North 100 feet south 209.42 feet north 511.84 feet east 208 feet northwest ¼  
except for east 30 feet for street. (D 0062801UP)

Tract 12:Beginning 1021 Feet west of northeast corner northwest 1/4 on south line of  
highway 54 the south 300 feet west 36.71 feet north 300 feet east to beginning except  
condemnation case 01C-1340. (D 0063101UP)

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 improvement for which the improvement district shall be liable shall be on a Fractional basis with Tract 1 paying (167678/370000), Tract 2 paying (52322/370000), Tract 3 paying (11429/370000), Tract 4 paying (8965/370000), Tract 5 paying (48167/370000), Tract 6 paying (12053/370000), Tract 7 paying (12049/370000), Tract 8 paying (9217/370000), Tract 9 paying (17696/370000), Tract 10 paying (19018/370000) and Tract 11 paying (8083/370000) and Tract 12 paying (3323/370000) of the total cost assessed to the benefit district.

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 1st day of May, 2007.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)