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RESOLUTION NO. 07-570

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 1, MAIN 24, FOUR MILE CREEK SEWER (NORTH OF 21ST, WEST OF 159TH ST. EAST) 468-84432 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 CONSTRUCTING AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 1, MAIN 24, FOUR MILE CREEK SEWER (NORTH OF 21ST, WEST OF 159TH ST. EAST) 468-84432 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 1, Main 24, Four Mile Creek Sewer (north of 21st, west of 159th St. East) 468-84432.

Said sanitary sewer 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 hereof is estimated to be Two Hundred Eleven Thousand Dollars (\$211,000), 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 May 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:

MONARCH LANDING SECOND ADDITION

- Lots 1 through 52, Block 1
- Lots 1 through 14, Block 2
- Lots 1 through 21, Block 3
- Lots 1 through 6, Block 4

UNPLATTED COMMERCIAL TRACT 2

A tract of land lying in the Southeast Quarter, Section 1, Township 27 South, Range 2 East, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

BEGINNING at a point lying 100.00 feet west of and 75.00 feet north of the southeast corner of said Southeast Quarter; thence parallel with and 75.00 feet north of the south line of said Southeast Quarter on a Kansas coordinate system 1983 south zone bearing of S88°55'31"W, 150.00 feet; thence S80°23'41"W, 101.12 feet to a point lying 60.00 feet north of said south line;

thence parallel with and 60.00 feet north of said south line S88°55'31"W, 1276.50 feet to the southeast corner of Monarch Landing Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the easterly lines of said addition for the next six (6) courses N01°04'29"W, 27.75 feet to a point on a curve to the left; thence along said curve 78.95 feet, said curve having a central angle of 14°22'58", a radius of 314.50 feet, and a long chord distance of 78.74 feet, bearing N08°15'58"W; thence N15°27'26"W, 53.77 feet to a point on a curve to the right; thence along said curve 320.48 feet, said curve having a central angle of 107°22'58", a radius of 171.00 feet, and a long chord distance of 275.60 feet, bearing N38°14'02"E; thence S88°04'29"E, 142.73 feet to a point on a curve to the left; thence along said curve 137.64 feet, said curve having a central angle of 37°54'54", a radius of 208.00 feet, and a long chord distance of 135.14 feet, bearing N72°58'04"E; thence S37°18'14"E, 106.46 feet; thence N88°55'31"E, 354.03 feet; thence N01°04'29"W, 275.00 feet; thence N88°55'31"E, 730.00 feet to a point lying 60.00 feet west of the east line of said Southeast Quarter; thence parallel with and 60.00 feet west of said east line S00°38'46"E, 300.13 feet; thence S07°53'05"W, 101.12 feet to a point lying 75.00 feet west of said east line; thence S00°38'46"E, 150.00 feet; thence S44°08'23"W, 35.49 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 714,272 square feet or 16.4 acres of land, more or less.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment 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 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: Lots 1 through 52, Block 1; Lots 1 through 14, Block 2; Lots 1 through 21, Block 3; and Lots 1 through 6, Block 4; MONARCH LANDING SECOND ADDITION shall each pay 1/131 of the total cost payable by the improvement district. THE UNPLATTED COMMERCIAL TRACT 2 shall pay 38/131 of the total cost payable by the improvement district.

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.

PASSED by the governing body of the City of Wichita, Kansas, this 16th day of October, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)