

First Published in the Wichita Eagle on June 20, 2008

RESOLUTION NO. 08-308

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING STORM WATER DRAIN NO. 342 (NORTH OF 13TH, WEST OF GREENWICH) 468-84449 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. 342 (NORTH OF 13TH, WEST OF GREENWICH) 468-84449 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 07-639 adopted on November 6, 2007 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve Storm Water Drain No. 342 (north of 13th, west of Greenwich) 468-84449.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Two Hundred Fifty-Five Thousand Dollars (\$255,000) 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 September 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:

WATERFRONT RESIDENTIAL ADDITION

Lots 1 through 61, Block 1;  
Lots 1 through 4, Block 2;  
Lots 1 through 4, Block 3;

WATERFRONT 6TH ADDITION

Lots 1 through 4, Block 1; EXCEPT the west 178.5 feet of the south 505.5 feet of Lot 1, Block 1;

UNPLATTED TRACT (Waterfront Commercial)

A tract of land lying in the Southwest Quarter, Section 9, Township 27 South, Range 2 East, of the 6<sup>th</sup> Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

BEGINNING at the northeast most corner of The Waterfront Fourth Addition, an addition to Wichita, Sedgwick County, Kansas, thence parallel with and 100.00 feet south of the north line of said Southwest Quarter, and being on an extended north line bearing of said Addition, and being on a Kansas coordinate system of 1983 south zone grid bearing of N88°56'04"E, 929.04 feet to the east line of said Southwest Quarter; thence along said east line S01°00'39"E, 748.11 feet to the northeast most corner of The Waterfront Sixth Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the north lines of said The Waterfront Sixth Addition for the next six (6) courses, S88°59'21"W, 292.00 feet; thence S01°00'39"E, 130.00 feet; thence S36°09'06"W, 104.41 feet; thence S69°10'27"W, 435.00 feet; thence

S14°46'46"W, 100.00 feet; thence S83°23'02"W, 335.47 feet to an easterly line of The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas, being on a curve to the left; thence along said curve and said easterly line 681.79 feet to a southeasterly corner of said The Waterfront Fourth Addition, said curve having a central angle of 60°05'53", a radius of 650.00 feet, and a long chord distance of 650.96 feet, bearing N19°57'18"W; thence along the southerly lines of said The Waterfront Fourth Addition for the next two (2) courses N39°59'46"E, 174.32 feet; thence N88°56'04"E, 293.78 feet to the southeast most corner of said The Waterfront Fourth Addition; thence along the east line of said The Waterfront Fourth Addition, N01°03'56"W, 489.35 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 1,089,394 square feet or 25.01 acres of land, more or less.

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 1 through 14, Block 1; WATERFRONT RESIDENTIAL ADDITION shall each pay 55/10,000 of the total cost payable by the improvement district. Lots 15 through 61, Block 1; Lots 1 through 4, Block 2; and Lots 1 through 4, Block 3; WATERFRONT RESIDENTIAL ADDITION shall pay 56/10,000 of the total cost payable by the improvement district. Lot 1, Block 1, EXCEPT the west 178.5 feet of the south 505.5 feet; WATERFRONT 6TH ADDITION shall pay 431/10,000 of the total cost payable by the improvement district. Lot 2, Block 1; WATERFRONT 6TH ADDITION shall pay 514/10,000 of the total cost payable by the improvement district. Lot 3, Block 1; WATERFRONT 6TH ADDITION shall pay 493/10,000 of the total cost payable by the improvement district. Lot 4, Block 1; WATERFRONT 6TH ADDITION shall pay 746/10,000 of the total cost payable by the improvement district. THE UNPLATTED TRACT (Waterfront Commercial) shall pay 3966/10,000 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 17<sup>th</sup> day June, 2008.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)