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RESOLUTION NO. 06-455

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER DRAIN NO. 249 CHERYL'S HOLLOW ADDITION (NORTH OF 13TH, WEST OF 135TH ST.WEST) 468-83938**, 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 IMPROVING **STORM WATER DRAIN NO. 249 CHERYL'S HOLLOW ADDITION (NORTH OF 13TH, WEST OF 135TH ST.WEST) 468-83938**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **04-686** adopted on **December 21, 2004** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve **Storm Water Drain No. 249 Cheryl's Hollow Addition (north of 13th, west of 135th St. West) 468-83938**

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Two Hundred Seventy Eight Thousand Dollars (\$278,000)** 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 **November 1, 2004**, 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:

CHERYL'S HOLLOW ADDITION

Lots 1 through 24, Block 1
Lots 1 through 19, Block 2
Lots 1 through 20, Block 3

UNPLATTED TRACT A

A tract of land situated in the W/2 of the SE/4, Section 11, T27S, R2W of the 6th P.M., Sedgwick County, Kansas, fully described as commencing at the SE Corner of the W/2 of the SE/4, Section 11, T27S, R2W, thence N 0°11'54"E, 60 feet to the place of beginning; thence N 0°11'54" E, 1958.19 feet; thence N 89°48'6" W, 130.20 feet; thence S 45°55'21" W 73.00 feet; thence N 44°4'39" W 110.00 feet; thence S 45°55'21" W, 153.00 feet; thence S 45°55'21" W, 64.00 feet; thence N 44°4'39" W, 164.00 feet; thence S 45°55'21" W, 220.00 feet; thence S 51°50'1" W, 58.31 feet; thence S 45°55'21" W, 110.00 feet; thence S 21°44'4" W, 136.21 feet; thence N 89°38'10" W, 191.72 feet; thence N 13°22'48" E, 93.69 feet; thence N 43°38'6" W, 54.44 feet; thence N 65°11'58"

W, 59.30 feet; thence S 88°57'5" W, 66.56 feet; thence N 89°38'10" W, 126.75 feet; thence S 0°21'50" W, 1727.33 feet; thence N 89°35'25" E, 1321.45 feet to the place of beginning, **EXCEPT** the west 12.00 feet thereof and **EXCEPT** that portion platted as Cheryl's Hollow Addition, Wichita, Sedgwick County, Kansas.

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 said Lots 1 through 24, Block 1, Lots 1 through 19, Block 2 and Lots 1 through 20, Block 3 shall each pay 1/171 and Unplatted Tract A shall pay 108/171 of the total cost payable by the improvement District.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. 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.

ADOPTED at Wichita, Kansas, August 22, 2006.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)