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RESOLUTION NO. 09-085

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 2, MAIN 16, SANITARY SEWER NO. 23 AND MAIN 16 SANITARY SEWER NO. 23 (WEST OF ARKANSAS, NORTH OF 41ST STREET NORTH) 468-83876, 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 LATERAL 2, MAIN 16, SANITARY SEWER NO. 23 AND MAIN 16, SANITARY SEWER NO. 23 (WEST OF ARKANSAS, NORTH OF 41ST STREET NORTH) 468-83876 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 04-462 adopted on September 14, 2004, Resolution No. 06-396 adopted on July 18, 2006, Resolution No. 07-653 adopted on November 20, 2007 and Resolution No. 08-368 on July 15, 2008 are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Lateral 2, Main 16, Sanitary Sewer No. 23, and Main 16, Sanitary Sewer No. 23 (west of Arkansas, north of 41st Street North) 468-83876.

Said sanitary sewer 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 Million Two Hundred Twenty-One Thousand Six Hundred Thirty-Four Dollars (\$2,221,634) exclusive of the cost of interest on borrowed money, with One Hundred Twenty-One Thousand Six Hundred Thirty-Four Dollars (\$121,634) payable by the improvement district and the remaining balance paid by the City of Wichita Water and Sewer Utility. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after October 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:

EDWARD'S GARDENS ADDITION

Lots 1-6 Inclusive, Block B

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 square foot basis.

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 24<sup>th</sup> day of March, 2009.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)