

**PAVING PETITION**

To the Mayor and City Council  
Bel Aire, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

**Cozy Homes Addition**

Lots 1 – 9

**M. K. Mosteller Addition**

Lot 1, Block A

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed pavement on **COZY DRIVE** from the north line of 37<sup>th</sup> Street North to and including cul-de-sac.  
  
That said pavement on Summerside Place and Toben Drive between aforesaid limits be constructed for a width of twenty-six (26) feet from gutter line to gutter line, and each gutter to be two and one-half (2-1/2) feet in width; making a total roadway width of thirty-one (31) feet with plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas. Drainage to be installed where necessary.
- (b) That the estimated and probable cost of the foregoing improvement being Four Hundred Sixty-Five Thousand Dollars (\$465,000), with 100 percent payable by the improvement district. Said estimated cost as above set forth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata of 1 percent per month from and after May 1, 2022.
- (b) That the estimated and probable cost of the foregoing improvement being Four Hundred Sixty-Five Thousand Dollars (\$465,000), with the cost to be payable by the improvement district as outlined below. Said estimated cost as above set forth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata of 1 percent per month from and after July 1, 2022.

- (c) The City of Bel Aire, Kansas will pay \$105,000 of the cost of drainage improvements. The land or area above described shall be constituted as an improvement district against which shall be assessed the remainder of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Bel Aire incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Bel Aire to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement or which the improvement district shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value:

**Cozy Homes Addition**

Lots 1 - 9

**M. K. Mosteller Addition**

Lot 1, Block A

Lots 1-9 Cozy Homes Addition shall each pay 1/11 of the total cost of the improvements. Lot 1, Block A, M.K. Mosteller Addition shall pay 2/11 of the total cost of improvements.

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

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the

assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. 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.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

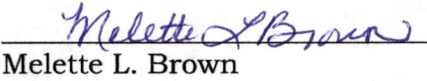
**(SEE INDIVIDUAL SIGNATURE SHEETS ATTACHED)**

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LEGAL DESCRIPTION	SIGNATURE	DATE
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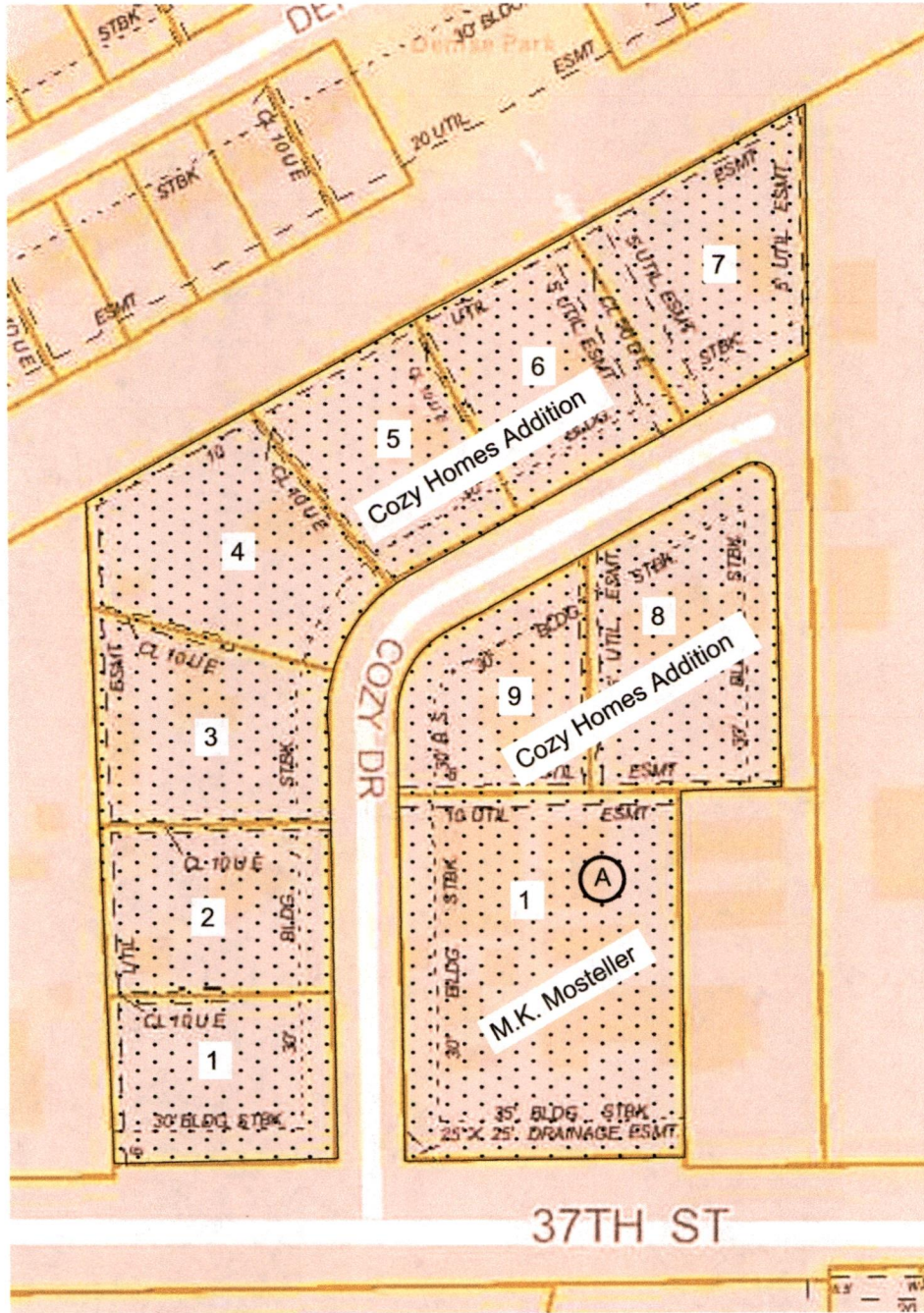
**Lot 8 Cozy Homes Addition**  
3910 N. Cozy Drive

By:		<u>01-03-2023</u>
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By:		<u>01-03-2023</u>
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**FILED**  
JAN 03 2022  
City Clerk

# Cozy Drive Paving Petition Exhibit



## BENEFIT DISTRICT

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1995 Midfield Road  
Wichita, KS 67209  
(316) 264-8008

COZY DRIVE PAVING  
PETITION EXHIBIT

FIGURE NUMBER

SHEET NUMBER 1

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Lot 1, Block A

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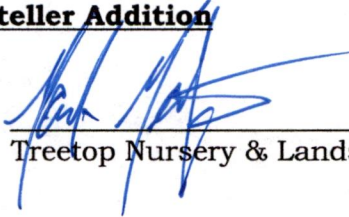


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LEGAL DESCRIPTION	SIGNATURE	DATE
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<b>Lot 1, Block A M.K. Mosteller Addition</b> 5910 E. 37th St N		
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By:



Treetop Nursery & Landscape Inc.

1/3/2023

FILED

JAN 03 2022

City Clerk