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RESOLUTION NO. 08-531

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING A LEFT TURN LANE IN 29TH ST. NORTH TO SERVE RIDGE PORT ADDITION (NORTH OF 29TH ST. NORTH, EAST OF RIDGE) 472-84768 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 A LEFT TURN LANE IN 29TH ST. NORTH TO SERVE RIDGE PORT ADDITION (NORTH OF 29TH ST. NORTH, EAST OF RIDGE) 472-84768 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 a left turn lane in 29th St. North to serve Ridge Port Addition (north of 29th St. North, east of Ridge) 472-84768.

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 Thirty-Five Thousand Dollars (\$35,000) 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 of 1 percent per month from and after November 1, 2008 exclusive of the cost 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:

PARCEL "2"

That part of Lot 1, Block 1, Ridge Port Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the NW corner of said Lot 1; thence S00°26'59"W along the west line of said Lot 1, 70.00 feet; thence S89°33'01"E parallel with the north line of said Lot 1, 60.00 feet; thence N70°58'43"E, 60.00 feet to a point 50.00 feet normally distant south of the north line of said Lot 1; thence S89°33'01"E parallel with the north line of said Lot 1, 133.43 feet to a point 250.00 feet normally distant east of the west line of said Lot 1; thence S00°26'59"W parallel with the west line of said Lot 1, and as extended south, 434.11 feet to a point 50.00 feet normally distant northeast of the southwest line of said Lot 1; thence S50°50'29"W perpendicular to the southwest line of said Lot 1, 50.00 feet to a point on the southwest line of said Lot 1; thence S39°09'31"E along the southwest line of said Lot 1, 241.09 feet; thence N50°50'29"E perpendicular to the southwest line of said Lot 1, 500.73 feet to a point on the northeast line of said Lot 1; thence N39°09'31"W along the northeast line of said Lot 1, 496.48 feet to the NE corner of said Lot 1; thence N89°33'01"W along the north line of said Lot 1, 434.44 feet to the point of beginning.

PARCEL "3"

That part of Lot 1, Block 1, Ridge Port Addition, Wichita, Sedgwick County, Kansas described as commencing at the SE corner of said Lot 1; thence N89°58'31"W along the south line of said Lot 1, 100.00 feet to the point of beginning; thence continue N89°58'31"W along the south line of said Lot 1, 399.98 feet; thence N00°01'29"E perpendicular to the south line of said Lot 1, 85.00 feet; thence N89°58'31"W, parallel to the south line of said Lot 1, 125.00 feet to a point 70.00 feet normally distant northeast of the southwest line of said Lot 1, said point also being on the northeast line of a 20 foot Utility Easement as granted in said Ridge Port Addition; thence S00°01'29"W perpendicular to the south line of said Lot 1, 85.00 feet to a point on the south line of said Lot 1; thence N89°58'31"W along the south line of said Lot 1, 21.02 feet to the SW corner of said Lot 1; thence N39°09'31"W along the southwest line of said Lot 1, 264.61 feet; thence N50°50'29"E perpendicular to the southwest line of said Lot 1, 500.73 feet to a point on the northeast line of said Lot 1; thence S39°09'31"E along the northeast line of said Lot 1, 514.48 feet to a point 158.28 feet NW of the SE corner of said Lot 1; thence S00°01'29"W perpendicular to the south line of said Lot 1, 122.68 feet to the point of beginning.

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: PARCEL "2" and PARCEL "3" shall each pay 1/2 percent 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 or tract is or may be divided into two or more parcels, the assessment to the lot or tract 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 the said driveway shall be in addition to the assessment to said tract, lot or parcel and shall be in addition to assessment for other improvements.

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.

PASSED by the governing body of the City of Wichita, Kansas, this 18th day of November, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)