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RESOLUTION NO. 07-039

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON VICTORIA CT., FROM VICTORIA SOUTH TO AND INCLUDING THE CUL-DE-SAC, TO SERVE LOTS 30 THROUGH 43, BLOCK C, AND ON PATTIE, NORTH FROM MAYWOOD TO THE SOUTH LINE OF LOT 26, BLOCK B, ON MAYWOOD, FROM THE WEST LINE OF LOT 19, BLOCK B, EAST TO VICTORIA, ON VICTORIA, FROM 55TH ST. SOUTH, NORTH TO THE SOUTH LINE OF LOT 10, BLOCK E, AND ON MAYWOOD CT. FROM MAYWOOD, SOUTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ALONG ONE SIDE OF PATTIE, MAYWOOD AND VICTORIA (NORTH OF 55TH ST. SOUTH, WEST OF HYDRAULIC) 472-83868 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 AUTHORIZING CONSTRUCTING PAVEMENT VICTORIA CT., FROM VICTORIA SOUTH TO AND INCLUDING THE CUL-DE-SAC, TO SERVE LOTS 30 THROUGH 43, BLOCK C, AND ON PATTIE, NORTH FROM MAYWOOD TO THE SOUTH LINE OF LOT 26, BLOCK B, ON MAYWOOD, FROM THE WEST LINE OF LOT 19, BLOCK B, EAST TO VICTORIA, ON VICTORIA, FROM 55TH ST. SOUTH, NORTH TO THE SOUTH LINE OF LOT 10, BLOCK E, AND ON MAYWOOD CT. FROM MAYWOOD, SOUTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ALONG ONE SIDE OF PATTIE, MAYWOOD AND VICTORIA (NORTH OF 55TH ST. SOUTH, WEST OF HYDRAULIC) 472-83868 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 04-392 adopted on August 3, 2004 and Resolution No. 06-559 adopted on November 14, 2006 are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing pavement on Victoria Ct., from Victoria south to and including the cul-de-sac, to serve Lots 30 through 43, Block C, and on Pattie, north from Maywood to the south line of Lot 26, Block B, on Maywood, from the west line of Lot 19, Block B, east to Victoria, on Victoria, from 55th St. south, north to the south line of Lot 10, Block E, and on Maywood Ct. from Maywood, south to and including the cul-de-sac and that sidewalk be constructed along one side of Pattie, Maywood and Victoria (north of 55th St. South, west of Hydraulic) 472-83868.

Said pavement 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 in Section 2 hereof is estimated to Seven Hundred Fifty-Three Thousand Dollars (\$753,000) 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 December 1, 2003 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:

RIVENDALE ADDITION

Lots 19 through 25, Block B

Lot 30, Block C

Lots 33 through 49, Block C

Lots 1 through 14, Block D

Lots 11 through 19, Block E

PARCEL 'A'

Lot 26, Block C, Rivendale Addition, Wichita, Sedgwick County, Kansas, EXCEPT the east 10.00 feet thereof.

PARCEL 'B'

Lots 27, Block C, Rivendale Addition, Wichita, Sedgwick County, Kansas, EXCEPT the east 10.00 feet thereof.

PARCEL 'C'

Lot 28, Block C, Rivendale Addition, Wichita, Sedgwick County, Kansas, EXCEPT the east 10.00 feet thereof.

PARCEL 'D'

Lot 29, Block C, Rivendale Addition, Wichita, Sedgwick County, Kansas, EXCEPT the east 10.00 feet thereof.

PARCEL 'E'

Lot 31, Block C, Rivendale Addition, Wichita, Sedgwick County, Kansas, EXCEPT that part of said Lot 31 described as follows: Beginning at the SE corner of Lot 29, in said Block C; thence S89°44'36"W along the lot line common to said Lots 29 and 31, 10.00 feet, thence S00°02'21"W parallel with the extended east line of said Lot 29, 20.00 feet to a point on the south line of a 20 foot drainage and utility easement as granted in said Rivendale Addition; thence N89°44'36"E along the south line of said 20 foot drainage and utility easement, 62.29 feet to the intersection with the southeast line of said Lot 31; thence N42°40'24"E along the southeast line of said Lot 31, 27.32 feet to the NE corner of said Lot 31; thence S89°44'36"W along the north line of said Lot 31, 70.80 feet to the point of beginning.

PARCEL 'F'

Lot 32, Block C, Rivendale Addition, Wichita, Sedgwick County, Kansas, EXCEPT the north 20.00 feet thereof.

SECTION 5. 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: Lots 19 through 25, Block B, Lot 30, Block C, Lots 33 through 49, Block C, Lots 1 through 14, Block D, and Lots 11 through 19, Block E, RIVENDALE ADDITION, shall each pay 1/54 of the total cost of the improvements; PARCELS 'A' THROUGH 'F', shall each pay 1/54 of the total cost of the improvements.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements. 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.

ADOPTED at Wichita, Kansas, February 6, 2007.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)