

RESOLUTION NO. 07-492

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON COVINGTON FROM THE NORTH LINE OF 29TH ST. NORTH TO THE EAST LINE OF LOT 30, BLOCK 1, FONTANA 2ND ADDITION; SHEFFORD FROM THE EAST LINE OF LOT 30, BLOCK 1, TO THE EAST LINE OF COVINGTON; COVINGTON COURT TO AND INCLUDING THE CUL-DE-SAC; FONTANA CIRCLE TO AND INCLUDING THE CUL-DE-SAC; FONTANA COURT TO AND INCLUDING THE CUL-DE-SAC; AND LONDON CIRCLE TO AND INCLUDING THE CUL-DE-SAC (EAST OF 119TH ST. WEST, NORTH OF 29TH ST. NORTH) 472-84086 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 COVINGTON FROM THE NORTH LINE OF 29TH ST. NORTH TO THE EAST LINE OF LOT 30, BLOCK 1, FONTANA 2ND ADDITION; SHEFFORD FROM THE EAST LINE OF LOT 30, BLOCK 1, TO THE EAST LINE OF COVINGTON; COVINGTON COURT TO AND INCLUDING THE CUL-DE-SAC; FONTANA CIRCLE TO AND INCLUDING THE CUL-DE-SAC; FONTANA COURT TO AND INCLUDING THE CUL-DE-SAC; AND LONDON CIRCLE TO AND INCLUDING THE CUL-DE-SAC (EAST OF 119TH ST. WEST, NORTH OF 29TH ST. NORTH) 472-84086 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 04-502 adopted on September 14, 2004, Resolution No. 05-624 adopted on November 22, 2005 and Resolution No. 06-628 adopted on November 21, 2006 are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct pavement on Covington from the north line of 29th St. North to the east line of Lot 30, Block 1, Fontana 2nd Addition; Shefford from the east line of Lot 30, Block 1, to the east line of Covington; Covington Court to and including the cul-de-sac; Fontana Circle to and including the cul-de-sac; Fontana Court to and including the cul-de-sac; and Landon Circle to and including the cul-de-sac (east of 119th St. West, north of 29th St. North) 472-84086.

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 1 hereof is estimated to One Million Sixty-Four Thousand Three Hundred Dollars (\$1,064,300) 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, 2007 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:

FONTANA ADDITION

Lots 1 through 40, Block 1
Lots 49 through 55, Block 3

FONTANA 2ND ADDITION

Lots 1 through 36, Block 1
Lots 1 through 8, Block 2

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 1 through 40, Block 1, FONTANA ADDITION, shall each pay 9,500/965,000 of the total cost; Lots 49 through 55, Block 3, FONTANA ADDITION, shall each pay 11,470/965,000 of the total cost; Lot 1, Block 1, FONTANA 2ND ADDITION, shall pay 11,500/965,000 of the total cost; Lots 2 through 36, Block 1 and Lots 1 through 8, Block 2, FONTANA 2ND ADDITION, shall each pay 11,470/965,000 of the total cost payable by the benefit 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. 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 of said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

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.

PASSED by the governing body of the City of Wichita, Kansas, this 28th day of August, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)