

RESOLUTION NO. 08-433

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON ELIZABETH FROM THE SOUTH LINE OF 45TH ST. SOUTH TO THE NORTH LINE OF 46TH ST. SOUTH AND ON 46TH ST. SOUTH FROM THE EAST LINE OF ELIZABETH TO EXISTING PAVEMENT APPROXIMATELY 175 FEET WEST (NORTH OF 47TH ST. SOUTH, WEST OF SENECA) 472-84753 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 ELIZABETH FROM THE SOUTH LINE OF 45TH ST. SOUTH TO THE NORTH LINE OF 46TH ST. SOUTH AND ON 46TH ST. SOUTH FROM THE EAST LINE OF ELIZABETH TO EXISTING PAVEMENT APPROXIMATELY 175 FEET WEST (NORTH OF 47TH ST. SOUTH, WEST OF SENECA) 472-84753 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on Elizabeth from the south line of 45th St. South to the north line of 46th St. South and on 46th St. South from the east line of Elizabeth to existing pavement approximately 175 feet west (north of 47th St. South, west of Seneca) 472-84753.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to One Hundred Sixty Eight Thousand Dollars (\$168,000) exclusive of the cost of interest on borrowed money, with 90.6 percent payable by the improvement district and 9.4 percent payable by the City-at-large. Said estimated cost as above set forth is hereby increased at the pro rata of 1 percent per month from and after November 1, 2006 exclusive of the costs of temporary financing.

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:

PURCELLS 11TH ADDITION

- Tract 1: Lot 10, Block 11
- Tract 2: Lot 11, Block 11
- Tract 3: Lot 12, Block 11
- Tract 4: Lot 13, Block 11
- Tract 5: Lot 14, Block 11
- Tract 6: Lot 15, Block 11
- Tract 7: Lot 16, Block 11
- Tract 8: Lot 17, Block 11
- Tract 9: Lot 18, Block 11
- Tract 10: Lot 1, Block 24
- Tract 11: Lot 2, Block 24
- Tract 12: Lot 3, Block 24
- Tract 13: Lot 4, Block 24
- Tract 14: Lot 5, Block 24
- Tract 15: Lot 6, Block 24
- Tract 16: Lot 7, Block 24
- Tract 17: Lot 8, Block 24
- Tract 18: Lot 9, Block 24

UNPLATTED TRACT

In Section 18, Twp 28S, R1E Tract 19: The north 289.5 feet of the west 174.4 feet of a tract being described as: Beginning 681 feet west of southeast corner of the SE1/4 north 639 feet west 340.5 feet south 639 feet east 340.5 feet to the beginning except for the north 30 feet for street and except south 30 feet for street

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 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: Tracts 1 through 4 each paying (134/2173), Tract 5 paying (117/2173), Tracts 6 through 18 each paying (100/2173), Tract 19 paying (220/2173) of the total cost. With all tracts be described above.

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 5. 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 6. 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 7. 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 8. 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 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 9th day of September, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)