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RESOLUTION NO. 05-273

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER DRAIN NO. 265 (NORTH OF 37TH ST. NORTH, EAST OF TYLER) 468-84012** 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. 265 (NORTH OF 37TH ST. NORTH, EAST OF TYLER) 468-84012** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **Storm Water Drain No. 265 (North of 37th St. North, east of Tyler) 468-84012**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Two Hundred Twelve Thousand Three Hundred Dollars (\$212,300)** 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 **April 1, 2005**, 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:

AVALON PARK 3RD ADDITION

Lots 1 through 52 Block 1

Lots 1 through 33, Block 2

AVALON PARK

Lots 4, 6 through 8, 12, 21 through 24, 28, 29, 31 through 27, 39 through 45, Block 1

Lots 1, 5, 8, 10 through 13, Block 2

Lots 1 through 3, 5 through 12, 21 through 28, Block 4

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 following lots in AVALON PARK 3RD ADDITION shall be assessed as follows: Lots 1, 3 through 7, 9 through 15, 17 through 22, 24 through 26, 28, 32, 35, 36, 40, 41, 43, 44, 47 through 52, Block 1; and Lots 1, 3 through 7, 10, 13, 15 through 25, 27 through 31, and 33, Block 2 shall each pay 17/2123 of the total cost; Lots 2, 23, 27, 29,

31, 38, 39, Block 1, shall each pay 19/2123 of the total cost; Lots 8, 16, 30, 33, 34, 37, 45, and 46, Block 1; and Lots 2, 8, 9, 11, 12, 14, 26, 32, Block 2, shall each pay 18/2123 of the total cost; Lot 42, Block 1, shall pay 9/2123 of the total cost.

The following lots in AVALON PARK shall be assessed as follows: Lots 4, 6 through 8, 12, 21 through 24, Block 1; and Lots 1 and 5, Block 2, shall each pay 23/2123 of the total cost; Lots 28, 29, 31 through 37, and 39 through 41, Block 1; and Lots 8, and 10 through 13, Block 2; and Lots 1 through 5, Block 3; and Lots 1 through 3, 5 through 11, 21 through 25, and 28, Block 4, shall each pay 6/2123 of the total cost; Lots 42 through 45, Block 1 shall each pay 22/2123 of the total cost; and Lots 12, 26, and 27 Block 4, shall each pay 29/2123 of the total cost payable by 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 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, May 17, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)