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RESOLUTION NO. 07-163

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING STORM WATER DRAIN NO. 307 (NORTH OF 53RD ST. NORTH, WEST OF MERIDIAN) 468-84253 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. 307 (NORTH OF 53RD ST. NORTH, WEST OF MERIDIAN) 468-84253 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 06-567 adopted on October 24, 2006 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve Storm Water Drain No. 307 (north of 53rd St. North, west of Meridian) 468-84253.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Six Hundred Seventeen Thousand Dollars ($617,000) 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 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:

NORTHGATE ADDITION
Lots 1 through 60, Block A
Lots 1 through 92, Block B
Los 1 through 71, Block C
Lots 1 through 42, Block D

UNPLATTED TRACT "B"

That part of the SE 1/4 of Sec. 13, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the SE corner of said SE 1/4; thence N89°09'05"W along the south line of said SE 1/4, 915.70 feet to a point 915.60 feet normally distant west of the east line of said SE 1/4, and for a point of beginning; thence continuing N89°09'05"W along the south line of said SE 1/4, 1731.51 feet to the SW corner of said SE 1/4; thence N00°10'43"E along the west line of said SE 1/4, 1295.00 feet; thence S89°48'20"E, 1727.29 feet to a point 1314.77 feet north of the south line of said SE 1/4 as measured parallel with

the east line of said SE 1/4 and 915.60 feet normally distant west of the east line of said SE 1/4; thence S00°00'00"E parallel with the east line of said SE 1/4, 1314.77 feet to the point of beginning.

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 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 60, Block A, Lots 1 through 92, Block B, Lots 1 through 71, Block C, and Lots 1 through 42, Block D, NORTHGATE ADDITION, shall each pay 1/349 of the total cost of the improvements, and UNPLATTED TRACT 'B', shall pay 84/349 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. 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.

ADOPTED at Wichita, Kansas, March 13, 2007.

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CARLOS MAYANS, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)