RESOLUTION NO. 16-468

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (LATERAL 8, MAIN 6, NORTHWEST INTERCEPTOR SEWER-NEWMARKET V ADDITION/SOUTH OF 29TH STREET NORTH, WEST OF MAIZE) (468-85152).

WHEREAS, a petition (the “Petition”) was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 et seq., (the "Act"); and

WHEREAS, the City Council (the “Governing Body”) of the City hereby finds and determines that said Petition was signed by the owners of record of more than one-half of the area liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. Findings of Advisability. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a sanitary sewer system, including necessary manholes, pipes, and appurtenances to serve the Improvement District defined below (the “Improvements”).

(b) The estimated or probable cost of the Improvements is Sixteen Thousand Dollars ($16,000), exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the costs of the Improvements is: Parcel A as described on Exhibit A attached hereto.

(d) The method of assessment is: on a per lot basis as described below:

Parcel A shall pay 100% of the Improvement District portion of the total cost.
In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City’s Special Assessment Deferral Program.

Section 2. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in Section 1 of this Resolution.

Section 3. Plans and Specifications. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 4. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

Section 5. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, December 6, 2016.

(SEAL)                                                                                     Jeff Longwell, Mayor

ATTEST:

_______________________________  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_______________________________  
Jennifer Magaña, City Attorney and Director of Law
EXHIBIT A

Parcel A:
A tract of land in Lot 1, Block 1, Newmarket V Addition, an Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows:
COMMENCING at the Northeast corner of the Northeast Quarter of Section 6, Township 27 South, Range 1 West of the Sixth Principal Meridian; Thence Bearing North 89°46'15" West, along the North line of said Northeast Quarter, a distance of 330.00 feet; Thence Bearing South 01°24'27" West, a distance of 60.01 feet to a deflection in the boundary of Lot 1, Block 1 of said Newmarket V Addition, also being the POINT OF BEGINNING; Thence continuing Bearing South 01°24'27" West, along the boundary of said Lot 1, a distance of 212.68 feet to a deflection in the boundary of said Lot 1, also being the northernmost point of Reserve B in said Newmarket V Addition; Thence Bearing South 17°10'33" East, along the line common to said Reserve A and said Lot 1, a distance of 126.03 feet; Thence Bearing North 72°49'27" East, a distance of 72.26 feet; Thence Bearing South 17°10'33" East, a distance of 47.05 feet; Thence Bearing South 86°40'37" East, a distance of 161.19 feet to the East line of said Lot 1; Thence Bearing North 03°19'23" East, along the East line of said Lot 1, a distance of 155.10 feet to a deflection in the East line of said Lot 1; Thence Bearing North 01°24'27" East, along the East line of said Lot 1, a distance of 170.04 feet to a deflection in the boundary of said Lot 1; Thence Bearing North 44°10'54" West, along the boundary of said Lot 1, a distance of 34.99 feet to a deflection in the boundary of said Lot 1; Thence Bearing North 89°46'15" West, along the North line of said Lot 1, a distance of 150.00 feet to a deflection in the North line of said Lot 1; Thence Bearing North 81°14'24" West, along the North line of said Lot 1, a distance of 101.12 feet to a deflection in the North line of said Lot 1; Thence Bearing North 89°46'15" West, along the North line of said Lot 1, a distance of 14.68 feet to the POINT OF BEGINNING; Said tract of land containing 2.156 acres, more or less.