

RESOLUTION NO. 15-139

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 (FAÇADE IMPROVEMENTS– 518 SOUTH COMMERCE IMPROVEMENT DISTRICT).

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 improvements to area walls on public ways or land abutting thereto consisting of façade improvements (the "Improvements").

(b) The estimated or probable cost of the Improvements is \$455,000, exclusive of interest on financing and administrative and financing costs.

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

See *Exhibit A* attached hereto.

(d) The method of assessment is: equally per square foot

In the event all or part of the lots are parcels in the proposed 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.

(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.

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. Construction of the Improvements shall not begin until a notice to proceed has been issued by the City. [The Improvements shall be certified to be completed by the project architect of record prior to the commencement of construction on any additional phase of façade work authorized by the City.]

Section 3. 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 4. Preparation of Assessment Roll; Notice of Public Hearing. The Governing Body hereby determines to proceed pursuant to the provisions of K.S.A. 12-6a09(c) to determine the maximum amount of assessments levied against the Improvement District prior to the commencement of the Improvements. Accordingly, estimated costs of the Improvements set forth in Section 1(b) hereof shall be used as the basis for such maximum assessments. The City's Finance Director shall cause to be prepared a proposed assessment roll for the Improvements which shall set forth the proposed maximum assessment against each lot, piece or parcel of land within the Improvement District in the manner set forth in this Resolution based on such estimated cost of the Improvements. The proposed assessment roll shall be placed on file with the City Clerk and be open for public inspection. A public hearing public hearing on the proposed maximum assessments shall be conducted by the Governing Body on June 2, 2015 at 9:00 a.m. or as soon thereafter as the matter can be heard by the Governing Body, or the first regularly scheduled City Council meeting thereafter after compliance with the notice provisions set forth in this paragraph. The City Clerk shall provide notice of such public hearing by publication at least once not less than 10 days prior to the public hearing and by mail to the owners of the property liable for assessment at last known post office address. The mailed notice shall include a statement of the maximum cost proposed to be assessed.

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 May 19th, 2015.

(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, Director of Law

Exhibit A

BEG 0.62 FT N SW COR LOT 10 N 104.06 FT E 29.52 FT S 30.1 FT E 100.1 FT S 1.5 FT E 8.4 FT N
1.8 FTE 0.89 FT TO PT 13.5 FT W OF E LI LOT 8 S 73.83 FT W 138.83 FT TO BEGFLETCHER'S
2ND ADDITION