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RESOLUTION NO. 08-046

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 7, MAIN 14, FOUR MILE CREEK SEWER (SOUTH OF 21ST, WEST OF 143RD ST. EAST) 468-84321 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 CONSTRUCTING AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 7, MAIN 14, FOUR MILE CREEK SEWER (SOUTH OF 21ST, WEST OF 143RD ST. EAST) 468-84321 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That Resolution No. 07-118 adopted on February 13, 2007 and Resolution No. 07-724 adopted on December 18, 2007 are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Lateral 7, Main 14, Four Mile Creek Sewer (south of 21st, west of 143rd St. East) 468-84321.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be Nine Hundred Thirty-Six Thousand Dollars (\$936,000), 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, 2008, exclusive of the costs of temporary financing.

That, in accordance with the provisions 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 One Hundred Nineteen Thousand Four Hundred Sixty-Two Dollars (\$119,462); distributed on a fractional basis as follows:

Lots 1 through 25, Block 1; Lots 12 through 72, Block 2; Lots 1 through 10, Block 4; and Lots 1 through 33, Block 5, KRUG SOUTH ADDITION, shall each pay 1/133 of the total cost payable by the improvement district. Lots 1 through 4, Block 1; KRUG SOUTH 2ND ADDITION, shall each pay 1/133 of the total cost payable by the improvement district.

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:

KRUG SOUTH ADDITION

Lots 1 through 25, Block 1  
Lots 12 through 72, Block 2  
Lots 1 through 10, Block 4  
Lots 1 through 33, Block 5

KRUG SOUTH 2ND ADDITION

Lots 1 through 4, Block 1

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment 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: 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 25, Block 1; Lots 12 through 38, Block 2; and Lots 1 through 33, Block 5; KRUG SOUTH ADDITION, shall each pay 73/10,000 of the total cost payable by the improvement district. Lots 39 through 72, Block 2; and Lots 4 through 10, Block 4; KRUG SOUTH ADDITION, shall each pay 79/10,000 of the total cost payable by the improvement district. Lots 1 through 3, Block 4; KRUG SOUTH ADDITION, shall each pay 80/10,000 of the total cost payable by the improvement district. Lots 1 through 4, Block 1; KRUG SOUTH 2ND ADDITION, shall each pay 79/10,000 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 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.

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.

PASSED by the governing body of the City of Wichita, Kansas, this 5th day of February, 2008.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)