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RESOLUTION NO. 07-144

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING STORM WATER DRAIN NO. 315 (WEST OF CLIFTON, NORTH OF 63RD ST. SOUTH) 468-84302 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 STORM WATER DRAIN NO. 315 (WEST OF CLIFTON, NORTH OF 63RD ST. SOUTH) 468-84302 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve Storm Water Drain No. 315 (west of Clifton, north of 63rd St. South) 468-84302.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Six Hundred Sixty-Four Thousand Dollars (\$664,000) 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 February 1, 2007, 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:

UNPLATTED TRACT "A"

That part of Lot 1, Pinaire Mobile Home Park to Sedgwick County, Kansas described as beginning at the SE corner of said Lot 1; thence N00°00'06"W along the east line of said Lot 1, 805.00 feet; thence S79°41'19"W, 177.29 feet; thence N30°00'23"W, 35.00 feet; thence S59°59'37"W, 1154.85 feet to a point 226.00 feet north of the south line of said Lot 1; thence S89°59'54"W parallel with the south line of said Lot 1, 570.00 feet to a point on the west line of said Lot 1; thence S00°00'06"E, 226.00 feet to the SW corner of said Lot 1; thence S89°59'54"E along the south line of said Lot 1, 1762.14 feet to the point of beginning, TOGETHER with that part of Government Lot 4 in the SE1/4 of Sec. 22, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas lying east of the Big Arkansas River, except the south 600.00 feet of the west 490.00 feet of the east 765.00 feet thereof, and except the south 410.00 feet of the east 275.00 feet thereof, TOGETHER with the SW1/4 of the SW1/4 of Sec. 23, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, except that part of the SW1/4 of said SW1/4 described as follows: Commencing at the SE corner of the SW1/4 of said SW1/4; thence S89°58'42"W along the south line of the SW1/4 of said SW1/4, 430.16 feet to a point on a curve to the right, and for a point of beginning; thence

northwesterly along said curve, having a central angle of 36°46'54" and a radius of 160.87 feet, an arc distance of 103.27 feet, (having a chord length of 101.51 feet bearing N37°35'57"W), to the P.T. of said curve; thence N19°12'30"W, 23.33 feet; thence S70°47'30"W, 139.43 feet; thence N00°01'18"W, 43.90 feet; thence S89°58'42"W, 365.49 feet; thence N74°32'18"W, 337.62 feet to a point on the west line of the SW1/4 of said SW1/4; thence S00°04'35"E along the west line of the SW1/4 of said SW1/4, 190.68 feet to the SW corner of the SW1/4 of said SW1/4; thence N89°58'42"E along the south line of the SW1/4 of said SW1/4, 891.93 feet to the point of beginning, and TOGETHER with that part of the NW1/4 of the NW1/4 of Sec. 26, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at the NE corner of the NW1/4 of said NW1/4; thence S00°19'28"W along the east line of the NW1/4 of said NW1/4, 27.67 feet; thence S89°59'54"W, 340.02 feet to the P.C. of a curve to the right; thence westerly and northwesterly along said curve, having a central angle of 34°00'42" and a radius of 160.87 feet, an arc distance of 95.49 feet, (having a chord length of 94.10 feet bearing N72°59'45"W), to a point on the north line of the NW1/4 of said NW1/4; thence N89°58'42"E along the north line of the NW1/4 of said NW1/4, 430.16 feet to the point of beginning, all being subject to road rights-of-way of record.

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 of equal shares being assessed to lots or parcels of substantially comparable size and/or value: UNPLATTED TRACT 'A' shall pay 100 percent of the total cost of the improvements.

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.

ADOPTED at Wichita, Kansas, February 27, 2007.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)