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RESOLUTION NO. 08-345

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 52, MAIN 7, SANITARY SEWER NO. 23 (EAST OF ROCK, NORTH OF 29TH ST. NORTH) 468-84529 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 LATERAL 52, MAIN 7, SANITARY SEWER NO. 23 (EAST OF ROCK, NORTH OF 29TH ST. NORTH) 468-84529 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 52, Main 7, Sanitary Sewer No. 23 (east of Rock, north of 29th St. North) 468-84529.

Said sanitary sewer 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 be Twenty-One Thousand Dollars (\$21,000) 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 June 1, 2008, 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:

MEDITERRANEAN PLAZA COMMERCIAL SECOND ADDITION

TRACT 1 – A parcel of land lying in Lot 2, Block 1, Mediterranean Plaza Commercial Second Addition, an addition to Wichita, Sedgwick County, Kansas, said parcel being more particularly described as follows:

Commencing at the northwest corner of Lot 1, Block 1, said Addition; thence along the north line of said Lot 1 on a platted bearing of N89°06'42"E, 115.00 feet to a point on a curve to the left having a radius of 765.00 feet, a central angle of 10°09'53", and a chord of 135.54 feet, bearing N84°01'46"E; thence along said curve 135.72 feet to the Point of Beginning, said point being the northeast corner of said Lot 1, said point being on a curve to the left having a radius of 765.00 feet, a central angle of 12°13'12", and a chord of 162.85 feet, bearing N72°50'13"E; thence along said curve 163.16 feet; thence S23°16'22"E, 71.58 feet; thence S0°52'20"E, 391.59 feet; thence S89°07'40"W, 158.47 feet; thence N0°53'18"W, 106.81 feet; thence N31°20'59"W, 49.31 feet; thence N0°53'18"W, 262.76 feet to the Point of Beginning.

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.

The fractional shares provided for herein have been determined on the basis if equal shares being assessed to lots or parcels of substantially comparable size and/or value: TRACT 1; MEDITERRANEAN PLAZA COMMERCIAL SECOND ADDITION shall pay 100% 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 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 1st day of July, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)