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RESOLUTION NO. 06-459

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90161 (WEST OF WEST ST., NORTH OF 21ST)** 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 THE CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90161 (WEST OF WEST ST., NORTH OF 21ST)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **06-035** adopted on **January 24, 2006** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Water Distribution System Number 448-90161 (west of West St., north of 21st)**.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be **Six Hundred Forty-Six Thousand Dollars (\$646,000)** exclusive of the cost of interest on borrowed money, with **35** percent payable by the improvement district and **65** percent payable by City of Wichita Water Utility Funds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2005**, 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:

EMERALD BAY ESTATES

Lots 1 through 60, Block 1

Lots 1 through 3, Block 2

UNPLATTED TRACT A

The S1/2 of the NE1/4 of Sec. 2, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part of said S1/2 described as beginning at the N.W. corner thereof; thence East along the north line of said S1/2, 647.85 feet; thence Southwesterly, 979.38 feet to a point on the west line of said S1/2, said point being 735.71 feet South of the place of beginning; thence North along said west line to the place of beginning, **together with:** The N1/2 of the SE1/4 of Sec. 2, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, EXCEPT that portion condemned in District Court Cases A-31849 and C-30467, **Except** that portion platted as Emerald Bay Estates, Wichita, Sedgwick County, Kansas.

UNPLATTED TRACT B (Eisenring Property)

The S1/2 of the SE1/4, Section 2, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, EXCEPT that portion condemned in District Court Cases A-31849 and C-30467.

UNPLATTED TRACT C (Eisenring Property)

The E 165 feet of the S 264 feet, SW1/4, Sec. 2, T27S, R1W of the 6th P.M., Sedgwick County, Kansas, except the south 50 feet for roadway.

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 the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 60, Block 1 and Lots 1 through 3, Block 2, EMERALD BAY ESTATES, shall each pay 10/1920 of the total cost payable by the improvement district; UNPLATTED TRACT A, shall pay 690/1920 of the total cost payable by the improvement district; UNPLATTED TRACT B, shall pay 599/1920 of the total cost payable by the improvement district, and UNPLATTED TRACT C, shall pay 1/1920 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 assessment 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.

ADOPTED at Wichita, Kansas, September 12, 2006.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)