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RESOLUTION NO. 06-570

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON 58TH ST. NORTH FROM THE EAST LINE OF THE PLAT, WEST TO THE WEST LINE OF LOT 4, BLOCK C, ON EDWARDS FROM THE SOUTH LINE OF 58TH ST. NORTH, SOUTH TO THE SOUTH LINE OF LOT 18, BLOCK D; AND ON 58TH CT. NORTH (LOTS 28 THROUGH 40, BLOCK A) FROM THE NORTH LINE OF 58TH ST. NORTH, NORTH TO AND INCLUDING THE CUL-DE-SAC AND ON 58TH CT. NORTH (LOTS 1 THROUGH 6, BLOCK D) FROM THE SOUTH LINE OF 58TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; ON 58TH CT. NORTH (LOTS 7 THROUGH 16, BLOCK D) FROM THE SOUTH LINE OF 58TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; ON 58TH CT. NORTH (LOTS 2 THROUGH 14, BLOCK A) FROM THE EAST LINE OF 58TH CT. NORTH EAST AND NORTH TO AND INCLUDING THE CUL-D-SAC; ON 58TH CT. NORTH (LOTS 15 THROUGH 24, BLOCK A) FROM TH NORTH LINE OF 58TH ST. NORTH, NORTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ON 58TH ST. NORTH AND EDWARDS (NORTH OF 53RD ST. NORTH, WEST OF MERIDIAN) 472-84465 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 ON 58TH ST. NORTH FROM THE EAST LINE OF THE PLAT, WEST TO THE WEST LINE OF LOT 4, BLOCK C, ON EDWARDS FROM THE SOUTH LINE OF 58TH ST. NORTH, SOUTH TO THE SOUTH LINE OF LOT 18, BLOCK D; AND ON 58TH CT. NORTH (LOTS 28 THROUGH 40, BLOCK A) FROM THE NORTH LINE OF 58TH ST. NORTH, NORTH TO AND INCLUDING THE CUL-DE-SAC AND ON 58TH CT. NORTH (LOTS 1 THROUGH 6, BLOCK D) FROM THE SOUTH LINE OF 58TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; ON 58TH CT. NORTH (LOTS 7 THROUGH 16, BLOCK D) FROM THE SOUTH LINE OF 58TH ST. NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SAC; ON 58TH CT. NORTH (LOTS 2 THROUGH 14, BLOCK A) FROM THE EAST LINE OF 58TH CT. NORTH EAST AND NORTH TO AND INCLUDING THE CUL-D-SAC; ON 58TH CT. NORTH (LOTS 15 THROUGH 24, BLOCK A) FROM TH NORTH LINE OF 58TH ST. NORTH, NORTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ON 58TH ST. NORTH AND EDWARDS (NORTH OF 53RD ST. NORTH, WEST OF MERIDIAN) 472-84465 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on 58th St. North from the east line of the plat, west to the west line of Lot 4, Block C, on Edwards from the south line of 58th St. North, south to the south line of Lot

18, Block D; and on 58th Ct. North (Lots 28 through 40, Block A) from the north line of 58th St. North, north to and including the cul-de-sac and on 58th Ct. North (Lots 1 through 6, Block D) from the south line of 58th St. North, south to and including the cul-de-sac; on 58th Ct. North (Lots 7 through 16, Block D) from the south line of 58th St. North, south to and including the cul-de-sac; on 58th Ct. North (Lots 2 through 14, Block A) from the east line of 58th Ct. North east and north to and including the cul-de-sac; on 58th Ct. North (Lots 15 through 24, Block A) from the north line of 58th St. North, north to and including the cul-de-sac and that sidewalk be constructed on 58th St. North and Edwards (north of 53rd St. North, west of Meridian) 472-84465.

Said pavement 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 **Six Hundred One Thousand Dollars (\$601,000)** 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 **September 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:

NORTHGATE ADDITION

Lots 1 through 40, Block A

Lots 1 through 4, Block C

Lots 1 through 18, Block D

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 fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 40, Block A, lots 1 through 4, Block C, and Lots 1 through 18, Block D, NORTHGATE ADDITION, shall each pay 1/62 of the total cost of the improvements.

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 whereas the improvement district shall pay 100/100 of the improvement cost.

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 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.

ADOPTED at Wichita, Kansas, October 24, 2006.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)