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RESOLUTION NO. 15-042

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING **STORM WATER DRAIN NO. 399 (SOUTH OF 21ST ST. NORTH, EAST OF GREENWICH) 468-85013** 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 **STORM WATER DRAIN NO. 399 (SOUTH OF 21ST ST. NORTH, EAST OF GREENWICH) 468-85013** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **Storm Water Drain No. 399 (south of 21st St. North, east of Greenwich) 468-85013**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Ten Thousand Dollars (\$110,000)** exclusive of interest on financing and administrative and financing costs, 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 **November 1, 2014**, 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:

CROSS POINTE 2ND ADDITION

Parcel 1 and 3, Block 1

(Legal Description attached hereto)

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:

Parcel 1 shall be assessed 7,296/10,000 of the project cost and Parcel 3 shall be assessed 2,704/10,000 of the project cost.

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 (the "Act").

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. 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 10. 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.

PASSED by the governing body of the City of Wichita, Kansas, this 10th day of February 2015.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

SHARON L. DICKGRAFE
INTERIM DIRECTOR OF LAW & CITY ATTORNEY

CROSS POINTE 2ND

Parcel 1, Block 1

A portion of Lots 6 and 7, Block 1, Cross Pointe 2nd, an Addition to Wichita, Sedgwick County, Kansas, more particularly described as:

Beginning at the northeast corner of Lot 6, Block 1, Cross Pointe 2nd, an Addition to Wichita, Sedgwick County, Kansas; thence bearing South 0°15'11" West as platted in said Cross Pointe 2nd, along the east line of said Lot 6 for a distance of 132.26 feet to a deflection in the east line of said Lot 6; thence bearing South 8°16'40" East along the east line of said Lot 6 for a distance of 106.81 feet; thence bearing South 89°17'02" West for a distance of 212.67 feet; thence bearing South 0°42'58" East for a distance of 158.36 feet to the south line of said Lot 6; thence bearing South 89°16'46" West along the south line of said Lot 6 for a distance of 167.86 feet to a non-tangent curve to the left having a radius of 75.00 feet, a central angle of 80°01'47", a chord bearing of North 12°43'04" West and a chord distance of 96.45 feet; thence northerly along the westerly line of said Lot 6 on said curve to the left for a distance of 104.76 feet to a curve to the right having a radius of 20.00 feet and a central angle of 52°36'14"; thence northerly along the westerly line of said Lot 6 on said curve to the right for a distance of 18.36 feet to a curve to the left having a radius of 500.00 feet and a central angle of 15°28'28"; thence northerly along the westerly line of said Lot 6 on said curve to the left for a distance of 135.04 feet to a curve to the right having a radius of 500.00 feet and a central angle of 14°52'57"; thence northerly along the westerly line of said Lot 6 on said curve to the right for a distance of 129.87 feet; thence bearing North 0°43'14" West along the west line of said Lot 6 to the northwest corner of said Lot 6; thence bearing North 89°16'46" East along the north line of said Lot 6 to the Point of Beginning; containing 2.94 acres, more or less;

TOGETHER WITH

Beginning at the northwest corner of Lot 7, Block 1, Cross Pointe 2nd, an Addition to Wichita, Sedgwick County, Kansas, said Point of Beginning being on the southerly right-of-way line of Bristol Street; thence bearing South 25°19'05" West as platted in said Cross Pointe 2nd, along the westerly line of said Lot 7 for a distance of 50.00 feet to a deflection in the westerly line of said Lot 7; thence bearing South 0°42'58" West along the west line of said Lot 7 for a distance of 276.65 feet to a southwest corner of said Lot 7; thence bearing North 89°17'02" East along a south line of said Lot 7 for a distance of 201.11 feet to a corner of said Lot 7; thence continuing on said bearing of North 89°17'02" East for a distance of 417.60 feet; thence deflecting at a right angle, bearing North 0°42'58" West for a distance of 287.64 feet to the north line of said Lot 7; thence bearing South 89°16'46" West along the north line of said Lot 7 for a distance of 167.86 feet to a non-tangent curve to the right having a radius of 75.00 feet, a central angle of 113°58'23", a chord bearing of South 84°17'01" West and a chord distance of 125.78 feet; thence westerly along the northerly line of said Lot 7 on said curve to the right for a distance of 149.19 feet to a curve to the left having a radius of 20.00 feet and a central angle of 51°59'26"; thence westerly along the northerly line of said Lot 7 on said curve to the left for a distance of 18.15 feet; thence bearing South 89°16'46" West along the north line of said Lot 7 for a distance of 126.73 feet to a curve to the right having a radius of 367.00 feet and a central angle of 26°02'19"; thence westerly along the northerly line of said Lot 7 on said curve to the right for a distance of 166.79 feet to the Point of Beginning; containing 4.03 acres, more or less.

Said Parcel 1 encompasses a total of 6.97 acres, more or less.

CROSS POINTE 2ND

Parcel 3, Block 1

A portion of Lots 6 and 7, Block 1, Cross Pointe 2nd, an Addition to Wichita, Sedgwick County, Kansas, more particularly described as:

Beginning at the southeast corner of said Lot 6; thence bearing South 89°16'46" West along the south line of said Lot 6 for a distance of 233.69 feet; thence bearing North 0°42'58" West for a distance of 158.36 feet; thence bearing North 89°17'02" East for a distance of 212.67 feet to the east line of said Lot 6; thence bearing South 8°16'40" East along the east line of said Lot 6 for a distance of 159.73 feet to the Point of Beginning; encompassing 0.81 acres, more or less;

TOGETHER WITH

Beginning at the northeast corner of Lot 7, Block 1, Cross Pointe 2nd, an Addition to Wichita, Sedgwick County, Kansas; thence bearing South 8°16'40" East as platted in said Cross Pointe 2nd, along the east line of said Lot 7 for a distance of 306.32 feet; thence bearing South 89°17'02" West for a distance of 274.00 feet; thence deflecting at a right angle, bearing North 0°42'58" West for a distance of 303.64 feet to the north line of said Lot 7; thence bearing North 89°16'46" East along the north line of said Lot 7 for a distance of 233.69 feet to the Point of Beginning; encompassing 1.77 acres, more or less.

Said Parcel 3 encompasses a total of 2.58 acres, more or less.