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RESOLUTION NO. 287

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90342 (NORTH OF 13TH, WEST OF GREENWICH) 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 THE CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90342 (NORTH OF 13TH, WEST OF GREENWICH) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 07-560 adopted on October 16, 2007, Resolution No. 07-640 adopted on November 6, 2007 and Resolution No. 08-002 adopted on January 8, 2008 are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Water Distribution System Number 448-90342 (north of 13th, west Greenwich).

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be One Hundred Sixty-Five Thousand Dollars (\$165,000) and One Hundred Fifteen Thousand Hundred Dollars (\$115,000) for the Utility Relocation portion of the project or Two Hundred Eighty Thousand Dollars (\$280,000) exclusive of the cost of interest on borrowed money, with 63 percent of the cost of the water main portion of the project payable by the improvement district, 37 percent payable by the Wichita Water Utility. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after September 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:

WATERFRONT RESIDENTIAL ADDITION

Lots 1 through 61, Block 1

Lots 1 through 4, Block 2

Lots 1 through 4, Block 3

WATERFRONT 6TH ADDITION

Lot 4, Block 1

GREENWICH OFFICE PARK ADDITION

Lots 1 through 3, 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:

WATERLINE:

Lots 1 through 25, Block 1; WATERFRONT RESIDENTIAL ADDITION, shall each pay 46/10,000 of the total cost payable by the improvement district. Lots 26 through 61, Block 1; Lots 1 through 4, Block 2; and Lots 1 through 4, Block 3; WATERFRONT RESIDENTIAL ADDITION, shall each pay 45/10,000 of the total cost payable by the improvement district. Lot 4, Block 1; WATERFRONT 6TH ADDITION, shall pay 1940/10,000 of the total cost payable by the improvement district. Lot 1, Block 1; GREENWICH OFFICE PARK ADDITION, shall pay 1346/10,000 of the total cost payable by the improvement district. Lot 2, Block 1; GREENWICH OFFICE PARK ADDITION, shall pay 458/10,000 of the total cost payable by the improvement district. Lot 3, Block 1; GREENWICH OFFICE PARK ADDITION, shall pay 3126/10,000 of the total cost payable by the improvement district.

UTILITY RELOCATION:

Lots 1 through 23, Block 1; WATERFRONT RESIDENTIAL ADDITION, shall each pay 54/10,000 of the total cost payable by the improvement district. Lots 24 through 61, Block 1; Lots 1 through 4, Block 2; and Lots 1 through 4, Block 3; WATERFRONT RESIDENTIAL ADDITION, shall each pay 53/10,000 of the total cost payable by the improvement district. Lot 4, Block 1; WATERFRONT 6TH ADDITION, shall pay 6320/10,000 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 forth 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.

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 3rd day of June, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)