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RESOLUTION NO. 07-670

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 404, FOUR MILE CREEK SEWER (EAST OF GREENWICH, SOUTH OF HARRY) 468-84338 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 404, FOUR MILE CREEK SEWER (EAST OF GREENWICH, SOUTH OF HARRY) 468-84338 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That Resolution No. 07-170 adopted on March 13, 2007 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Lateral 404, Four Mile Creek Sewer (east of Greenwich, south of Harry) 468-84338.

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 Two Hundred Six-Four Thousand Dollars (\$264,000), 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 February 1, 2007, 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:

WILLOW CREEK EAST ADDITION

- Lots 1 through 26, Block 1
- Lots 1 through 11, Block 2
- Lots 1 through 12, Block 3
- Lots 1 through 6, Block 4

UNPLATTED TRACT A (ADJACENT TO BLOCK 3, WILLOW CREEK EAST ADDITION)
Beginning at the Southwest Corner of Lot 1, Block 3, Willow Creek East, Wichita, Sedgwick County, Kansas, thence N 89°41'46"W, 120 feet; thence N00°18'14"E, 183.25 feet; thence N13°01'26"W, 83.91 feet; thence N41°08'53"W, 92.96 feet; Thence N55°56'39"W, 74 .10 feet; thence N33°26'39"W, 71.18 feet; thence N11°33'21"E, 71.18 feet; thence N34°03'21"E, 26.70 feet; thence S55°56'39"E, 328.72 feet; thence S00°18'14"W, 344.30 feet to the place of beginning.

UNPLATTED TRACT B (ADJACENT TO BLOCK 2, WILLOW CREEK EAST ADDITION)

Beginning at the Southwest Corner of Lot 1, Block 2, Willow Creek East, Wichita, Sedgwick County, Kansas; thence N89°49'32"W, 147.03 feet; thence N00°18'14"E, 50.82 feet; thence N06°22'16"E, 88.36 feet; thence N12°26'18"E, 175.50 feet; thence N06°22'16"E, 101.89 feet; thence N00°18'14"E, 271.53 feet; thence S89°41'46"E, 120 feet; thence S00°18'14"W, 389 feet; thence S06°07'41"W, 295.64 feet to the point of beginning.

UNPLATTED TRACT C (ADJACENT TO BLOCK 4, WILLOW CREEK EAST ADDITION)

Beginning at the South corner of Lot 1, Block 4, Willow Creek East, Wichita, Sedgwick County, Kansas; thence S29°30'18"E, 62.20 feet; thence S05°01'29"W, 79.30 feet; thence S63°03'59"W, 67.08 feet; thence S35°07'03"E, 65.01 feet; thence S16°40'38"W, 68.11 feet; thence 19°07'53", 67.27 feet; thence S25°34'29"W, 21.18 feet; thence S53°50'44"W, 48.82 feet; thence S01°09'41"E, 45.54 feet; thence S 72°28'01"E, 69.73 feet; thence S26°40'49"E, 215.86 feet; thence N89°41'46"W, 576.01 feet; thence N00°16'22"E, 82.60 feet; thence N48°45'53"E, 454.16 feet; thence N22°31'51"E, 132.68 feet; thence N34°03'21"E, 255.00 feet; thence S55°56'39"E, 120 feet to the point of beginning.

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: Lots 1 through 26, Block 1, Lots 1 through 11, Block 2, Lots 1 through 12, Block 3, and Lots 1 through 6, Block 4; WILLOW CREEK EAST ADDITION, shall each pay 1/75 of the total cost payable by the improvement district; UNPLATTED TRACT A, shall pay 9/84 of the total cost payable by the improvement district; UNPLATTED TRACT B, shall pay 11/84 of the total cost payable by the improvement district; and UNPLATTED TRACT C, shall pay 9/84 of the total cost payable by the improvement 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 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 4th day of December, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)