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RESOLUTION NO. 06-453

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING ASPHALT PAVEMENT ON **GROVE STREET FROM 63RD ST. SOUTH TO 1,350' SOUTH OF 63RD ST. SOUTH 472-84438** 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 ASPHALT PAVEMENT ON **GROVE STREET FROM 63RD ST. SOUTH TO 1,350' SOUTH OF 63RD ST. SOUTH 472-84438** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing asphalt pavement on **Grove Street from 63rd St. South to 1,350' south of 63rd St. South 472-84438.**

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

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **Three Hundred Forty-Five Thousand Dollars (\$345,000)** 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 **July 1, 2006** 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:

GROVE STREET

Government Lots 2 and 3 and the Southwest Quarter of the Northeast Quarter of Section 34, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, TOGETHER WITH the North Half of the Southeast Quarter of Section 34, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT that part condemned for the Wichita-Valley Center Flood Control in Case A-48670, AND EXCEPT a tract described as beginning 469.23 feet south of the Northwest corner of Government Lot 2 in the Northeast Quarter of said Section 34; thence south 333.67 feet; thence southeasterly 389.92 feet; thence northeasterly 231 feet; thence northeasterly 144.3 feet to Levee right-of-way; thence northwesterly 276 feet; thence northwesterly 528.5 feet, more or less to the place of beginning, AND EXCEPT that part described as beginning at the Northwest corner of the North Half of said Southeast Quarter; thence south along the West line of said Southeast Quarter, 203.32 feet; thence east at right angles, 320 feet; thence north at right angles, 340.32; thence west at right

angles 319.97 feet to the West line of the South Half of said Northeast Quarter; thence south 137 feet to beginning.

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.

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: Government Lots 2 and 3 and the Southwest Quarter of the Northeast Quarter of Section 34, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, TOGETHER WITH the North Half of the Southeast Quarter of Section 34, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT that part condemned for the Wichita-Valley Center Flood Control in Case A-48670, AND EXCEPT a tract described as beginning 469.23 feet south of the Northwest corner of Government Lot 2 in the Northeast Quarter of said Section 34; thence south 333.67 feet; thence southeasterly 389.92 feet; thence northeasterly 231 feet; thence northeasterly 144.3 feet to Levee right-of-way; thence northwesterly 276 feet; thence northwesterly 528.5 feet, more or less to the place of beginning, AND EXCEPT that part described as beginning at the Northwest corner of the North Half of said Southeast Quarter; thence south along the West line of said Southeast Quarter, 203.32 feet; thence east at right angles, 320 feet; thence north at right angles, 340.32; thence west at right angles 319.97 feet to the West line of the South Half of said Northeast Quarter; thence south 137 feet to beginning; all in Section 34, T.28S., Range 1 East of the 6th P.M., Sedgwick County, Kansas shall pay 100% of the total cost payable by the improvement district.

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. 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, August 22, 2006.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)