

RESOLUTION NO. 07-278

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON 51ST ST. NORTH FROM THE WEST LINE OF ATHENIAN TO THE EAST LINE OF DELAWARE 472-84551 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 51ST ST. NORTH FROM THE WEST LINE OF ATHENIAN TO THE EAST LINE OF DELAWARE 472-84551 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 51st St. North from the west line of Athenian to the east line of Delaware 472-84551.

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 Two Hundred Seventy-Five Thousand Dollars (\$275,000) exclusive of the cost of interest on borrowed money, with 81.4 percent payable by the improvement district and 18.6 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 January 1, 2007 exclusive of the costs 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:

GARDINER ACRES 1ST ADDITION

- Tract 1: LOT 8 EXC N 150 FT AND N 65 FT LOT 9
- Tract 2: LOT 9 EXC N 65 FT
- Tract 3: Lot 10 EXC N 65 FT
- Tract 4: N 65 FT LOT 10 AND LOT 11 EXC N 150 FT
- Tract 5: S 49 FT OF LOT 15
- Tract 6: LOT 16 EXC N ½
- Tract 7: N ½ LOT 16
- Tract 8: LOT 17 EXC N 17 FT
- Tract 9: N 17 FT LOT 17
- Tract 10: LOT 18 EXC S ½
- Tract 11: S ½ LOT 18
- Tract 12: S 95 LOT 19
- Tract 13: N 76 FT S 171 FT LOT 19
- Tract 14: LOT 19 EXC S 171 FT
- Tract 15: LOT 20
- Tract 16: LOT 21
- Tract 17: S 49 FT OF LOT 22

UNPLATTED TRACT

In Section 19, Twp 26S, R1E,

Tract 18: The E 34 ½ Acres of the SE ¼ of the NW ¼ except that part beginning .87' W of the SE corner of the NW ¼; thence W 1142.68' thence N 540.78' thence SELY along a curve 189.35' thence SELY 1080.01' to the beginning, except the N 30' for Road. (KE-194)

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: Tracts 1, 4, 6 and 7 each paying (12/1000), Tract 2 paying (25/1000), Tracts 3, 15 and 16 each paying (24/1000), Tracts 5 and 17 each paying (7/1000), Tract 8 paying (21/1000), Tract 9 paying (2/1000), Tracts 10 and 11 each paying (17/1000), Tract 12 paying (13/1000), Tract 13 paying (11/1000), Tract 14 paying (10/1000) and Tract 18 paying (750/1000) of the total cost. With all tracts be described above.

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. 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 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 1st day of May, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)