



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 1/21/2020

DEPARTMENT: Legal

STAFF CONTACT: Ron Shaver

SUBJECT: Consideration of Resolution 20-1013 amending Resolution No. 19-1085, approving the creation of an improvement district for Cedar Creek Parkway (south of College Boulevard), Project No. 3-B-027-19, and calling and providing for the giving of notice of a public hearing.

ITEM DESCRIPTION:

Consideration of Resolution 20-1013 amending Resolution No. 19-1085, approving the creation of an improvement district for Cedar Creek Parkway (south of College Boulevard), Project No. 3-B-027-19, and calling and providing for the giving of notice of a public hearing.

SUMMARY:

On December 16, 2008, the City Council adopted resolution No. 08-1071, creating the Cedar Creek Parkway (south of College) benefit district, PN 3-B-075-08 and 5-B-048-08, which contemplated 2,850 lineal feet of a collector and 4-lane divided arterial roadway and 12" water line. The City Council subsequently adopted Ordinance 09-02 on January 6, 2009, authorizing the levy of special assessments within the benefit district. On July 7, 2009, the City Council adopted Ordinance No. 09-33, accepting an amended petition to increase the total project costs for the project to \$7,738,757 with assessments levied over 10 years, equally per square foot, and on an annual basis within the district. This project has not been constructed.

On December 17, 2019, the City approved Resolution No. 19-1085 (Attachment A) to create a new Cedar Creek Parkway (south of College) benefit district, with the road extending approximately 3,750 feet south of College as a 2-lane collector-style roadway and 12" water line. The proposed district includes a larger area south of College which will benefit from the improvements than the 2008 district.

Subsequent to approval of Resolution No. 19-1085, it was determined that the estimated total costs of the Improvements as set forth in the original petition and Resolution No. 19-1085 should have been shown as \$9,395,108.94 to comply with parties' intent regarding the maximum cost to be assessed against property within the improvement district.

On January 10, 2020, an amended and restated petition (Attachment B) related to the benefit district was filed with the City, reducing the proposed project cost from \$11,779,981.82 to the corrected \$9,395,108.94.

Staff has prepared an assessment roll (Attachment C) showing the estimated cost allocable to all properties within the benefit district. Note that this assessment roll differs slightly from the petitioner's estimates included with the petition, as this proposed assessment roll accounts for recently platted lots within the benefit district boundaries.

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The Resolution (Attachment D) amends Resolution 19-1085 to provide that the estimated cost of the proposed improvements is \$9,395,108.94, of which the estimated cost of construction only is \$5,650,917.50. Assessments would be levied over 20 years, equally per square foot, on an annual basis within the district. The Resolution also authorizes and directs the execution of all documents, publication of all notices and, the taking of such actions necessary or advisable in order to carry out and perform the purposes of this Resolution and Kansas law, including publishing a notice of public hearing related to the levy of maximum pre-construction assessments.

FINANCIAL IMPACT:

Properties within the district would pay 100% of the project costs, which are estimated at approximately \$1.01 per square foot.

ACTION NEEDED:

Adopt amended and restated petition and approve Resolution No. 20-1013 amending Resolution No. 19-1085, approving the creation of a benefit district for Cedar Creek Parkway (south of College Boulevard), Project No. 3-B-027-19, and calling and providing for the giving of notice of a public hearing.

ATTACHMENT(S):

- A: Resolution No. 19-1085
- B: Amended Petition
- C: Proposed Assessment Roll
- D: Resolution No. 20-1013