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RESOLUTION NO. 10-194

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 425, FOUR MILE CREEK SEWER (SOUTH OF 13TH, EAST OF GREENWICH) 468-84686 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 425, FOUR MILE CREEK SEWER (SOUTH OF 13TH, EAST OF GREENWICH) 468-84686 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 425, Four Mile Creek Sewer (south of 13th, east of Greenwich) 468-84686.

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 Sixty-One Thousand Dollars (\$61,000) 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 June 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:

THE GATEWAY CENTER ADDITION

Tract "A"

Tract "A" Legal Description

Commencing at the Northeast Corner of Lot 5, Block 1, The Gateway Center 3rd Addition, An Addition to Wichita, Sedgwick County, Kansas; Thence Bearing N01°03'27"W, a distance of 5.00 feet; Thence Bearing N89°06'02"E, a distance of 119.39 feet to the Point of Beginning; Thence Bearing S00°53'58"E, a distance of 3.28 feet; Thence along a curve to the left (non tangent), having a radius of 18.50 feet, a chord bearing of S47°36'39"W, a chord distance of 24.51 feet and through a central angle of 82°58'46", an arc distance of 26.79 feet; Thence along a curve to the right (tangent), having a radius of 366.00 feet, a chord bearing of S16°30'40"W, a chord distance of 132.01 feet and through a central angle of 20°46'48", an arc distance of 132.74 feet; Thence along a curve to the left (tangent), having a radius of 108.00 feet, a chord bearing of S06°46'13"E, a chord distance of 119.76 feet and through a central angle of 67°20'32", an arc distance of 126.94 feet; Thence along a curve to the left (non tangent), having a radius of 18.50 feet, a chord bearing of S80°42'35"E, a chord distance of 23.92 feet and through a central angle of 80°32'12", an arc distance of 26.00 feet; Thence Bearing N59°01'19"E, a distance of 34.71 feet; Thence along a curve to the right (tangent), having a radius of 229.00 feet, a chord bearing of N65°32'10"E, a chord distance of 51.96 feet and through a central angle of 13°01'41", an arc distance of 52.07 feet; Thence Bearing N72°03'00"E, a distance of 8.61 feet; Thence along a curve to the right (tangent), having a radius of 425.00 feet, a chord bearing of N86°04'22"E, a chord distance of 205.96 feet and through a central angle of 28°02'43", an arc distance of 208.03 feet; Thence along a curve to the left (tangent), having a radius of 18.50 feet, a chord bearing of N56°54'10"E, a chord distance of 25.32 feet and through a central angle of 86°23'06", an arc distance of 27.89 feet; Thence Bearing N13°42'37"E, a distance of 7.44 feet; Thence Bearing N01°03'27"W, a distance of 196.59 feet; Thence Bearing S89°06'02"W, a distance of 292.25 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: TRACT A shall pay 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 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 20<sup>th</sup> day of July, 2010.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)