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RESOLUTION NO. 09-006

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON ELM FROM THE WEST LINE OF DOUGHERTY TO THE EAST LINE OF YOUNG (NORTH OF CENTRAL, WEST OF WEST STREET) 472-84778 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 ELM FROM THE WEST LINE OF DOUGHERTY TO THE EAST LINE OF YOUNG (NORTH OF CENTRAL, WEST OF WEST STREET) 472-84778 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 pavement on Elm from the west line of Dougherty to the east line of young (north of Central, west of West Street) 472-84778.

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 One Hundred Twenty-Five Thousand Dollars (\$125,000) 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 October 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:

DOUGHERTY PLACE ADDITION

North 8 Feet of the East 167.3 Feet of Lot 1 South 102 Feet East 167.5 Feet Lot 2 Except East 9.8 Feet Thereof For Street South 66.9 Feet Lot 3 Except West 30 Feet For Street & Except Thunderbird 3rd Addition South ½ of the West ½ of the North 1 Acre of Lot 4 Except West 30 Feet For Street East ½ of the North 1 Acre of Lot 4 Except East 10 Feet For Street

JERRY COMBS ADDITION

Lot 1

NIEDENS ADDITION

Lots 1 through 5 Inclusive
The North 50 Feet of Lot 6
The North 50 Feet of Lot 14
Lots 15 through 18 Inclusive

POWELL'S 6TH ADDITION

Lot 1

REPLAT OF PART OF LOT 3, DOUGHERTY PLACE ADDITION

Lots 1, 3, 4, 5
Lots 2 Except West Half Platted as Jerry Combs Addition

REPLAT OF PART OF LOT 4 DOUGHERTY PLACE ADDITION

Lot 1 and Vacated Murdock on North
Lot 7 and Vacated Murdock on North
Lots 2 through 6 Inclusive

THUNDERBIRD 3RD ADDITION

Lot 1

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 square foot basis.

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.

PASSED by the governing body of the City of Wichita, Kansas, this 6th day of January, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)