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RESOLUTION NO. 04-456

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING LARK FROM THE SOUTH LINE OF PAWNEE AVENUE TO THE SOUTH LINE OF ATLANTA, ON ATLANTA FROM THE EAST LINE OF LARK LANE, EAST TO AND INCLUDING THE CUL-DE-SAC, ON WESTGATE, FROM THE SOUTH LINE OF ATLANTA CT., SOUTH TO THE WEST LINE OF PLAT, ON WESTGATE CT., (LOTS 22 THROUGH 39, BLOCK A), FROM THE EAST LINE OF WESTGATE, EAST TO AND INCLUDING THE CUL-DE-SAC, ON YOSEMITE FROM THE WEST LINE OF MAIZE RD., WEST TO THE WEST LINE OF THE PLAT, ON YOSEMITE CT., FROM THE NORTH LINE OF YOSEMITE, NORTH TO AND INCLUDING THE CUL-DE-SAC, ON LAMP, FROM THE NORTH LINE OF YOSEMITE NORTH, TO AND INCLUDING THE CUL-DE-SAC. SIDEWALK ON LARK, ATLANTA, WESTGATE, YOSEMITE, AND WITHIN RESERVE "C", (SOUTH OF PAWNEE, WEST OF MAIZE) 472-83681, 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 IMPROVING LARK FROM THE SOUTH LINE OF PAWNEE AVENUE TO THE SOUTH LINE OF ATLANTA, ON ATLANTA FROM THE EAST LINE OF LARK LANE, EAST TO AND INCLUDING THE CUL-DE-SAC, ON WESTGATE, FROM THE SOUTH LINE OF ATLANTA CT., SOUTH TO THE WEST LINE OF PLAT, ON WESTGATE CT., (LOTS 22 THROUGH 39, BLOCK A), FROM THE EAST LINE OF WESTGATE, EAST TO AND INCLUDING THE CUL-DE-SAC, ON YOSEMITE FROM THE WEST LINE OF MAIZE RD., WEST TO THE WEST LINE OF THE PLAT, ON YOSEMITE CT., FROM THE NORTH LINE OF YOSEMITE, NORTH TO AND INCLUDING THE CUL-DE-SAC, ON LAMP, FROM THE NORTH LINE OF YOSEMITE NORTH, TO AND INCLUDING THE CUL-DE-SAC. SIDEWALK ON LARK, ATLANTA, WESTGATE, YOSEMITE, AND WITHIN RESERVE "C", (SOUTH OF PAWNEE, WEST OF MAIZE) 472-83681, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **03-058** adopted on **February 4, 2003**, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve Lark from the south line of Pawnee Avenue to the south line of Atlanta, on Atlanta from the east line of Lark Lane, east to and including the cul-de-sac, on Westgate, from the south line of Atlanta Ct., south to the west line of plat, on Westgate Ct., (Lots 22 through 39, Block A), from the east line of Westgate, east to and including the cul-de-sac, on Yosemite from the west line of Maize Rd., west to the west line of the plat, on Yosemite Ct., from the north line of Yosemite, north to and including the cul-de-sac, on Lamp, from the north line of Yosemite north, to and including the cul-de-sac. Sidewalk on Lark, Atlanta, Westgate,

Yosemite, and within Reserve “C”, (south of Pawnee, west of Maize) 472-83681.

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

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Seven Hundred Eighty-Six Thousand Dollars (\$786,000)** 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 **December 1, 2002**, 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:

Parcel “A”

Lot 1, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, TOGETHER with the west 6.47 feet of Lot 2 in said Block A.

Parcel “B”

Lot 2, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 6.47 feet thereof, TOGETHER with the west 20.47 feet of Lot 3 in said Block A.

Parcel “C”

Lot 3, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 20.47 feet thereof, TOGETHER with the west 34.47 feet of Lot 4 in said Block A.

Parcel “D”

Lot 4, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 34.47 feet thereof, TOGETHER with the west 46.47 feet of Lot 5 in said Block A.

Parcel “E”

Lot 5, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 46.47 feet thereof, TOGETHER with the west 60.47 feet of Lot 6 in said Block A.

Parcel “F”

Lot 6, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 60.47 feet thereof, TOGETHER with all of Lot 7 in said Block A, and TOGETHER with the west 12.47 feet of Lot 8 in said Block A.

Parcel “G”

Lot 8, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 12.47 feet thereof, TOGETHER with the west 26.47 feet of Lot

9 in said Block A.

