RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. 7705

A RESOLUTION introduced by City Manager Neil Dobler authorizing Improvement Project No. 70196-02 which provides for the construction of SW MacVicar Avenue from SW 6th Street to the eastbound I-70 exit ramp.

WHEREAS, the Council of the City of Topeka, Kansas, did hold a public hearing on the advisability of the following: IMPROVEMENT PROJECT NO. 70196-02 said public hearing was held on October 25, 2005, in the City Council Chambers of City Hall, 214 E. 8th Street, at 7:00 p.m., as required by K.S.A. 12-6a01 et seq.; and

WHEREAS, said public hearing was adjourned on the 25th day of October, 2005; and

WHEREAS, notice of said public hearing was duly published as required by K.S.A. 12-6a01 et seq.; and

WHEREAS, six (6) months have not elapsed since the final adjournment of said public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that it finds the following described improvement to be advisable and does hereby authorize and order said improvement to be made in accordance with its findings as follows:

A. GENERAL NATURE OF IMPROVEMENT:

This Project provides for the construction of SW MacVicar Avenue from SW 6th Street to the eastbound I-70 exit ramp. The proposed improvement will include grading and surfacing for a 5-lane roadway with concrete curb and gutter, sidewalks, storm sewers and utility relocation.
B. **PROPOSED IMPROVEMENT DISTRICT:**

Begin at the intersection of the west right of way line of SW MacVicar Avenue and the north right of way line of SW Sixth Avenue; thence westerly on said north line of Sixth Avenue for a distance of 2635.14 feet to the east right of way line of Oakley Avenue; thence northerly on said east right of way of Oakley Avenue to the north right of way line of Third Street, when extended from the west; thence westerly on said north line of Third Street for a distance of 1330 feet to the west line of Arlington Heights Addition; thence northerly on said west line extended for a distance of 1616 feet to the south right of way line of Interstate Highway Route No. 70; thence easterly following said right of way line to the east line of Section 26, Township 11 South, Range 15 East of the Sixth P.M.; thence easterly 40 feet, more or less, to the west right of way line of NW MacVicar Avenue, thence southerly following the west right of way line of NW MacVicar Avenue to the south line of First Street; thence south on the west line of SW MacVicar Avenue to the north right of way line of SW Sixth Avenue and the point of beginning.

C. **ESTIMATED OR PROBABLE COST:**

$5,504,900.00

D. **PROPOSED METHOD OF ASSESSMENT:**

On a square foot of area basis for all lots, parcels or tracts which are included in the described improvement district.

E. **APPORTIONMENT OF COSTS:**

The improvement shall not be commenced if within twenty (20) days after publication of this resolution, written protests signed by both fifty-one percent (51%) or more of the resident owners of record of property within the improvement district and the owners of record of more than half (1/2) of the total area of said district, are filed with the City Clerk.

FURTHER, contracts for this project may be bid, but none shall be signed or executed unless and until the City-County Consolidation Plan is not approved by the electorate as provided by HB 2083.
Upon completion of the project described herein, the City Clerk is hereby directed to provide all publication and mailed notices in accordance with the provisions of K.S.A. 12-6a01 et seq., as amended and TCC § 126-36 et seq.

This resolution shall become effective upon one publication in the official city newspaper.

ADOPTED and APPROVED by the City Council OCT 25 2005

William W. Bunten, Mayor

ATTEST:

Iris E. Walker

Iris E. Walker, City Clerk