**Project Request**

- **CIP** ☑ Non-CIP
- **NEIGHBORHOOD IMPROVEMENT**
- **ORDERED BY WCC** ☑ PETITION
- **PETITION PERCENTAGE: 100%**
- **RESOLUTION/ORDINANCE #:**
- **ENGINEERING REFERENCE #: 468-85153**

**DEPARTMENT:** 13 Public Works & Utilities

**DIVISION:** Engineering

**FUND:** 480 Sewer Improvements N.I.

**SUBFUND:** 485 Storm Drainage N.I.

**COUNCIL DISTRICT:** 06 Council District 6

**DATE COUNCIL APPROVED:** Dec 6, 2016

**REQUEST DATE:**

**PROJECT #:** 485442

**PROJECT TITLE:** SWD 414 Emerald Bay Estates 2nd Addition

**PROJECT DETAIL #:** 01

**PROJECT DETAIL DESCRIPTION:** SWD 414 Emerald Bay Estates 2nd Addition

**OCA #:** 751551

**OCA TITLE:** SWD 414 Emerald Bay Estates 2nd Addition

**PERSON COMPLETING FORM:** Janis Edwards

**PHONE #:** 268-4499

**PROJECT MANAGER:** Julianne Kallman

**PHONE #:** 268-4236

**NEW BUDGET** ☑ REVISED BUDGET

### REVENUE

<table>
<thead>
<tr>
<th>Object Level 3</th>
<th>Budget</th>
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<tr>
<td>9730 S.A. Bonds</td>
<td>$345,000.00</td>
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**REVENUE TOTAL:** $345,000.00

### EXPENSE

<table>
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<tr>
<td>2999 Contractuals</td>
<td>$345,000.00</td>
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**EXPENSE TOTAL:** $345,000.00

**NOTES:**

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**SIGNATURES REQUIRED**

**DIVISION HEAD:**

**DATE:** 11/18/16

**DEPARTMENT HEAD:**

**DATE:** 11/10/16

**BUDGET OFFICER:**

**DATE:** 11/8/16

**CITY MANAGER:**

**DATE:**
PETITION
Stormwater Drain – Emerald Bay Estates Second Addition, Wichita, Kansas, and Two Unplatted
Parcels in Sedgwick County, Kansas

TO: The Mayor and City Council (the “Governing Body”)
City of Wichita, Kansas

1. The undersigned, being a majority of the resident owners of record of the property liable for
assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the “City”), do
hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 et seq. and 12-
693 (the “Act”).

(a) The improvements proposed to be made are as follows (the “Improvements”):
Construction of a stormwater sewer system to serve the Improvement District defined below.

The Improvements shall be constructed in accordance with City standards and plans and
specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: Three Hundred Forty Five
Thousand ($345,000.00), 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 this 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 proposed improvement district (the “Improvement District”) to be
assessed for the costs of the proposed Improvements is:

Emerald Bay Estates Second Addition, Wichita, Kansas
Lots 31-38, Block 1
Lots 6-13, Block 2

Unplatted Tract A
The East Half of the Southwest Quarter of Section 2, Township 27 South, Range 1 West of the 6th
Principal Meridian, Sedgwick County, Kansas, except the East 165 feet of the South 264 feet thereof, and
except the South 50 feet thereof for road.

Unplatted Tract B
The West 215.00 feet of the South Half of the Southeast Quarter of Section Two, Township Twenty-
seven South, Range One West, Sedgwick County, Kansas.

(d) The proposed method of assessment is: on a fractional basis as described below.

That Lots 31-38, Block 1 and Lots 6-13, Block 2, Emerald Bay Estates Second Addition shall
each pay 1/86 of the total cost payable by the improvement district;

That Unplatted Tract A (approximately 77.0 acres) shall pay 65/86 of the total cost payable by the
improvement district;
And That Unplatted Tract B (approximately 6.5 acres) shall pay $5/86 of the total cost payable by the improvement district.

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 or per the terms of a respread agreement submitted to the City of Wichita.

(e) The proposed 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 proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

6. The owners of land covered hereunder outside the corporate limits of the City do hereby petition, consent to and request annexation of such lands by the City at such time as it determines appropriate (as contemplated in K.S.A. 12-519 et seq.). Until such time as the annexation occurs, the owners covenant and agree they will not seek incorporation as a separate city nor annexation to any other city, land or any part thereof. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.
<table>
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<tr>
<th>Signature</th>
<th>Dated</th>
<th>Property Owned Within Proposed Improvement District</th>
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<tbody>
<tr>
<td>SNAR LLC – Gaylan Nett, Managing Partner</td>
<td>10/20/16</td>
<td>Emerald Bay Estates Second Addition, Wichita, Kansas; Lots 31-38, Block 1 Lots 6-13, Block 2</td>
</tr>
<tr>
<td>SNAR LLC – Gaylan Nett, Managing Partner</td>
<td>10/20/16</td>
<td>Unplatted Tract A (77.0 acres)</td>
</tr>
<tr>
<td>Tom George Investments LLC – Tom George</td>
<td>10/20/16</td>
<td>Unplatted Tract B (6.5 acres)</td>
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THIS PETITION was filed in my office on **09/20/2015**.

[Signature]

Deputy City Clerk
RESOLUTION NO. _____


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 a majority of the resident owners of record of the property 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 stormwater sewer system to serve the Improvement District defined below (the "Improvements").

(b) The estimated or probable cost of the Improvements is Three Hundred Forty-Five Thousand Dollars ($345,000), 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 in accordance with the provisions hereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

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Lots 31-38, Block 1
Lots 6-13, Block 2
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Unplatted Tract B

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(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, on ________________.

(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law