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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

File #: 18-601, Version: 2

RESOLUTION CREATING A STREET IMPROVEMENT BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS AND AUTHORIZING IMPROVEMENTS THEREIN FOR CAMPUS COMPLEX ADDITION. DISTRICT 2.

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

RECOMMENDED ACTION: Adopt the resolution.

A Petition requesting the creation of Campus Complex Addition Street improvement benefit district (the "District") and the construction of street improvements therein (the "Improvements") has been filed with the County Clerk. The petition has been signed by the owners of 100% of the property within the proposed District (Unified School District No. 261, Sedgwick County, Kansas (Haysville)), as determined by Sedgwick County Public Works. The District consists of a single lot. One Hundred percent (100%) of the costs associated with project design, project administration and construction inspection to be paid by the County-at-large, and of the remaining costs of the Improvements, fifty percent (50%) to be assessed against the District and fifty percent (50%) to be paid by the County-at-large.

Alternatives: Take such action as the Board deems appropriate.

Financial Considerations: The cost of the project will be split equally between the county-at-large and the benefit district. The county share has been included for bond funding in 2020 in the proposed 2019-2023 Capital Improvement Program. The benefit district share would be financed through special assessment bonds and assessed to the benefitted property over 15 years.

Legal Considerations: K.S.A. 19-27,181 et seq., as amended by Charter Resolution No. 62 of the County (the "Act") authorizes the Board of County Commissioners (the "Board") to provide for the making of, Improvements which confer a special benefit upon property within a definable area of the County and may levy and collect special assessments upon property in the area deemed by the Board to be benefitted by such Improvement for special benefits conferred upon such property by any such Improvement and to provide for the payment of all or any part of the cost of the Improvement out of the proceeds of such special assessments and to finance the same with bonds and/or temporary notes of the County. As provided in the Act, an Improvement may include the following without limitation because of enumeration:

- (a) Acquisition of (1) property or interest in property when necessary for any of the purposes authorized by this Charter Resolution and (2) any improvement authorized to be constructed under the Act.
- (b) To open, widen and extend Streets and otherwise to improve paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, including traffic control

devices, drainage works incidental thereto and drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes necessarily lying within curb lines.

- (c) To improve storm water and sanitary sewer systems and appurtenances thereto.
- (d) To improve Street lights and Street lighting systems.
- (e) To improve waterworks systems and water distribution systems owned and operated by a water district established pursuant to K.S.A. 19-3501 et seq., and amendments thereto.
- (f) To improve parks, playgrounds and recreational facilities.
- (g) To improve any Street or other facility by landscaping, planting of trees, shrubs and other perennial plants.
- (h) To improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto.
- (i) To improve vehicle and pedestrian bridges, overpasses and tunnels.
- (j) To improve retaining walls and area walls on public ways or land abutting thereon.
- (k) To improve property for off-street parking facilities including construction and equipment of buildings thereon for such purpose.

Consideration of the creation of such benefit districts may be initiated by petition or affected property owners, by the Board upon notice, hearing and opportunity for protest or in the case of certain adjoining parallel Streets, by direct action of the Board. If initiated by petition the County must receive a petition signed by either (i) a majority of the owners of record of property liable for assessment under the proposal, (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. The County-at-large may pay up to 95% of the total costs of an improvement upon 4/5 vote of the Board.

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. 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: N/A

Multimedia Presentation: N/A