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RESOLUTION NO. 07-320

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON LAKE RIDGE FROM THE SOUTH LINE OF AVALON PARK 3RD TO THE WEST LINE OF LOT 36, BLOCK 1; LAKE RIDGE COURT FROM THE EAST LINE OF LAKE RIDGE TO AND INCLUDING THE CUL-DE-SAC; LAKE RIDGE COURT FROM THE WEST LINE OF LAKE RIDGE TO AND INCLUDING THE CUL-DE-SAC; CANDLEWOOD CIRCLE FROM THE WEST LINE OF LAKE RIDGE TO AND INCLUDING THE CUL-DE-SAC; AND A SIDEWALK TO BE INSTALLED ALONG THE EAST LINE OF LAKE RIDGE (EAST OF TYLER, NORTH OF 37TH ST. NORTH) 472-84441 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 LAKE RIDGE FROM THE SOUTH LINE OF AVALON PARK 3RD TO THE WEST LINE OF LOT 36, BLOCK 1; LAKE RIDGE COURT FROM THE EAST LINE OF LAKE RIDGE TO AND INCLUDING THE CUL-DE-SAC; LAKE RIDGE COURT FROM THE WEST LINE OF LAKE RIDGE TO AND INCLUDING THE CUL-DE-SAC; CANDLEWOOD CIRCLE FROM THE WEST LINE OF LAKE RIDGE TO AND INCLUDING THE CUL-DE-SAC; AND A SIDEWALK TO BE INSTALLED ALONG THE EAST LINE OF LAKE RIDGE (EAST OF TYLER, NORTH OF 37TH ST. NORTH) 472-84441 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 06-451 adopted on August 22, 2006 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing pavement on Lake Ridge from the south line of Avalon Park 3rd to the west line of Lot 36, Block 1; Lake Ridge Court from the east line of Lake Ridge to and including the cul-de-sac; Lake Ridge Court from the west line of Lake Ridge to and including the cul-de-sac; Candlewood Circle from the west line of Lake Ridge to and including the cul-de-sac; and a sidewalk to be installed along the east line of Lake Ridge (east of Tyler, north of 37th St. North) 472-84441.

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 2 hereof is estimated to **Six Hundred Fifteen Thousand Dollars (\$615,000)** 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 **May 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:

AVALON PARK 3RD ADDITION

Lots 36 through 52, Block 1
Lots 1 through 5, and 11 through 33, Block 2

AVALON PARK 4TH ADDITION

Lots 1 through 8, Block 1

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 shall be on a fractional basis: Lots 36 through 52, Block 1; and Lots 1 through 5, and 11 through 33, Block 2; AVALON PARK 3RD ADDITION, and lots 1 through 8, Block 1, AVALON PARK 4TH ADDITION, shall each pay 1/53 of the total cost payable by 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.

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 5th day of June, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)