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RESOLUTION NO. ___-2012

A RESOLUTION DETERMINING THE ADVISABILITY OF AND AUTHORIZING THE CREATION OF A STORM WATER DRAINAGE IMPROVEMENT BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS; MAKING CERTAIN FINDINGS RELATING THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF CERTAIN IMPROVEMENTS THEREIN (GREENWICH PLAZA ADDITION).

WHEREAS, K.S.A. 19-27,181 *et seq.*, as amended by Charter Resolution No. 62 (the "Act") authorizes the Board of County Commissioners (the "Board") of Sedgwick County, Kansas (the "County") to provide for the acquisition and construction of certain public improvements, the creation of benefit districts within certain definable areas of the County that are benefited by such improvements, to levy special assessments within such benefit districts and to provide for the financing thereof by the issuance of bonds and/or temporary notes of the County; provided, however, that prior to the creation of any benefit district which either overlaps or abuts the city limits of any incorporated city, the County shall receive the consent of such city; and

WHEREAS, prior to the creation of any benefit district, the County must receive a petition signed by either (a) a majority of the owners of record of property liable for assessment under the proposal, or (b) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (c) the owners of record (whether resident or not) of more than one-half of the area liable to be assessed under the proposal; and

WHEREAS, a Petition was filed with the County Clerk requesting the creation of a benefit district within the County, and the making of certain storm water drainage improvements related thereto; and

WHEREAS, the Board hereby finds and determines that said Petition was signed by the owners of 100% of the property within the proposed benefit district and therefore is sufficient in accordance with the provisions of the Act; and

WHEREAS, the benefit district does not overlap or abut the corporate limits of any incorporated city; and

WHEREAS, said Board hereby finds and determines it to be necessary to make its findings, by resolution, as to the creation of a benefit district, the authorization of the proposed storm water drainage improvements and all other matters required by the Act.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1. Project Authorization; Creation of Benefit District. The Board, after due consideration of the factors set forth in the Act, hereby finds and finally determines that:

(a) It is advisable to make the following improvement (the "Improvements"):

Construction of storm water drainage improvements to serve Lots 1 through 3, Block 1, Greenwich Plaza Addition, Sedgwick County, Kansas, in accordance with the plans and specifications of Sedgwick County Public Works.

(b) The estimated or probable costs of the Improvements is: \$35,000, to be increased at the pro rata rate of one percent (1%) per month from and after **November 1, 2010**.

(c) The extent of the Benefit District, to be assessed for the cost of the Improvements is:

Lots 1 through 3, Block 1, Greenwich Plaza Addition, Sedgwick County, Kansas.

(d) The method of assessment is on a fractional basis, as follows:

Lot 1, Block 1, Greenwich Plaza Addition, Sedgwick County, Kansas, shall pay 6033/10,000 of the costs of the Improvements; Lot 2, Block 1, Greenwich Plaza Addition, Sedgwick County, Kansas, shall pay 1507/10,000 of the costs of the Improvements; and Lot 3, Block 1, Greenwich Plaza Addition, Sedgwick County, Kansas, shall pay 2460/10,000 of the costs of the Improvements

(e) The apportionment of the cost of the Improvements, between the Benefit District and the County-at-large, is: One Hundred percent (100%) to be assessed against the Benefit District and Zero to be paid by the County-at-large.

SECTION 2. Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds. Bonds authorized pursuant to this Resolution may be used to reimburse project 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 3. Effective Date. This Resolution shall be published one time in the official County newspaper and shall be filed of record in the Office of the Register of Deeds of the County.

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ADOPTED AND APPROVED by the Board of County Commissioners of Sedgwick County, Kansas, on April 18, 2012.

Commissioners present and voting were:

DAVID M. UNRUH _____
TIM R. NORTON _____
KARL PETERJOHN _____
RICHARD RANZAU _____
JAMES B. SKELTON _____

**BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS**

(Seal)

TIM R. NORTON, Chairman
Commissioner, Second District

ATTEST:


JAMES B. SKELTON, Chair Pro Tem
Commissioner, Fifth District

KELLY B. ARNOLD, County Clerk

DAVID M. UNRUH
Commissioner, First District

APPROVED AS TO FORM:

KARL PETERJOHN
Commissioner, Third District



RICHARD A. EUSON
County Counselor

RICHARD RANZAU
Commissioner, Fourth District