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RESOLUTION NO. 07-018

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90230 (SOUTH OF PAWNEE, WEST OF 119TH ST. WEST)** 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 **WATER DISTRIBUTION SYSTEM NUMBER 448-90230 (SOUTH OF PAWNEE, WEST OF 119TH ST. WEST)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Water Distribution System Number 448-90230 (south of Pawnee, west of 119th St. West)**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Fifty-Four Thousand Dollars (\$154,000)** exclusive of the cost of interest on borrowed money, with **50** percent payable by the improvement district and **50** percent payable by the City of Wichita Department of Water and Sewer. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **August 1, 2006**, 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:

SOUTHWEST PASSAGE ADDITION

- Lots 1 - 3, Block 1
- Lots 1 - 5, Block 2
- Lots 1 -2, Block 3
- Lots 1 - 15, Block 4
- Lots 1 - 12, Block 5

UNPLATTED TRACT A

That part of Sec. 1, T28S, R2W of the 6th P.M., Sedgwick County, Kansas described as commencing at the N.W. corner of said Sec. 1; thence N88°52'12"E, along the north line of said Sec. 1, 2101.38 feet for a place of beginning, being the northwest corner of Southwest Passage Addition, Wichita, Sedgwick County Ks.; thence S01°07'48"E, 60.00 feet; thence S50°46'25"W, 163.43 feet; thence S30°30'52"E, 157.44 feet; thence S40°08'18"E, 58.00 feet; thence S40°46'52"E, 187.18 feet; thence S26°19'19"E, 193.22 feet; thence S06°35'05"E, 20.67 feet; thence N88°52'16"E, 233.87 feet; thence along a curve to the right, having a radius of 168.00 feet, a chord distance of 193.06 feet, bearing S59°58'55"W,

205.66 feet; thence S05°03'08"W, 64.00 feet; thence N84°56'52"W, 45.00 feet; thence S05°03'08"W, 120.00 feet; thence S84°56'52"E, 186.31 feet; thence N50°58'09"E, 328.75 feet; thence N01°07'29"W, parallel with the east line of said NW1/4, 774.14 feet to the north line of the NE1/4 of said Sec. 1; thence S88°24'12"W, along the north line of said NE1/4, 175.80 feet to the N.W. corner of said NE1/4; thence S88°52'12"W, along the north line of said NW1/4, 457.20 feet to the place of beginning.

UNPLATTED TRACT B

That part of the NW ¼ of Sec. 1, T28S, R2W of the 6th P.M., Sedgwick County, Kansas described as beginning at the southwest corner of Reserve E, Southwest Passage Addition, Wichita, Sedgwick County, Kansas; thence S84°56'52"E along the south line of said Addition, 503.54 feet; thence S67°30'30"E, 668.05 feet; thence S88°42'14"E, 23.78 feet to the east line of said NW1/4; thence S01°07'29"E, 1083.07 feet to the S.E. corner of said NW1/4; thence N88°42'14"W, along the south line of said NW1/4, 1194.56 feet; thence N01°17'03"E, 1356.63 feet to the place of beginning.

UNPLATTED TRACT C

Beginning at a point on the east line and 1376.85 feet south of the N.E. corner of the NE1/4 of Sec. 1, T28S, R2W of the 6th P.M., Sedgwick County, Kansas; thence S03°02'11"E along the east line of said NE1/4, a distance of 1275.67 feet to the S.E. corner of said NE1/4; thence S01°11'47"E, along the east line of the SE1/4 of said Sec. 1, a distance of 128.77 feet; thence N88°42'23"W, parallel with the north line of said SE1/4, a distance of 2648.95 feet to a point on the west line of said SE1/4; thence N01°07'33"W, a distance of 128.76 feet to the N.W. corner of said SE1/4; thence S88°42'23"E, along the south line of the NE1/4 of said Sec. 1, a distance of 175.95 feet; thence N01°07'29"W, a distance of 1150.56 feet; thence N88°24'07"E, parallel with the north line of said NE1/4, a distance of 2428.17 feet to the point of beginning, EXCEPT beginning at a point on the east line and 1376.85 feet south of the N.E. corner of the NE1/4 of Sec. 1, T28S, R2W of the 6th P.M., Sedgwick County, Kansas, thence S03°02'11"E along the east line of said NE1/4, a distance of 702.22 feet; thence S88°24'07"W, parallel with the north line of said NE1/4, a distance of 1241.03 feet; thence N03°02'11"W, parallel with the east line of said NE1/4, a distance of 702.22 feet; thence N88°24'07"E, parallel with the north line of said NE1/4, a distance of 1241.03 feet to the point of beginning, AND EXCEPT beginning at a point on the east line and 2079.07 feet south of the N.E. corner of the NE1/4 of Sec. 1, T28S, R2W of the 6th P.M., Sedgwick County, Kansas; thence S03°02'11"E along the east line of said NE1/4, a distance of 573.45 feet to the S.E. corner of said NE1/4; thence S01°11'47"E along the east line of the SE1/4 of said Sec. 1, a distance of 128.77 feet; thence N88°42'23"W, parallel with the north line of said SE1/4, a distance of 1240.04 feet; thence N03°02'11"W, a distance of 129.02 feet to a point on the south line of said NE1/4; thence continuing N03°02'11"W, parallel with the east line of said NE1/4, a distance of 510.66 feet; thence N88°24'07"E, parallel with the north line of said NE1/4, a distance of 1241.03 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: Lots 1 through 3, Block 1, Lots 1 through 5, Block 2, Lots 1 through 2, Block 3, Lots 1 through 15, Block 4, and Lots 1 through 12, Block 5, SOUTHWEST PASSAGE ADDITION, shall each pay 1/221 of the total cost of the improvement district; UNPLATTED TRACT A, shall pay 32/221 of the total cost payable by the improvement district; UNPLATTED TRACT B, shall pay 92/221 of the total cost payable by the improvement district; and UNPLATTED TRACT C, shall pay 60/221 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 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 and K.S.A. 12-693.

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.

ADOPTED at Wichita, Kansas, January 9, 2007.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)