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RESOLUTION NO. 08-341

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90397 (EAST OF HYDRAULIC, SOUTH OF 63RD ST. SOUTH) 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 448-90397 (EAST OF HYDRAULIC, SOUTH OF 63RD ST. SOUTH) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Water Distribution System Number 448-90397 (east of Hydraulic, south of 63rd St. South).

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Two Hundred Thirty Thousand Dollars (\$230,000) exclusive of the cost of interest on borrowed money, with 58.7 percent of the total cost payable by the improvement district and 41.3 percent payable by the Wichita Water Utility fund. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after February 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:

DAVE WATERS ADDITION

Lot 1, Block A

HALE ADDITION

Lot 1, Block A

UNPLATTED TRACTS

In Section 34, Twp 28S, R1E

Beginning 600 Feet West of the Northeast Corner of the Northwest ¼, Southwest ¼, West 120 Feet South 181 Feet East 120 Feet North to Beginning

Beginning 720 Feet West of the Northeast Corner of the Northwest  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , South 241 Feet West to Northerly R-O-W of the Floodway Northwest to a Point West of the Beginning East to Beginning Except for Road

North  $\frac{1}{2}$ , of the East  $\frac{1}{2}$ , South 270 Feet North 481 Feet West 210 Feet East 480 Feet of the Northwest  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Except for North 30 Feet & East 30 Feet for Road

West  $\frac{1}{2}$  South 270 Feet North 481 Feet West 210 Feet East 480 Feet of the Northwest  $\frac{1}{4}$ , of the Southwest  $\frac{1}{4}$ , Except for North 30 Feet & East 30 Feet for Road

West 240 Feet East 480 Feet North 211 Feet of the Northwest  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Except for 30 Feet for Road

North  $\frac{1}{2}$  of the South 181 Feet North 362 Feet East 270 Feet of the Northwest  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Except for West 30 Feet for Road

North 181 Feet of the East 240 Feet of the Northwest  $\frac{1}{4}$ , of the Southwest  $\frac{1}{4}$

Beginning 480 Feet West & 211 Feet South of the Northeast Corner of the Northwest  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , West 240 Feet South to the North line of the Floodway Southerly to a Point 480 Feet West of the East Line of the Northwest  $\frac{1}{4}$ , of the Southwest  $\frac{1}{4}$ , north to the Beginning Except for North 30 Feet for Road

South 350 Feet North 621.5 Feet East 240 Feet of the Northwest  $\frac{1}{4}$ , of the Southwest  $\frac{1}{4}$ , Except for South 163 Feet Thereof

South 163 Feet North 621.5 Feet East 240 Feet of the Northwest  $\frac{1}{4}$ , of the Southwest  $\frac{1}{4}$

East 270 Feet of the Northwest  $\frac{1}{4}$ , of the Southwest  $\frac{1}{4}$ , Lying North of the Floodway Except for the North 621.5 FT & Except for West 30 Feet for Road

Beginning 480 Feet West & 481 Feet South of the Northeast Corner of the Northwest  $\frac{1}{4}$ , of the Southwest  $\frac{1}{4}$ , South 120 Feet East 210 Feet North 120 Feet West to Beginning Except for East 30 Feet for Street

West 210 Feet East 480 Feet of the Northwest  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Lying North of the Floodway Except for North 601 Feet & Except for East 30 Feet for Road

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 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 1<sup>st</sup> day of July, 2008.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK  
(SEAL)