

RESOLUTION NO. 07-714

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING A DECEL LANE ON THE SOUTH SIDE OF 21ST STREET NORTH TO SERVE THE ENTRANCE BETWEEN LOT 4, BLOCK 1, AND LOT 1, BLOCK 2, CROSS POINTE 2ND ADDITION (SOUTH OF 21ST, EAST OF GREENWICH) 472-84230 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 AUTHORIZING CONSTRUCTING A DECEL LANE ON THE SOUTH SIDE OF 21ST STREET NORTH TO SERVE THE ENTRANCE BETWEEN LOT 4, BLOCK 1, AND LOT 1, BLOCK 2, CROSS POINTE 2ND ADDITION (SOUTH OF 21ST, EAST OF GREENWICH) 472-84230 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 05-342 adopted on June 28, 2005 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize construction of a decel lane on the south side of 21st Street North to serve the entrance between Lot 4, Block 1, and Lot 1, Block 2, Cross Pointe 2nd Addition (south of 21st, east of Greenwich) 472-84230.

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 2 hereof is estimated to Sixty-One Thousand Dollars (\$61,000) 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, 2007 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:

CROSS POINTE ADDITION

Lot 10, Block 1

CROSS POINTE 2ND ADDITION

Lots 1 through 7, Block 1

Lot 1, Block 2

TRACT "A"

THE WEST 155 FEET OF LOT 5, BLOCK 1, CROSS POINTE ADDITION, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

TRACT "B"

THE EAST 53.04 FEET OF LOT 5, BLOCK 1, TOGETHER WITH THE WEST 71.96 FEET OF LOT 6, BLOCK 1, CROSS POINTE ADDITION, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

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:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis, the same to be assessed as follows: Lot 10, Block 1, CROSS POINTE ADDITION, shall pay 14/1,000 of the total cost of the improvement; Lot 1, Block 1, CROSS POINTE 2ND ADDITION, shall pay 331/1,000 of the total cost of the improvement; Lot 2, Block 1, CROSS POINTE 2ND ADDITION, shall pay 62/1,000 of the total cost of the improvement; Lot 3, Block 1, CROSS POINTE 2ND ADDITION, shall pay 24/1,000 of the total cost of the improvement; Lot 4, Block 1, CROSS POINTE 2ND ADDITION, shall pay 43/1,000 of the total cost of the improvement; Lot 5, Block 1, CROSS POINTE 2ND ADDITION, shall pay 26/1,000 of the total cost of the improvement; Lot 6, Block 1, CROSS POINTE 2ND ADDITION, shall pay 72/1,000 of the total cost of the improvement; Lot 7, Block 1, CROSS POINTE 2ND ADDITION, shall pay 317/1,000 of the total cost of the improvement; Lot 1, Block 2, CROSS POINTE 2ND ADDITION, shall pay 93/1,000 of the total cost of the improvement; TRACT "A", shall pay 10/1,000 of the total cost of the improvement; and TRACT "B", shall pay 8/1,000 of the total cost of the improvement.

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. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

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.

PASSED by the governing body of the City of Wichita, Kansas, this 11th day of December, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)