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RESOLUTION NO. 08-361

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON 37TH STREET SOUTH FROM THE EAST LINE OF HOOVER TO THE E LINE OF FLORA, FLORA FROM THE S LINE OF 37TH STREET SOUTH TO 307.61' S OF THE S LINE OF YORK ST., AND YORK FROM THE E LINE OF HOOVER TO AND INCLUDING THE CUL-DE-SAC (NORTH OF MACARTHUR, EAST OF HOOVER) 472-84443 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 37TH STREET SOUTH FROM THE EAST LINE OF HOOVER TO THE E LINE OF FLORA, FLORA FROM THE S LINE OF 37TH STREET SOUTH TO 307.61' S OF THE S LINE OF YORK ST., AND YORK FROM THE E LINE OF HOOVER TO AND INCLUDING THE CUL-DE-SAC (NORTH OF MACARTHUR, EAST OF HOOVER) 472-84443 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 06-606 adopted on November 14, 2006 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing pavement on 37th Street South from the east line of Hoover to the E line of Flora, Flora from the S line of 37th Street South to 307.61' S of the S line of York St., and York from the E line of Hoover to and including the cul-de-sac (north of MacArthur, east of Hoover) 472-84443.

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 Three Hundred Ninety-Five Thousand Dollars (\$395,000) exclusive of the cost of interest on borrowed money, with 85.6 percent payable by the improvement district and 14.4 percent payable by the City At Large. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after April 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:

SKYLINE HEIGHTS ADDITION

Tract 1: Lot 1, Block A

- Tract 2: Lot 1, Block B
- Tract 3: Lot 2, Block B
- Tract 4: Lot 3, Block B
- Tract 5: Lot 4 and the S 15' of Lot 5, Block B
- Tract 6: Lot 5 except the S 15', Block B
- Tract 7: Lot 6, Block B
- Tract 8: Lot 7, Block B
- Tract 9: Lot 8, Block B
- Tract 10: Lot 9, Block B
- Tract 11: Lot 10, Block B
- Tract 12: Lot 11, Block B
- Tract 13: Lot 12, Block B
- Tract 14: Lot 13, Block B
- Tract 15: Lot 14, Block B
- Tract 16: Lot 1, Block C
- Tract 17: Lot 2, Block C
- Tract 18: Lot 3, Block C
- Tract 19: Lot 4, Block C
- Tract 20: Lot 5, Block C
- Tract 21: Lot 6, Block C
- Tract 22: Lot 7, Block C
- Tract 23: Lot 8, Block C
- Tract 24: Lot 9, Block C
- Tract 25: Lot 10, Block C
- Tract 26: Lot 1, Block D
- Tract 27: Lot 2, Block D
- Tract 28: Lot 3, Block D
- Tract 29: Lot 4, Block D
- Tract 30: Lot 5, Block D

WHEATLAND PLACE ADDITION

- Tract 31: Lot 9, Block 1
- Tract 32: Lot 10, Block 1
- Tract 33: Lot 11, Block 1
- Tract 34: Lot 12, Block 1
- Tract 35: Lot 13, Block 1

UNPLATTED TRACT

In Section 11, TWP 28, R1W

Tract 36: Beginning 415' N of the SW corner of the SW 1/4; thence E 250' N 125' W 250' S to the beginning. (D-1028-UP)

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 with TRACT 1

described above paying 3/38 of the total cost assessed to the improvement district; and TRACTS 2 THROUGH 36 paying 1/38 of the total cost assessed to 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 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 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 _____ day of _____ 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)