Parcel "H"

Lot 9, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 26.47 feet thereof, TOGETHER with the west 40.47 feet of Lot 10 in said Block A.

Parcel "I"

Lot 10, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 40.47 feet thereof, TOGETHER with all of Lot 11 in said Block A.

Parcel "J"

Lot 14, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 3.00 feet thereof.

Parcel "K"

Lot 15, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, TOGETHER with the west 3.00 feet of Lot 14 in said Block A, and TOGETHER with the east 7.00 feet of Lot 16 in said Block A.

Parcel "L"

Lot 16, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 7.00 feet thereof, TOGETHER with the east 19.00 feet of Lot 17 in said Block A.

Parcel "M"

Lot 17, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 19.00 feet thereof, TOGETHER with the east 31.00 feet of Lot 18 in said Block A.

Parcel "N"

Lot 18, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 31.00 feet thereof, TOGETHER with the east 41.00 feet of Lot 19 in said Block A.

Parcel "O"

Lot 19, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 41.00 feet thereof, TOGETHER with the east 53.00 feet of Lot 20 in said Block A.

Parcel "P"

Lot 21, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, TOGETHER with Lot 20 in said Block A, except the east 53.00 feet thereof.

Parcel "Q"

Lot 22, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas,

TOGETHER with the west 7.00 feet of Lot 23 in said Block A.

Parcel "R"

Lot 23, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 7.00 feet thereof, TOGETHER with the west 19.00 feet of Lot 24 in said Block A.

Parcel "S"

Lot 24, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 19.00 feet thereof, TOGETHER with the west 31.00 feet of Lot 25 in said Block A.

Parcel "T"

Lot 25, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 31.00 feet thereof, TOGETHER with the west 41.00 feet of Lot 26 in said Block A.

Parcel "U"

Lot 26, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 41.00 feet thereof, TOGETHER with the west 53.00 feet of Lot 27 in said Block A.

Parcel "V"

Lot 28, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, TOGETHER with Lot 27 in said Block A, except the west 53.00 feet thereof, and TOGETHER with the west 3.00 feet of Lot 29 in said Block A.

Parcel "W"

Lot 29, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 3.00 feet thereof.

Parcel "X"

Lot 32, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas TOGETHER with the east 4.00 feet of Lot 33 in said Block A.

Parcel "Y"

Lot 33, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 4.00 feet thereof, TOGETHER with the east 12.00 feet of Lot 34 in said Block A.

Parcel "Z"

Lot 34, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 12.00 feet thereof, TOGETHER with the east 22.00 feet of Lot 35 in said Block A.

Parcel "AA"

Lot 35, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 22.00 feet thereof, TOGETHER with the east 32.00 feet of Lot

36 in said Block A.

Parcel "BB"

Lot 36, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 32.00 feet thereof, TOGETHER with the east 40.00 feet of Lot 37 in said Block A.

Parcel "CC"

Lot 37, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 40.00 feet thereof, TOGETHER with the east 50.00 feet of Lot 38 in said Block A.

Parcel "DD"

Lot 39, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, TOGETHER with Lot 38, Block A, except the east 50.00 feet thereof.

Parcel "EE"

Lot 40, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, TOGETHER with the north 7.08 feet of Lot 41 in said Block A.

Parcel "FF"

Lot 41, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the north 7.08 feet thereof, TOGETHER with that part of Lot 42 in said Block A described as follows: Beginning at the front corner common to said Lots 41 and 42; thence N89°57'56"E along the lot line common to said Lots 41 and 42, 120.00 feet to the rear corner common to said Lots 41 and 42; thence S00°02'04"E along the rear line of said Lot 42, 23.32 feet; thence N87°20'05"W, 120.28 feet to a point on the front line of said Lot 42, said front line being a curve to the left; thence northerly along said curve, having a central angle of 02°41'59" and a radius of 132.00 feet, an arc distance of 6.22 feet to the P.T. of said curve; thence N00°02'04"W along the front line of said Lot 42, 11.43 feet to the point of beginning.

