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RESOLUTION NO. 08-528

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON LYNNRAE, FROM THE SOUTH LINE OF FUNSTON TO THE NORTH LINE OF WILLOW CREEK EAST 2ND ADDITION; LYNNRAE CT. FROM THE WEST LINE LYNNRAE TO AND INCLUDING CUL-DE-SAC; COUNTRYSIDE, FROM THE EAST LINE LYNNRAE TO THE EAST LINE OF WILLOW CREEK 2ND ADDITION; AND FUNSTON, FROM A POINT 100 FEET WEST OF THE WEST LINE LYNNRAE TO THE EAST LINE OF WILLOW CREEK EAST 2ND ADDITION (EAST OF GREENWICH, SOUTH OF HARRY) 472-84764 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 LYNNRAE, FROM THE SOUTH LINE OF FUNSTON TO THE NORTH LINE OF WILLOW CREEK EAST 2ND ADDITION; LYNNRAE CT. FROM THE WEST LINE LYNNRAE TO AND INCLUDING CUL-DE-SAC; COUNTRYSIDE, FROM THE EAST LINE LYNNRAE TO THE EAST LINE OF WILLOW CREEK 2ND ADDITION; AND FUNSTON, FROM A POINT 100 FEET WEST OF THE WEST LINE LYNNRAE TO THE EAST LINE OF WILLOW CREEK EAST 2ND ADDITION (EAST OF GREENWICH, SOUTH OF HARRY) 472-84764 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on Lynnrae, from the south line of Funston to the north line of Willow Creek East 2nd Addition; Lynnrae Ct. from the west line Lynnrae to and including cul-de-sac; Countryside, from the east line Lynnrae to the east line of Willow Creek 2nd Addition; and Funston, from a point 100 feet west of the west line Lynnrae to the east line of Willow Creek East 2nd Addition (east of Greenwich, south of Harry) 472-84764.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to Three Hundred Fifty-Three Thousand Dollars (\$353,000) 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 of 1 percent per month from and after August 1, 2008 exclusive of the cost of temporary financing.

SECTION 3. 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:

WILLOW CREEK EAST 2ND ADDITION

Lots 1 through 9, Block 1

Lots 1 through 11, Block 2

Lots 32 through 62, Block 3

SECTION 4. 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 1 through 9, Block 1, Lots 1 through 11, Block 2 and Lots 32 through 62, Block 3 WILLOW CREEK EAST 2ND ADDITION shall each pay 1/51 of the total cost of the improvement district.

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 the said driveway shall be in addition to the assessment to said tract, lot or parcel and shall be in addition to assessment for other improvements.

SECTION 5. 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 6. 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 7. 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 8. 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 9. 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 18th day of November, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)