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RESOLUTION NO. 07-725

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 1, MAIN 23, FOUR MILE CREEK SEWER (NORTH OF 21ST, WEST OF 159TH ST. EAST) 468-84317 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 CONSTRUCTING AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 1, MAIN 23, FOUR MILE CREEK SEWER (NORTH OF 21ST, WEST OF 159TH ST. EAST) 468-84317 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That Resolution No. 07-109 adopted on February 13, 2007 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Lateral 1, Main 23, Four Mile Creek Sewer (north of 21st, west of 159th St. East) 468-84317.

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 hereof is estimated to be Six Hundred Forty-Five Thousand Dollars (\$645,000), 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 January 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:

MONARCH LANDING ADDITION

- Lots 1 through 39, Block 1
- Lots 1 through 20, Block 2
- Lots 1 and 2, Block 3
- Lots 1 and 2, Block 4
- Lots 1 through 5, Block 5

UNPLATTED RESIDENTIAL TRACT 1

BEGINNING at the northeast corner of Lot 1, Block 5, Monarch Landing Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the north line of the Southeast Quarter of said Southeast Quarter on a Kansas coordinate system 1983 south zone bearing of N88°56'59"E, 806.11 feet to a point lying 60.00 feet west of the northeast corner of said Southeast Quarter of said Southeast Quarter; thence parallel with and 60.00 feet west of the east line of said Southeast

Quarter, S00°38'46"E, 677.26 feet; thence S88°55'31"W, 730.00 feet; thence S01°04'29"E, 275.00 feet; thence S88°55'31"W, 354.03 feet; thence N37°18'14"W, 106.46 feet to point on an easterly line of said Monarch Landing Addition said point being on a curve to the left; thence along the easterly lines of said addition for the remaining nine (9) courses; thence along said curve to the left 182.95 feet to a reverse curve, said curve to the left having a central angle of 50°23'40", a radius of 208.00 feet, and a long chord distance of 177.11 feet, bearing N28°48'47"E; thence along said reverse curve 102.66 feet, said curve having a central angle of 15°59'03", a radius of 368.00 feet, and a long chord distance of 102.33 feet, bearing N11°36'28"E; thence S87°42'19"E, 128.47 feet; thence S73°24'04"E, 97.51 feet; thence N16°46'34"E, 120.09 feet to a point on a non-tangent curve to the right; thence along said curve 16.60 feet, said curve having a central angle of 01°47'51", a radius of 529.00 feet, and a long chord distance of 16.60 feet, bearing N76°07'04"W; thence N14°46'52"E, 58.00 feet; thence N01°03'01"W, 280.20 feet; thence S88°58'38"W, 22.83 feet; thence N01°01'22"W, 64.00 feet; thence N01°03'01"W, 131.86 feet to the POINT OF BEGINNING.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment 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: 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: Lots 1 through 38, Block 1; Lots 1 through 20, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; and Lots 1 through 5, Block 5; MONARCH LANDING ADDITION, shall each pay 110/10,000 of the total cost payable by the improvement district. Lot 39, Block 1; MONARCH LANDING ADDITION, shall pay 1978/10,000 of the total cost payable by the improvement district. THE UNPLATTED RESIDENTIAL TRACT 1, shall pay 652/10,000 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 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 18<sup>th</sup> day of December, 2007.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)