

(First Published in the Wichita Eagle on April 16, 2021)

ORDINANCE NO. 51-428

AN ORDINANCE LEVYING AND ASSESSING MAXIMUM SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF PROPERTY LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS (FAÇADE IMPROVEMENTS – 400 SOUTH EMPORIA).

WHEREAS, pursuant to Resolution No. 21-076 (the “Resolution”), the City Council (the “Governing Body”) of the City of Wichita, Kansas (the “City”) has authorized, pursuant to K.S.A. 12-6a01 *et seq.* (the “Act”) the creation of an improvement district (the “Improvement District”) and the construction of the following improvements therein:

Construction of improvements to area walls on public ways or land abutting thereto consisting of Facade Improvements (the "Improvements") at 400 South Emporia; and

WHEREAS, prior to commencement of construction of the Improvements, the City has determined the maximum amount of assessment against each lot, piece or parcel of land deemed to be benefited by the Improvements based on the approved estimate of cost of the Improvements and has held a public hearing on the proposed maximum special assessments to be levied against property in the Improvement District for the cost of the Improvements after providing notice of such hearing as required by the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Levy of Assessments. Pursuant to the Act, special assessments to pay the costs of the Improvements are hereby levied and assessed the amounts against the lots, pieces and parcels of land liable therefore as described on *Exhibit A* to this Ordinance, which is incorporated herein by reference; provided, however, that if the final cost of the completed Improvements is less than the maximum amount of the assessments set forth on *Exhibit A*, the Governing Body shall adjust the assessments to reflect the cost of the completed Improvements. If any property owner elects to prepay the maximum assessment as provided in *Section 2* and the final cost of the completed Improvements as determined by the Governing Body is less than the estimated cost of the Improvements used to determine the maximum assessments, the City Clerk shall mail a check to the then current owner of the property for the difference.

Section 2. Payment of Assessments. The amounts so levied and assessed in *Section 1* shall be due and payable from and after the date of publication of this Ordinance; and the City Clerk shall notify the owners of the affected properties of the amounts of their assessments, that unless the assessments are paid by June 30, 2021, unless extended by action of the Governing Body, following which notice of the extended date shall be mailed to the owners of record of all property in the Improvement District (the “Prepayment Date”), bonds will be issued therefore and such assessments will be levied concurrently with general taxes.

Section 3. Certification. Any amount of special assessments not paid within the time prescribed in *Section 2* hereof shall be certified by the City Clerk to the County Clerk of Sedgwick County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in 15 annual installments, together with interest on such amounts at a rate not exceeding the maximum rate

therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

Section 4. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the Governing Body and publication once in the official City newspaper. The City Clerk is directed to file this Ordinance with the Register of Deeds of Sedgwick County, Kansas.

PASSED by the City Council of the City on April 13, 2021 and **SIGNED** by the Mayor.

(SEAL)

Brandon J. Whipple, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on [_____]; that the record of the final vote on its passage is found on page _____ of journal _____; and that the Ordinance or a summary thereof was published in *The Wichita Eagle* on [_____].

DATED: [_____].

Karen Sublett, City Clerk

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Exhibit A

**(FAÇADE IMPROVEMENTS – 400 S. Emporia)
RESOLUTION No. 21-076**

Description of Property	Amount of Maximum Assessment
Lots 77 and 79 and the North one-half of Lot 81, on Emporia Avenue, N.A. English's Third Addition to the City of Wichita, Sedgwick County, Kansas	\$380,000.00
Commonly known as 400 S. Emporia	