

First Published in the Wichita Eagle on June 7, 2007

RESOLUTION NO. 07-319

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER DRAIN NO. 300 (EAST OF TYLER, NORTH OF 37TH ST. NORTH) 468-84217** 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 IMPROVING **STORM WATER DRAIN NO. 300 (EAST OF TYLER, NORTH OF 37TH ST. NORTH) 468-84217** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **06-449** adopted on **August 22, 2006** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve **Storm Water Drain No. 300 (east of Tyler, north of 37th St. North) 468-84217**.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be **Three Hundred Thirty-Eight Thousand Five Hundred Dollars (\$338,500)** 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 **May 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:

AVALON PARK 3RD ADDITION

Lots 1 through 41, 43 through 45, 48 through 52, Block 1
Lots 1 through 5 and 11 through 33, Block 2

AVALON PARK 4TH ADDITION

Lots 1 through 8, Block 1

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:

The following lots in **AVALON PARK 3RD ADDITION** shall be assessed as follows: That said Lots 1, 2, 9, and 27, Block 1, shall each pay 30/2283 of the total cost of the improvement district; that Lots 3, 10, 24, 28, 29, 41, 43, 44, 45, 49, 50

and 51, Block 1, and Lots 15, 17 thru 23 and 27 thru 32, Block 2 shall each pay 20/2283 of the total cost of the improvement district; that Lots 4 thru 8, 16, 17, 22, 23 and 30 thru 35, Block 1, shall each pay 34/2283 of the total cost of the improvement district; that Lots 11 thru 15 and 18 thru 21, Block 1, shall each pay 40/2283 of the total cost of the improvement district; that Lots 25 and 37 thru 40, Block 1, and Lots 2 thru 5 and 11 thru 14, Block 2, shall each pay 25/2283 of the total cost of the improvement district; that Lots 26, 36 and 48, Block 1, and Lots 16, 25 and 26, Block 2, shall each pay 10/2283 of the total cost of the improvement district; that Lot 52, Block 1, and Lots 1 and 33, Block 2, shall each pay 15/2283 of the total cost of the improvement district; and that Lot 24, Block 2, shall pay 5/2283 of the total cost of the improvement;

The following lots in AVALON PARK 4TH ADDITION shall be assessed as follows: That Lots 1, 2, 7 and 8, Block 1, shall each pay 49/2283 of the total cost of the improvement district; that Lot 3, Block 1, shall each pay 52/2283 of the total cost of the improvement district; that Lot 4, Block 1, shall each pay 40/2283 of the total cost of the improvement district; that Lot 5, Block 1, shall each pay 15/2283 of the total cost of the improvement district and that Lot 6, Block 1, shall each pay 35/2283 of the total cost of 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 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 5th day of June, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)