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Sedgwick County

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Legislation Details (With Text)

File #: 18-429 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 5/9/2018 **In control:** Board of Sedgwick County Commissioners
On agenda: 5/23/2018 **Final action:** 5/23/2018
Title: RESOLUTION CREATING A BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS AND AUTHORIZING ROAD IMPROVEMENTS THEREIN (CHERESE WOODS ADDITION-PHASE 1). (DISTRICT 2).
Presented by: Joe L. Norton, Gilmore and Bell, P.C., Bond Counsel and James Weber, Deputy Director of Public Works.

RECOMMENDED ACTION: Adopt the resolution and authorize the Chairman to sign.

Sponsors:

Indexes:

Code sections:

Attachments: 1. PROJAUTH - CHERESE WOODS (05-08-17), 2. Chereese Woods Ph 1 Petition Package

Date	Ver.	Action By	Action	Result
5/23/2018	1	Board of Sedgwick County Commissioners	Adopted	Pass

RESOLUTION CREATING A BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS AND AUTHORIZING ROAD IMPROVEMENTS THEREIN (CHERESE WOODS ADDITION-PHASE 1). (DISTRICT 2).

Presented by: Joe L. Norton, Gilmore and Bell, P.C., Bond Counsel and James Weber, Deputy Director of Public Works.

RECOMMENDED ACTION: Adopt the resolution and authorize the Chairman to sign.

A petition requesting the creation of a benefit district (the "Benefit District") and the construction of road improvements therein (the "Improvements") has been filed with the County Clerk. The petition has been signed by 100% of the owners of the property liable for assessment, as determined by Sedgwick County Public Works. 100% of the costs of the Improvements are proposed assessed against property within the proposed benefit district, equally per lot, as described in the petition. In the event that any platted lot is further subdivided, the assessment of said platted lot shall be prorated to the new parcels on the basis of land area.

Alternatives: Take such action as the Board deems appropriate.

Financial Considerations: Costs of the project are estimated to be \$333,000.00, to be increased at the pro rata rate of one percent (1%) per month from and after December 1, 2018.

Legal Considerations: K.S.A. 68-728 et seq., as amended by Charter Resolution No. 61 of the County (the "Act") authorizes the Board of County Commissioners (the "Board") to make, or cause to be made, any "Improvement" which confers a special benefit upon property within a definable area of

the County all or a portion of which is platted and laid off into lots and blocks within the County and outside the corporate limits of any incorporated city within the County, and may levy and collect special assessments upon property in the area deemed by the Board to be benefited by such Improvement.

“Improvement” means any type of improvement or reimprovement of a prior improvement, including, but not limited to opening, constructing, widening and extending public roads, and otherwise to improve paving and other surfacing, grading and drainage improvements for roads and related gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, including traffic control devices, off-street parking facilities, works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits, or pipes necessarily lying within right-of-way of roads within the County; construction or reconstruction of the paving, macadamizing, grading or drainage of any public road; the acquisition of property or interest in property when necessary for any of the purposes so authorized, road lighting systems; improvements to any road by landscaping; improvements to vehicle and pedestrian bridges, overpasses and tunnels; and improvements to retaining walls and area walls on public ways or land abutting thereon.

In order to authorize such Improvement and the creation of the benefit district, the Board may either proceed through a public hearing-protest procedure, or may proceed directly to authorize the same upon receipt of a signed by either (i) a majority of the owners of record of property liable for assessment under the proposal, or (ii) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (iii) the owners of record (whether resident or not) of more than one-half of the area liable to be assessed under the proposal.

Policy Considerations: Approval of the resolution will create a special assessment project. Individual special assessment projects are not listed in or authorized within the Capital Improvement Program. These projects are completed in accordance with policies and procedures outlined in the Debt Management Policy. The policy establishes debt limits for the County as well as requirements for the posting of letters of credit guaranteeing payment of property taxes and special assessments on projects in new developments. The policy requirements relating to the posting of a letter of credit have been waived with respect to the construction of the Improvements. Professional services contracts and construction contracts required to complete the project are submitted to the Board of County Commissioners for approval in separate action.

Outside Attendees: NA

Multimedia Presentation: PowerPoint presentation.