

AN ORDINANCE LEVYING AND ASSESSING MAXIMUM SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS, AS AUTHORIZED BY RESOLUTION NO. 08-426 OF THE CITY (ORPHEUM OFFICE BUILDING FACADE IMPROVEMENT DISTRICT).

WHEREAS, pursuant to Resolution No. 08-426 of the City of Wichita, Kansas (the "City") adopted on August 26, 2008, the Governing Body has authorized the creation of an improvement district and the construction of the following improvements (the "Improvements"):

*Facade Improvements at 200 North Broadway abutting public ways, including 1st Street and Broadway Street (north of 1st, east of Broadway).*

WHEREAS, prior to commencement of construction of the Improvements, the City has determined the maximum amount of assessment against each lot, piece or parcel of land deemed to be benefited by the Improvements based on the approved estimate of cost of the Improvements and has held a public hearing on the proposed maximum special assessments to be levied against property in the improvement district for the cost of construction of the Improvements after providing notice of such hearing as required by K.S.A. 12-6a09; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

**SECTION 1.** Pursuant to K.S.A. 12-6a01 *et seq.*, special assessments to pay the costs of the Improvements are hereby levied and assessed against the lots, pieces and parcels of land liable therefore as described on Exhibit A to this Ordinance, which is incorporated herein by reference, and in the amounts set forth on Exhibit A following the description of each lot, piece or parcel of land; provided, however, that if the final cost of the completed Improvements is less than the maximum amount of the assessments set forth on Exhibit A, the Governing Body of the City shall adjust the assessments to reflect the cost of the completed Improvements. If any property owner elects to prepay the maximum assessment as provided in Section 2 and the final cost of the completed Improvements as determined by the Governing Body is less than the estimated cost of the Improvements used to determine the maximum assessments, the City Clerk shall mail a check to the then current owner of the property for the difference.

**SECTION 2.** The amounts so levied and assessed shall be due and payable from and after the date of publication of this Ordinance; and the City Clerk shall notify the owners of the affected properties of the amounts of their assessments, that unless the assessments are paid by the Prepayment Date (as defined herein), bonds will be issued therefore and such assessments will be levied concurrently with general taxes and be payable in 15 annual installments. The "Prepayment Date" shall be October 10, 2008, unless the Prepayment Date is extended by a motion, resolution or ordinance of the City, following which notice of the extended Prepayment Date shall be mailed to the owners of record of all property in the improvement district.

**SECTION 3.** The City Clerk shall certify to the County Clerk, in the same manner and at the same time as other taxes are certified, for a period of 15 years, all of the assessments which have not been paid by the Prepayment Date, together with interest on such amount thereof at a rate not exceeding the maximum rate as prescribed by the laws of the state of Kansas; and such amounts shall be placed on the tax rolls and collected as other taxes are collected, the levy for each year being a portion of the principal amount of the assessment plus one year's interest on the amount remaining unpaid.

**SECTION 4.** This Ordinance shall take effect and be in force from and after its publication once in the official City newspaper. The City Clerk is directed to file this Ordinance with the Register of Deeds of Sedgwick County, Kansas.

PASSED by the Governing Body of the City of Wichita, Kansas, and approved by the Mayor on September 9, 2008.

(Seal)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT A**

**Orpheum Office Building Facade Improvement District**

<b>Property Subject to Assessment</b>	<b>Proposed Maximum Assessment</b>
UNIT 1A & 1.76% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0001	\$1,349.76
UNIT 1B & 2.81% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0002	\$2,149.93
UNIT 1C & 2.05% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0003	\$1,567.99
UNIT 1D & 2.20% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0004	\$1,681.15
UNIT 1E & 2.20% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0005	\$1,681.15
UNIT 2 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0006	\$11,315.42
UNIT 3 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM	

SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0007	\$11,315.42
UNIT 4 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0008	\$11,315.42
UNIT 5 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0009	\$11,315.42
UNIT 6 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0010	\$11,315.42
UNIT 7 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0011	\$11,315.42
LOTS 42-44 LAWRENCE AVE. J. R. MEAD'S ADD. Tax Key # B-10	\$67,892.50
LOTS 46-48 LAWRENCE AVE. J. R. MEAD'S ADD. Tax Key # B-11	\$67,892.50
LOTS 50-52 LAWRENCE AVE. J. R. MEAD'S ADD. Tax Key # B-12	\$67,892.50