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RESOLUTION NO. 10-146

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 32, MAIN 19, SOUTHWEST INTERCEPTOR SEWER (EAST OF RIDGE, SOUTH OF 45TH STREET NORTH) 468-84680 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 32, MAIN 19, SOUTHWEST INTERCEPTOR SEWER (EAST OF RIDGE, SOUTH OF 45TH STREET NORTH) 468-84680 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 32, Main 19, Southwest Interceptor Sewer (east of Ridge, south of 45th Street North) 468-84680.

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 Thirty-Four Thousand Dollars (\$34,000) 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 May 1, 2010, exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-a619, 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 Eleven Thousand Two Hundred Eighty-Eight Dollars (\$11,288) for Parcel 'A'; Four Thousand Seven Hundred Sixty-Eight Dollars (\$4,768) for Parcel 'B'; and Fifty-One Thousand Two Hundred Thirty-Four Dollars (\$51,234) for Parcel 'C'.

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:

PARCEL A

That part of Lot 1, Block A, Midland Baptist Church 2nd Addition, Sedgwick County, Kansas, described as beginning at the northwest corner of Reserve "A", in said Midland Baptist Church 2nd Addition; thence N01°13'41"W, along the west line of said Lot 1, 70.00 feet; thence N89°05'07"E, parallel with the westerly portion of the south line of said Lot 1, 661.38 feet to a point on the east line of said Lot 1; thence S01°10'42"E, along the east line of said Lot 1, 427.28 feet to the south east corner of said Lot 1; thence N88°11'55"W along the south line of said Lot 1, 153.60 feet to a deflection corner in said south line; thence S89°05'07"W along the westerly portion of the south line of said Lot 1, 357.63 feet to the southeast corner of said Reserve "A"; thence N01°13'41"W along the east line of said Reserve "A", 350.00 feet to the northeast corner of said Reserve "A"; thence S89°05'07"W along the north line of said Reserve "A", 150.00 feet to the point of beginning.

PARCEL B

That part of Lot 1, Block A, Midland Baptist Church 2nd Addition, Sedgwick County, Kansas described as commencing at the northwest corner of Reserve "A" in said Midland Baptist Church 2nd Addition; thence N01°13'41"W along the west line of said Lot 1, 70.00 feet for a point of beginning; thence continuing N01°13'41"W along the west line of said Lot 1, 529.35 feet; thence N89°05'07"E, parallel with the north line of said Reserve "A", 180.00 feet; thence S01°13'41"E parallel with the west line of said Lot 1, 529.35 feet to a point 70.00 feet normally distant north of the north line of said Reserve "A"; thence S89°05'07"W parallel with the north line of said Reserve "A", 180.00 feet to the point of beginning.

PARCEL C

Lot 1, Block A, Midland Baptist Church 2nd Addition, Sedgwick County, Kansas, EXCEPT that part of Lot 1, Block A, Midland Baptist Church 2nd Addition, Sedgwick County, Kansas, described as beginning at the northwest corner of Reserve A, in said Midland Baptist Church 2nd Addition; thence N01°13'41"W, along the west line of said Lot 1, 70.00 feet; thence N89°05'07"E, parallel with the westerly portion of the south line of said Lot 1, 661.38 feet to a point on the east line of said Lot 1; thence S01°10'42"E, along the east line of said Lot 1, 427.28 feet to the south east corner of said Lot 1; thence N88°11'55"W along the south line of said Lot 1, 153.60 feet to a deflection corner in said south line; thence S89°05'07"W along the westerly portion of the south line of said Lot 1, 357.63 feet to the southeast corner of said Reserve "A"; thence N01°13'41"W along the east line of said Reserve "A", 350.00 feet to the northeast corner of said Reserve "A"; thence S89°05'07"W along the north line of said Reserve "A", 150.00 feet to the point of beginning, AND EXCEPT that part of Lot 1, Block A, Midland Baptist Church 2nd Addition, Sedgwick County, Kansas described as commencing at the northwest corner of Reserve "A" in said Midland Baptist Church 2nd Addition; thence N01°13'41"W along the west line of said Lot 1, 70.00 feet for a point of beginning; thence continuing N01°13'41"W along the west line of said Lot 1, 529.35 feet; thence N89°05'07"E, parallel with the north line of said Reserve "A", 180.00 feet; thence S01°13'41"E parallel with the west line of said Lot 1, 529.35 feet to a point 70.00 feet normally distant north of the north line of said Reserve "A"; thence S89°05'07"W parallel with the north line of said Reserve "A", 180.00 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.

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: PARCEL 'A' shall pay 1,677/10,000 of the total cost of the improvements; PARCEL 'B' shall pay 709/10,000 of the total cost of the improvements; and PARCEL 'C' shall pay 7,614/10,000 of the total cost of the improvements.

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 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 25th day of May, 2010.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)