

RESOLUTION NO. 08-238

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON ANGEL FROM THE WEST LINE OF THE PLAT, EAST TO THE EAST LINE OF LOT 15, BLOCK E; ON KESSLER AND KESSLER CIR., FROM THE WEST LINE OF ANGEL, WEST TO AND INCLUDING THE CUL-DE-SAC; AND ON 45TH ST. SOUTH FROM THE EAST LINE OF KESSLER EAST TO THE NORTH LINE OF ANGEL AND ON ANGEL CT. FROM THE NORTH LINE OF ANGEL, NORTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ON ANGEL, KESSLER AND 45TH ST. SOUTH (NORTH OF 47TH ST. SOUTH, EAST OF WEST ST.) 472-83355 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 ANGEL FROM THE WEST LINE OF THE PLAT, EAST TO THE EAST LINE OF LOT 15, BLOCK E; ON KESSLER AND KESSLER CIR., FROM THE WEST LINE OF ANGEL, WEST TO AND INCLUDING THE CUL-DE-SAC; AND ON 45TH ST. SOUTH FROM THE EAST LINE OF KESSLER EAST TO THE NORTH LINE OF ANGEL AND ON ANGEL CT. FROM THE NORTH LINE OF ANGEL, NORTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ON ANGEL, KESSLER AND 45TH ST. SOUTH (NORTH OF 47TH ST. SOUTH, EAST OF WEST ST.) 472-83355 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 01-167 adopted on April 24, 2001 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing pavement on Angel from the west line of the plat, east to the east line of Lot 15, Block E; on Kessler and Kessler Cir., from the west line of Angel, west to and including the cul-de-sac; and on 45th St. South from the east line of Kessler east to the north line of Angel and on Angel Ct. from the north line of Angel, north to and including the cul-de-sac and that sidewalk be constructed on Angel, Kessler and 45th St. South (north of 47th St. South, east of West St.) 472-83355.

Said pavement 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 Six Hundred Ninety-Two Thousand Dollars (\$692,000) 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 February 1, 2008 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:

ANGEL FIRE ADDITION
Lots 13 through 41, Block B
Lots 44 through 54, Block B
Lots 9 through 18, Block D
Lots 1 through 15, Block E

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.

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 13 through 41, Block B, Lots 44 through 54, Block B, Lots 9 through 18, Block D and Lots 1 through 15, Block E ANGEL FIRE ADDITION shall each pay 1/65 of the total cost of the improvements.

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 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 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 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 6th day of May, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)