

132019

First Published in the Wichita Eagle on April 30, 2005

RESOLUTION NO. 05-223

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON DEN HOLLOW, FROM THE NORTH LINE OF WESTLAKES PARKWAY, TO THE EAST LINE OF LOT 119, BLOCK 1; WESTLAKES PARKWAY, FROM THE WEST LINE OF DEN HOLLOW TO THE EAST LINE OF DEN HOLLOW, WILD THICKET COURT SERVING LOTS 119 THROUGH 130, BLOCK 1, FROM THE NORTH LINE OF WILD THICKET TO AND INCLUDING THE CUL-DE-SAC; DEN HOLLOW COURT SERVING LOTS 130 THROUGH 141, BLOCK 1, FROM THE NORTH LINE OF DEN HOLLOW TO AND INCLUDING THE CUL-DE-SAC (NORTH OF 29TH ST. NORTH, WEST OF TYLER) 472-84213 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 PAVEMENT ON DEN HOLLOW, FROM THE NORTH LINE OF WESTLAKES PARKWAY, TO THE EAST LINE OF LOT 119, BLOCK 1; WESTLAKES PARKWAY, FROM THE WEST LINE OF DEN HOLLOW TO THE EAST LINE OF DEN HOLLOW, WILD THICKET COURT SERVING LOTS 119 THROUGH 130, BLOCK 1, FROM THE NORTH LINE OF WILD THICKET TO AND INCLUDING THE CUL-DE-SAC; DEN HOLLOW COURT SERVING LOTS 130 THROUGH 141, BLOCK 1, FROM THE NORTH LINE OF DEN HOLLOW TO AND INCLUDING THE CUL-DE-SAC (NORTH OF 29TH ST. NORTH, WEST OF TYLER) 472-84213, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct pavement on Den Hollow, from the north line of Westlakes Parkway, to the east line of Lot 119, Block 1; Westlakes Parkway, from the west line of Den Hollow to the east line of Den Hollow, Wild Thicket Court serving Lots 119 through 130, Block 1, from the north line of Wild Thicket to and including the cul-de-sac; Den Hollow Court serving Lots 130 through 141, Block 1, from the north line of Den Hollow to and including the cul-de-sac (north of 29th St. North, west of Tyler) 472-84213.

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 be **Two Hundred Fifty-Five Thousand Dollars (\$255,000)** 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 **June 1, 2003**, 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:

FOX RIDGE ADDITION

Lots 120 through 146, Block 1

Lots 5 through 8, Block 3

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:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable 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 120 through 146, Block 1, and Lots 5 through 8, Block 3 all within FOX RIDGE ADDITION shall each pay 1/31 of the total cost payable by the improvement district.

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 for 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. 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.

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, April 26, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)