

RESOLUTION NO. 07-260

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF MAIN 21, FOUR MILE CREEK SEWER (AT PAWNEE, EAST OF 127TH ST. EAST) 468-84240 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 CONSTRUCTING AND RESOLUTION AUTHORIZING CONSTRUCTION OF MAIN 21, FOUR MILE CREEK SEWER (AT PAWNEE, EAST OF 127TH ST. EAST) 468-84240 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That it is necessary and in the public interest to construct Main 21, Four Mile Creek Sewer (at Pawnee, east of 127th St. East) 468-84240.

Said sanitary sewer 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 hereof is estimated to be Two Million Six Hundred Thousand Dollars (\$2,600,000), exclusive of the cost of interest on borrowed money. The Benefit District shall be responsible for paying Two Hundred Ninety-Nine Thousand and Eight Hundred Dollars (\$299,800.00) of the cost of the foregoing improvements, such amount representing 50 percent of the cost of that portion of the sanitary sewer main which will serve the properties within the Benefit District. The balance of the total cost of the improvements shall be payable from other available funds of the City, including available and unencumbered funds of the Water and Sewer Utility and proceeds of Water and Sewer Utility Revenue Bonds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after June 1, 2006, 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:

PARCEL 1

Legal Description: THAT PART OF THE SE1/4 BEGINNING 1372 FT WEST OF THE SE CORNER; THENCE N09°17'54"E, 261.38 FEET; THENCE N27°57'54"E, 198 FT; THENCE N48°32'54"E, 462 FT; THENCE N00°17'54"E, 326 FT; THENCE S89°32'19"W, 1360.87 FT; THENCE N 00°E, 382.83 FT TO A POINT 1187.88 FT S OF N LINE; THENCE S89°32'19"W, 400 FT TO THE W LINE; THENCE S00°00'45"W, 1488.97 FEET TO SW COR; THENCE N89°17'54"E, 1278.19 FEET TO BEGINNING; EXCEPT THAT DEDICATED FOR ROAD ON S SIDE OF SEC 35-27-

PARCEL 2

Legal Description: W 400 FT of the N 1187.88 FT, SE1/4 SEC 35-27-2E

PARCEL 3

Legal Description: THAT PART NE1/4 BEG 2085.08 FT WEST OF THE NE CORNER; THENCE S 1774.42 FT; THENCE W 563.17 FT; THENCE N 1774.53 FT; THENCE E 558.58 FT TO THE POINT OF BEGINNING, EXC ROAD RIGHT OF WAY ON NORTH, SEC 2-28-2E

PARCEL 4

Legal Description: THAT PART NE1/4 BEG 1524.94 FT W OF THE NE COR; THENCE S 1774.42 FT; THENCE W 560.14 FT; THENCE N 1774.42 FT; THENCE E 560.14 FT TO BEG EXC ROAD RIGHT OF WAY ON N, SEC 2-28-2E

PARCEL 5

Legal Description: NE1/4 EXC E 330 FT THEREOF & EXC BEG 1524.94 FT W NE COR SAID ¼; THENCE S 1774.42 FT; THENCE W 1123.31 FT; THENCE N 1774.53 FT TO NW COR NE1/4 E 1118.72 FT TO BEG EXC ROAD RIGHT OF WAY ON N, SEC 2-28-2E

PARCEL 6

Sierra Hills Golf Club, Reserve A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a square foot basis.

That the method of assessment of all costs of the improvement on Parcel 1 through Parcel 5 for which the Benefit District shall be liable shall be on a square foot basis, with a maximum assessment of three and one half cents per square foot on the entire area of the Benefit District, and that the assessment on Parcel 6 shall be a total of Twelve Thousand Dollars (\$12,000).

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 and K.S.A. 12-693.

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 24th day of April, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)