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RESOLUTION NO. 08-426

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF FACADE IMPROVEMENTS AT 200 NORTH BROADWAY (NORTH OF 1ST, EAST OF BROADWAY) 472-84681 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 FACADE IMPROVEMENTS AT 200 NORTH BROADWAY (NORTH OF 1ST, EAST OF BROADWAY) 472-84681 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Facade Improvements at 200 North Broadway abutting public ways, including 1st Street and Broadway Street (north of 1st, east of Broadway) 472-84681.

Said improvements shall be constructed in accordance with plans and specifications approved by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Two Hundred Eighty Thousand Dollars (\$280,000).

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:

PARCEL 1

That part of Lots 32, 34, 36, 38, and 40, on Broadway, in J.R. Mead's Addition to Wichita, Sedgwick County, Kansas, described as beginning at the Southwest corner of lot 32; thence north to the northwest corner of lot 40, thence east 49.99 feet; thence south 85.1 feet; thence east 2.5 feet; thence south 18.1 feet; thence east 5.5 feet; thence south 46.8 feet to the south line of said lot 32; thence west 57.99 feet to the point of beginning; excluding the point of beginning Southwest corner lot 32; north 32.9 feet; east 40.89 feet; north 5.3 feet; east 10.3 feet; north 8.6 feet; east 6.8 feet; south 46.8 feet to south line of said lot 32; west 57.99 feet to the point of beginning.

PARCEL 2

That part of Lots 32 and 34, on Broadway, in J. R. Mead's Addition to Wichita, Sedgwick County, Kansas, described as beginning at the Southwest corner of Lot 32; thence north along the West line of said Lots 32 and 34, 32.9 feet to a point 2.9 feet north of the Southwest corner of said Lot 34; thence east 40.89 feet; thence north 5.3feet; thence east 10.3 feet; thence north 8.6 feet; thence east 6.8 feet; thence south 46.8 feet to the south

line of said Lot 32; thence west 57.99 feet to beginning, being on and the same area as the theater vestibule and stairs and theater lobby excluded from the Condominium Definition in Paragraph 2 f. of the Declaration of Condominium filed on Film 695, Page 1458, recorded in the Office of the Register of Deeds, Sedgwick County, Kansas.

PARCEL 3

That part of Lots 34, 36, 38 and 40, on Broadway, in J. R. Mead's Addition to Wichita, Sedgwick County, Kansas, described as beginning at a point on the North line of said Lot 40, said point being 49.99 feet east of the Northwest corner of said Lot 40; thence south 85.1 feet; thence east 2.5 feet; thence south 18.1 feet; thence east 5.5 feet; thence north 93.4 feet to a point 9.8 feet south and 82 feet west of the Northeast corner of said Lot 40; thence east 82 feet to a point 9.05 feet south of the Northeast corner of said Lot 40; thence north 9.05 feet to the Northeast corner of said Lot 40; thence west 89.85 feet to the point of beginning.

PARCEL 4

Lots 42, 44, 46, 48, 50 and 52, on Broadway, in J. R. Mead's Addition to Wichita, Sedgwick County, Kansas

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 square foot basis.

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.

SECTION 5. 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 6. The approved estimated cost of the Improvements is the estimated cost of the Improvements as set forth in this Resolution. The Finance Director shall prepare a proposed assessment roll for the Improvements which shall set forth the proposed maximum assessment against each lot, piece or parcel of land within the improvement district for the Improvements in the manner set forth in this Resolution based on such estimated cost of the Improvements. The proposed assessment roll shall be maintained on file with the City Clerk and be open for public inspection. Following preparation of the proposed assessment roll, the Governing Body shall hold a public hearing on the proposed maximum assessments on September 9, 2008, or the first regularly scheduled City Council meeting thereafter after compliance with the notice provisions set forth in this paragraph. The City Clerk shall publish notice of the public hearing for the improvement district at least once not less than 10 days prior to the public hearing, and shall mail to the owner of the property liable to pay the assessments, at its last known post office address, a

notice of the hearing and a statement of the maximum cost proposed to be assessed all in accordance with K.S.A. 12-6a09.

SECTION 7. 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 8. That Resolution No. 08-139 adopted on March 4, 2008, is hereby repealed and replaced.

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 26th day of August, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)