RESOLUTION NO. 7454

A RESOLUTION introduced by Mayor James A. McClinton setting forth the City of Topeka's policy regarding the undertaking of street improvement projects and repealing City of Topeka Resolution No. 6846.

WHEREAS, the Council of the City of Topeka desires to adopt a policy regarding the undertaking of street improvement projects in order to provide guidance and direction; and

WHEREAS, the Council of the City of Topeka has previously adopted City of Topeka Resolution No. 5784, Resolution No. 5940, Resolution No. 5986, and Resolution No. 6846 which address street improvement projects; and

WHEREAS, after additional study and consideration the Council of the City of Topeka desires to adopt a new policy with regard to street improvement projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that it hereby adopts the following described policy regarding the undertaking and financing of street improvement projects.

Section 1. Improvement districts: shall be considered and created pursuant to applicable authority for the purposes of improving or reimproving major traffic thoroughfares, collector streets, and residential streets. Any property may be included in an improvement district for one (1) generally north-south major traffic thoroughfare, one (1) generally east-west major traffic thoroughfare (both as more specifically discussed hereinafter), one (1) generally north-south collector street, and one (1) generally east-west collector street and generally one (1) residential street.
As general guidance and statement of policy, the boundaries of major traffic thoroughfare improvement districts and collector street improvement districts shall be nearly as is reasonably possible (recognizing street lines and other recognizable boundaries) include all properties located within an area half the distance to the nearest generally parallel street of the same classification to the street being improved or reimprovement. Residential street improvement districts shall encompass within its boundaries the properties abutting the proposed street improvement or reimprovement.

Further, for the purposes of reimproving a major traffic thoroughfare and/or collector street, a property may be included in successive districts for the reimprovement of the same street provided thirty (30) years have elapsed since the most recent improvement of the street which was assessed on the benefit method.

Section 2. **Apportionment of costs**: shall be considered and authorized pursuant to applicable authority and based upon the width of the street improvement. By way of guidance and statement of policy, the cost of street improvement or reimprovement shall be based on a matrix that takes into consideration the width of the street and the condition of the adjacent property. If the majority of the property in the proposed improvement district is currently undeveloped or has been developed within ten (10) years prior to the approval of the improvement district, then the project shall be considered an “undeveloped area” and an improvement district will be established. If the majority of the property is in a predominantly non-residential district, a benefit district may be established at
the discretion of the City Council. Costs for the benefit district shall be based on the following matrix:

<table>
<thead>
<tr>
<th>Street Width back-to-back</th>
<th>Developed Area</th>
<th></th>
<th></th>
<th></th>
<th>Undeveloped Area</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>City Contribution (%)</td>
<td>Improvement District Contribution (%)</td>
<td></td>
<td>City Contribution (%)</td>
<td>Improvement District Contribution (%)</td>
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<tr>
<td>29'</td>
<td>N/A*</td>
<td>N/A*</td>
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<td>0</td>
<td>100</td>
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<td>41'</td>
<td>100</td>
<td>0</td>
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<td>20</td>
<td>80</td>
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</tr>
<tr>
<td>49'</td>
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<td>35</td>
<td>65</td>
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</tr>
<tr>
<td>61'</td>
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<td>50</td>
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</tbody>
</table>

* Improvements financed by routine maintenance funds.

Section 3. Method of assessment: shall be considered and established pursuant to applicable authority and in accordance with the benefits accruing to properties by reason of the improvement. The costs of the street improvement may be assessed equally per square foot against all lots and pieces of property within the improvement district and shall be based on the following procedure:

A. The total area of the improvement district shall be determined by the method specified in Section 1, Improvement Districts and shall be allocated the following number of units:

i. Each individual parcel located in a district zoned agricultural or single family dwelling shall be assessed one (1) unit per square foot of parcel area.

ii. Each individual parcel located in a district zoned commercial shall be assessed twenty-five (25) units per square foot.

iii. Each individual parcel located in a district zoned multiple family
dwelling, office and institutional, industrial, or having any other zoning classification not specifically designated herein shall be assessed two (2) units per square foot.

B. The total number of units shall be determined based on current zoning.

C. The assessment per unit shall be the total improvement district cost divided by the total number of units.

D. When property develops during the life of the improvement district, the change in assessment shall be calculated based on the developed use and a new assessment levied as of the date of the developed use commences.

Section 4. Exception: whenever the City Council finds that the proposed special assessment for a specific parcel(s) within a proposed improvement district will result in severe and undue economic burden, the City Council may increase the City at Large share of the project cost.

BE IT FURTHER RESOLVED that the adoption of the policy contained herein by the City Council does not preclude the use of other assessment methods as may be necessary based upon the unique or unusual circumstances of a proposed street improvement or reimprovement project.

BE IT FURTHER RESOLVED that City of Topeka Resolution No. 6846 is hereby specifically repealed.
PASSED and APPROVED by City Council  APR 06 2004

CITY OF TOPEKA, KANSAS

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 4/7/04 BY

VYRES/STREETIMPROVMENT
04/07/04