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RESOLUTION NO. 07-494

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON 44TH ST. SOUTH, FROM THE WEST LINE OF LOT 6, BLOCK 6 TO THE EAST LINE OF LEGACY 3RD ADDITION; ST. PAUL, FROM THE SOUTH LINE OF LEGACY 3RD ADDITION TO THE SOUTH LINE OF 44TH ST. SOUTH; ST. PAUL COURT, FROM THE WEST LINE OF ST. PAUL TO AND INCLUDING THE CUL-DE-SAC (LOTS 1 THROUGH 5, BLOCK 3); AND CHASE FROM THE NORTH LINE OF 44TH ST. SOUTH TO THE NORTH LINE OF LOT 1, BLOCK 6 (NORTH OF 47TH ST. SOUTH, WEST OF MERIDIAN) 472-84527 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 44TH ST. SOUTH, FROM THE WEST LINE OF LOT 6, BLOCK 6 TO THE EAST LINE OF LEGACY 3RD ADDITION; ST. PAUL, FROM THE SOUTH LINE OF LEGACY 3RD ADDITION TO THE SOUTH LINE OF 44TH ST. SOUTH; ST. PAUL COURT, FROM THE WEST LINE OF ST. PAUL TO AND INCLUDING THE CUL-DE-SAC (LOTS 1 THROUGH 5, BLOCK 3); AND CHASE FROM THE NORTH LINE OF 44TH ST. SOUTH TO THE NORTH LINE OF LOT 1, BLOCK 6 (NORTH OF 47TH ST. SOUTH, WEST OF MERIDIAN) 472-84527 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 07-196 adopted on March 13, 2007, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing pavement on 44th St. South, from the west line of Lot 6, Block 6 to the east line of Legacy 3rd Addition; St. Paul, from the south line of Legacy 3rd Addition to the south line of 44th St. South; St. Paul Court, from the west line of St. Paul to and including the cul-de-sac (Lots 1 through 5, Block 3); and Chase from the north line of 44th St. South to the north line of Lot 1, Block 6 (north of 47th St. South, west of Meridian) 472-84527.

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 Six Hundred Sixty Eight Thousand Dollars (\$668,000) 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 August 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:

LEGACY 3RD ADDITION

Lots 1 through 9, Block 1  
Lots 1 through 3, Block 2  
Lots 1 through 27, Block 3  
Lots 1 through 13, Block 4  
Lots 1 through 16, Block 5  
Lots 1 through 16, Block 6  
Lots 1 through 20, Block 7  
Lots 1 through 8, Block 8

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 on a fractional basis: Lots 1 through 9, Block 1, Lots 1 through 3, Block 2, Lots 1 through 9, Block 3, Lots 1 through 6, Block 6, Lots 14 through 20, Block 7, and Lot 1 through 8, Block 8, LEGACY 3RD ADDITION, shall each pay 5/280 of the total cost of the improvement district; Lots 10 through 27, Block 3, Lots 1 through 13, Block 4, Lots 1 through 16, Block 5, Lots 7 through 16, Block 6, and Lots 1 through 13, Block 7, LEGACY 3RD ADDITION shall each pay 1/280 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. 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 to said tract, lot, or parcel and shall be in addition to the assessment for other improvements. 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 11th day of September, 2007.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK  
(SEAL)