

RESOLUTION NO. 07-431

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON YOSEMITE FROM THE SOUTHWEST LINE OF LOT 4, BLOCK B, SOUTH TO THE SOUTHWEST LINE OF LOT 8, BLOCK B, ON WESTGATE FROM THE SOUTHEAST LINE OF YOSEMITE, SOUTHEAST TO THE NORTH LINE OF GREENFIELD, ON GREENFIELD FROM THE EAST LINE OF WESTGATE, WEST TO THE EAST LINE OF LARK LN., AND ON GREENFIELD CIR. FROM THE EAST LINE OF GREENFIELD, EAST TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ON YOSEMITE, WESTGATE AND GREENFIELD (SOUTH OF PAWNEE, WEST OF MAIZE) 472-84343 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 YOSEMITE FROM THE SOUTHWEST LINE OF LOT 4, BLOCK B, SOUTH TO THE SOUTHWEST LINE OF LOT 8, BLOCK B, ON WESTGATE FROM THE SOUTHEAST LINE OF YOSEMITE, SOUTHEAST TO THE NORTH LINE OF GREENFIELD, ON GREENFIELD FROM THE EAST LINE OF WESTGATE, WEST TO THE EAST LINE OF LARK LN., AND ON GREENFIELD CIR. FROM THE EAST LINE OF GREENFIELD, EAST TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ON YOSEMITE, WESTGATE AND GREENFIELD (SOUTH OF PAWNEE, WEST OF MAIZE) 472-84343 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 05-147 adopted on March 22, 2005, Resolution No. 05-652 adopted on December 13, 2005, Resolution No. 07-267 adopted on May 1, 2007 and Resolution No. 07-291 adopted on May 8, 2007 are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct pavement on Yosemite from the southwest line of Lot 4, Block B, south to the southwest line of Lot 8, Block B, on Westgate from the southeast line of Yosemite, southeast to the north line of Greenfield, on Greenfield from the east line of Westgate, west to the east line of Lark Ln., and on Greenfield Cir. from the east line of Greenfield, east to and including the cul-de-sac and that sidewalk be constructed on Yosemite, Westgate and Greenfield (south of Pawnee, west of Maize) 472-84343.

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 be Two Hundred Eight Thousand Dollars (\$208,000) 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 December 1, 2005, 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:

SOUTHERN RIDGE 4TH ADDITION

Lots 6 through 8, Block B  
Lots 23 through 42, Block C  
Lots 1 through 7, Block D

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:

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 6 through 8, Block B, Lots 23 through 42, Block C, and Lots 1 through 7, Block D, SOUTHERN RIDGE 4TH ADDITION, shall each pay 1/30 of the total cost of the improvements.

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 or tract 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 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 24<sup>th</sup> day of July, 2007.

Signed by the Mayor

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)