Parcel "GG"

Lot 42, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except that part of said Lot 42 described as follows: Beginning at the front corner common to said Lot 42 and Lot 41 in said Block A; thence N89°57'56"E along the lot line common to said Lots 41 and 42, 120.00 feet to the rear corner common to said Lots 41 and 42; thence S00°02'04"E along the rear line of said Lot 42, 23.32 feet; thence N87°20'05"W, 120.28 feet to a point on the front line of said Lot 42, said front line being a curve to the left; thence northerly along said curve, having a central angle of 02°41'59" and a radius of 132.00 feet, an arc distance of 6.22 feet to the P.T. of said curve; thence N00°02'04"W along the front line of said Lot 42, 11.43 feet to the point of beginning, TOGETHER with that part of Lot 43 in said Block A described as follows: Beginning at the front corner common to said Lots 42 and 43; thence S68°48'34"E along the lot line common to said Lots 42 and 43, 138.34 feet to the rear corner common to said Lots 42 and 43; thence S42°24'57"W along the rear line of said Lot 43,

37.41 feet; thence N61°04'34"W, 127.15 feet to a point on the front line of said Lot 43, said front line being a curve to the left; thence northeasterly along said curve, having a central angle of 07°44'00" and a radius of 132.00 feet, an arc distance of 17.82 feet to the point of beginning.

Parcel "HH"

Lot 43, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except that part of said Lot 43 described as follows: Beginning at the front corner common to said Lot 43 and Lot 42 in said Block A; thence S68°48'34"E along the lot line common to said Lots 42 and 43, 138.34 feet to the rear corner common to said Lots 42 and 43; thence S42°24'57"W along the rear line of said Lot 43, 37.41 feet; thence N61°04'34"W, 127.15 feet to a point on the front line of said Lot 43, said front line being a curve to the left; thence northeasterly along said curve, having a central angle of 07°44'00" and a radius of 132.00 feet, an arc distance of 17.82 feet to the point of beginning, TOGETHER with the northeast 31.37 feet of Lot 44 in said Block A.

Parcel "II"

Lot 44, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the northeast 31.37 feet thereof, TOGETHER with the northeast 43.37 feet of Lot 45 in said Block A.

Parcel "JJ"

Lot 45, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the northeast 43.37 feet thereof, TOGETHER with the northeast 55.37 feet of Lot 46 in said Block A.

Parcel "KK"

Lot 46, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the northeast 55.37 feet thereof, TOGETHER with the northeast 65.37 feet of Lot 47 in said Block A.

Parcel "LL"

Lot 47, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the northeast 65.37 feet thereof, TOGETHER with Lot 48 in said Block A.

Parcel "MM"

Lot 1, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, TOGETHER with the north 7.00 feet of Lot 2 in said Block B.

Parcel "NN"

Lot 2, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the north 7.00 feet thereof, TOGETHER with the north 19.00 feet of Lot 3 in said Block B.

Parcel "OO"

Lot 3, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas,

except the north 19.00 feet thereof, TOGETHER with the north 31.00 feet of Lot 4 in said Block B.

Parcel "PP"

Lot 4, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the north 31.00 feet thereof, TOGETHER with the north 43.00 feet of Lot 5 in said Block B.

Parcel "QQ"

Lot 5, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the north 43.00 feet thereof, TOGETHER with the north 55.00 feet of Lot 6 in said Block B.

Parcel "RR"

Lot 6, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the north 55.00 feet thereof, TOGETHER with the north 67.00 feet of Lot 7 in said Block B.

Parcel "SS"

Lot 7, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the north 67.00 feet thereof, TOGETHER with Lot 8 in said Block B, and TOGETHER with the north 18.08 feet of Lot 9 in said Block B.

Parcel "TT"

Lot 9, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the north 18.08 feet thereof, TOGETHER with Lot 10 in said Block B, except the southeast 36.98 feet thereof.

Parcel "UU"

The southeast 36.98 feet of Lot 10, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, TOGETHER with the northeast 39.02 feet of Lot 11 in said Block B.

Parcel "VV"

Lot 11, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the northeast 39.02 feet thereof, TOGETHER with the northeast 49.02 feet of Lot 12 in said Block B.

Parcel "WW"

Lot 12, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the northeast 49.02 feet thereof, TOGETHER with Lot 13 in said Block B.

SOUTHERN RIDGE ADDITION

Lots 12, 13, 30 and 31, Block A

Lots 13 through 39, Block C

Lots 1 through 40, Block D

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:

Parcels "A" through "WW", inclusive, shall each pay 1/120 of the total cost of the improvements and Lots 12, 13, 30 and 31, Block A, Lots 13 through 39, Block C, and Lots 1 through 40, Block D, SOUTHERN RIDGE ADDITION shall each pay 1/120 of the total cost of the improvements.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. 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, August 31, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)