

ORDINANCE NO. 48-147

AN ORDINANCE LEVYING AND ASSESSING MAXIMUM SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS, AS AUTHORIZED BY RESOLUTION NO. 08-541 OF THE CITY (PETROLEUM BUILDING FACADE IMPROVEMENT DISTRICT).

WHEREAS, pursuant to Resolution No. 08-541 of the City of Wichita, Kansas (the "City") adopted on December 2, 2008, the Governing Body has authorized the creation of an improvement district and the construction of the following improvements (the "Improvements"):

Facade Improvements at 221 South Broadway abutting public ways, including Broadway Street and alley right-of-way (south of William, west of Broadway).

WHEREAS, prior to commencement of construction of the Improvements, the City has determined the maximum amount of assessment against each lot, piece or parcel of land deemed to be benefited by the Improvements based on the approved estimate of cost of the Improvements and has held a public hearing on the proposed maximum special assessments to be levied against property in the improvement district for the cost of construction of the Improvements after providing notice of such hearing as required by K.S.A. 12-6a09; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Pursuant to K.S.A. 12-6a01 *et seq.*, special assessments to pay the costs of the Improvements are hereby levied and assessed against the lots, pieces and parcels of land liable therefore as described on Exhibit A to this Ordinance, which is incorporated herein by reference, and in the amounts set forth on Exhibit A following the description of each lot, piece or parcel of land; provided, however, that if the final cost of the completed Improvements is less than the maximum amount of the assessments set forth on Exhibit A, the Governing Body of the City shall adjust the assessments to reflect the cost of the completed Improvements. If any property owner elects to prepay the maximum assessment as provided in Section 2 and the final cost of the completed Improvements as determined by the Governing Body is less than the estimated cost of the Improvements used to determine the maximum assessments, the City Clerk shall mail a check to the then current owner of the property for the difference.

SECTION 2. The amounts so levied and assessed shall be due and payable from and after the date of publication of this Ordinance; and the City Clerk shall notify the owners of the affected properties of the amounts of their assessments, that unless the assessments are paid by the Prepayment Date (as defined herein), bonds will be issued therefore and such assessments will be levied concurrently with general taxes and be payable in 15 annual installments. The "Prepayment Date" shall be January 16, 2009, unless the Prepayment Date is extended by a motion, resolution or ordinance of the City, following which notice of the extended Prepayment Date shall be mailed to the owners of record of all property in the improvement district.

SECTION 3. The City Clerk shall certify to the County Clerk, in the same manner and at the same time as other taxes are certified, for a period of 15 years, all of the assessments which have not been paid by the Prepayment Date, together with interest on such amount thereof at a rate not exceeding the maximum rate as prescribed by the laws of the state of Kansas; and such amounts shall be placed on the tax rolls and collected as other taxes are collected, the levy for each year being a portion of the principal amount of the assessment plus one year's interest on the amount remaining unpaid.

SECTION 4. This Ordinance shall take effect and be in force from and after its publication once in the official City newspaper. The City Clerk is directed to file this Ordinance with the Register of Deeds of Sedgwick County, Kansas.

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PASSED by the Governing Body of the City of Wichita, Kansas, and approved by the Mayor on December 16, 2008.

(Seal)

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Orpheum Office Building Facade Improvement District

Property Subject to Assessment	Proposed Maximum Assessment
UNIT 1A & 1.76% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0001	\$4,928.00
UNIT 1B & 2.81% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0002	\$7,868.00
UNIT 1C & 2.05% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0003	\$5,740.00
UNIT 1D & 2.20% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0004	\$6,160.00
UNIT 1E & 2.20% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0005	\$6,160.00
UNIT 2 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0006	\$41,524.00
UNIT 3 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0007	\$41,524.00

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UNIT 4 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0008	\$41,524.00
UNIT 5 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0009	\$41,524.00
UNIT 6 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0010	\$41,524.00
UNIT 7 & 14.83% UND. INT. IN COMMON AREAS & FACILITIES APPURTENANT TO THE ORPHEUM CENTRE CONDOMINIUM SITUATED ON PT OF LOTS 32 THRU 40 BROADWAY AVE J. R. MEAD'S ADD. Tax Key #B-00009-0001-0011	\$41,524.00

REQUEST FOR DECLARATION OF EMERGENCY

REQUEST OF THE MAYOR OF THE CITY OF WICHITA, KANSAS, FOR THE DECLARATION BY THE CITY COUNCIL OF SAID CITY OF THE EXISTENCE OF A PUBLIC EMERGENCY REQUIRING THE FINAL ADOPTION OF AN ORDINANCE AS DESIGNATED BELOW.

I, CARL BREWER, Mayor of the City of Wichita, Kansas, hereby request that the City Council declare that a public emergency exists requiring the final adoption and passage on the date of its introduction, *to-wit*, December 16, 2008, of an ordinance entitled:

AN ORDINANCE LEVYING AND ASSESSING MAXIMUM SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS, AS AUTHORIZED BY RESOLUTION NO. 08-542 OF THE CITY (ORPHEUM OFFICE BUILDING FACADE IMPROVEMENT DISTRICT).

The general nature of such emergency is to enable the immediate commencement of facade improvements within the benefit district.

It is, therefore, expedient at this time that the City Council find and declare that a public emergency exists by reason of the foregoing, and that the above entitled Ordinance be finally adopted on the date of its introduction.

EXECUTED at Wichita, Kansas, on December 16, 2008.

Carl Brewer, Mayor

Karen Sublett, City Clerk

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