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RESOLUTION NO. 08-175

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON BERKLEY SQUARE PARKWAY, FROM THE WEST LINE OF LOT 1, BLOCK 1, TO THE EAST LINE OF LOT 3, BLOCK 1 (NORTH OF 13TH, EAST OF WEBB) 472-84644 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 BERKLEY SQUARE PARKWAY, FROM THE WEST LINE OF LOT 1, BLOCK 1, TO THE EAST LINE OF LOT 3, BLOCK 1 (NORTH OF 13TH, EAST OF WEBB) 472-84644 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 08-003 adopted on January 8, 2008 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing pavement on Berkley Square Parkway, from the west line of Lot 1, Block 1, to the east line of Lot 3, Block 1 (north of 13th, east of Webb) 472-84644.

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 Three Hundred Two Thousand Dollars (\$302,000) 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, 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:

GREENWICH OFFICE PARK ADDITION

Lots 1 through 3, Block 1

HOME BANK & TRUST COMPANY ADDITION

Lot 2, Block 1

UNPLATTED TRACT

A tract of land lying in the Southeast Quarter of the Southeast Quarter of Section 9, Township 27 South, Range 2 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas, said tract of land being described as follows:

COMMENCING at the southwest corner of said Quarter Section; thence along the south line of said Quarter on a Kansas coordinate system of 1983 south zone grid bearing of N88°53'46"E, 1322.18 feet to the southwest corner of said Southeast Quarter of said Southeast Quarter, said

point being the POINT OF BEGINNING; thence along the west line of said Southeast Quarter of said Southeast Quarter N00°54'24"W, 592.90 feet to the north line of the south 18 acres of said Southeast Quarter of said Southeast Quarter; thence continuing along said west line N00°54'24"W, 112.11 feet to a point lying 705.00 feet north of said south line; thence parallel with said south line N88°53'46"E, 15.00 feet; thence parallel with and 15.00 feet east of said west line N00°54'24"W, 625.59 feet to the north line of said Southeast Quarter of said Southeast Quarter; thence along said north line N88°54'23"E, 1249.35 feet to a point lying 60.00 feet west of the east line of said Southeast Quarter; thence parallel with and 60.00 feet west of said east line S00°48'07"E, 737.48 feet to said north line of said south 18 acres; thence continuing S00°48'07"E, 242.58 feet; thence S07°43'43"W, 54.56 feet to the northeast most corner of Lot 1, Block 1, Home Bank & Trust Company Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the north line of said addition, S88°52'07"W, 519.60 feet to the northwest corner of said addition; thence along the west line of said addition, S00°54'46"E, a measured distance of 236.54 feet to the southwest corner of said addition; thence S00°54'46"E, 60.00 to the south line of said Southeast Quarter; thence along said south line S88°53'46"W, 734.79 feet to the POINT OF BEGINNING. Said tract of land being subject to road right-of-way on the east and south. Said tract CONTAINS: 1,514,605 square feet or 34.77 acres of land, more or less.

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: Lot 1, Block 1; GREENWICH OFFICE PARK ADDITION shall pay 3160/10,000 of the total cost payable by the improvement district. Lot 2, Block 1; GREENWICH OFFICE PARK ADDITION shall pay 1060/10,000 of the total cost payable by the improvement district. Lot 3, Block 1; GREENWICH OFFICE PARK ADDITION shall pay 2880/10,000 of the total cost payable by the improvement district. Lot 2, Block 1; HOME BANK & TRUST COMPANY ADDITION shall pay 128/10,000 of the total cost payable by the improvement district. THE UNPLATTED TRACT shall pay 2772/10,000 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 or tract 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 1st day of April, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)