

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.

26 As general guidance and statement of policy, the boundaries of major traffic
27 thoroughfare improvement districts and collector street improvement districts shall
28 be nearly as is reasonably possible (recognizing street lines and other recognizable
29 boundaries) include all properties located within an area half the distance to the
30 nearest generally parallel street of the same classification to the street being
31 improved or reimprovement. Residential street improvement districts shall
32 encompass within its boundaries the properties abutting the proposed street
33 improvement or reimprovement.

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

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

48 the discretion of the City Council. Costs for the benefit district shall be based on the
 49 following matrix:

Street Width back-to- back	Developed Area		Undeveloped Area	
	City Contribution (%)	Improvement District Contribution (%)	City Contribution (%)	Improvement District Contribution (%)
29'	N/A*	N/A*	0	100
41'	100	0	20	80
49'	100	0	35	65
61'	100	0	50	50

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 51 * Improvements financed by routine maintenance funds.

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

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

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

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

66 iii. Each individual parcel located in a district zoned multiple family

67 dwelling, office and institutional, industrial, or having any other zoning
68 classification not specifically designated herein shall be assessed two (2)
69 units per square foot.

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

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

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

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

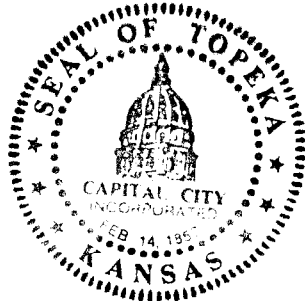
81 BE IT FURTHER RESOLVED that the adoption of the policy contained herein
82 by the City Council does not preclude the use of other assessment methods as may
83 be necessary based upon the unique or unusual circumstances of a proposed street
84 improvement or reimprovement project.

85 BE IT FURTHER RESOLVED that City of Topeka Resolution No. 6846 is
86 hereby specifically repealed.

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PASSED and APPROVED by City Council APR 06 2004



ATTEST:

Iris E. Walker

Iris E. Walker, City Clerk

CITY OF TOPEKA, KANSAS

James A. McClinton
James A. McClinton, Mayor

APPROVED AS TO FORM AND LEGALITY
DATE 4/7/04 BY *[Signature]*