

BENEFIT DISTRICT

INSTRUCTIONS AND PETITION FOR PUBLIC IMPROVEMENTS – ASSESSMENT PRIOR TO CONSTRUCTION

1. All owners of record of each piece of property should sign the petition. In other words, if a piece of property is owned by both a husband and wife, then both should sign the petition; or if the property is owned by three (3) separate individuals, then all three should sign the petition.
2. If a piece of property is owned by a corporation, then the corporate officers should sign the petition in their corporate capacity. The secretary should affix the corporate seal on the petition. Title of the corporate officers shall be stated.
3. If a piece of property is owned by a partnership, then all partners should sign the petition unless the partnership agreement specifically authorizes one partner to sign on behalf of the partnership.
4. Please print or type the name and title of the person signing as a property owner. This will help the City Council determine the sufficiency of the petition.
5. Please put the mailing address of the signer in the appropriate blank. If a corporation is signing the petition, put the corporation's principal place of business
6. In the place marked "Legal description of property owned within improvement district," please write in the legal description of the property the lot, block, and subdivision description or a description by metes and bounds. Each petition shall have a legal description which includes all property to be assessed the cost to construct the proposed improvements. No lots may be partially included within and partially excluded from a benefit district as described in the petition
7. Provide attachments with the following information:
 - a) List of owners with square footage of each tract within improvement district with proposed estimated cost of assessment, property address (if available), mailing address, and Johnson County Parcel ID Number.
 - b) Engineers estimates of itemized bid quantities with unit costs, total cost with a cost breakdown determining cost to the city, if any.
 - c) Estimated square footage for land acquisition and easements for each tract that will need to be procured.
8. Petitioners are to submit copies of: Articles of Corporation, Partnership Agreements, etc. along with petition.
9. Prepare on a separate sheet listing the owners and mailing addresses on all tracts, parcels, pieces of property within the improvement district with the square footage areas affected by the district.
10. Attach a drawing (sheet no larger than 8-1/2 x 11 inches), showing the improvements, with all lot information, or tracts, and ownership information. Highlight and indicate the Benefit District Boundary. Drawing should be captioned:

"Proposed Improvements for _____."
11. Fill out the Benefit District Application Form and the Estimated or Probable Cost Form.

BENEFIT DISTRICT APPLICATION FORM

Applicant: _____ Phone No. _____

Address: _____

Engineer: _____ Phone No. _____

Address: _____

Does petition have the following filing requirements:

YES NO

1. Description of proposed public improvements.
2. Legal description of improvement district with: (Attachment A)
 - (a) Improvement district boundary map attached.
3. Is total improvement costs shown on petition?
 - (a) Attach itemized cost breakdown for construction.
 - (b) Attach itemized cost breakdown for right of way.
 - (c) Attach itemized cost breakdown for utility mitigation.
4. Is proposed method of assessment shown?
 - (a) Attach sheet showing preliminary assessment on each piece of property
5. Is apportionment of cost shown?
 - (a) Attach worksheet showing how cost apportionment was arrived at.
6. Name and address of all property owners with:
 - (a) Legal description of each piece or tract.
 - (b) Assessable square footage.

GENERAL DESCRIPTION OF IMPROVEMENT

YES NO

() () STREET – From _____ to _____ with

_____ Lanes with _____ Inches Asphalt/Concrete

() () WATER - _____ Lineal Feet of _____ Inch _____ Material Type

() () SANITARY SEWER - _____ Lineal Feet of _____ Inch _____ Material Type

General Location:

Platted Areas in Proposed Benefit District: YES (____) NO (____)

Plats Pending in Proposed Benefit District: YES (____) NO (____)

Number of Tracts, Parcels or Lots in District: _____

Number of Tracts, Parcels or Lots Signed: _____

Total Sq. Ft. in District Excluding Public R.O.W.: _____

Right of Way or Easements Required: YES (____) NO (____)

Right of Way or Easements Dedicated: YES (____) NO (____)

Proposed Method of Assessment:

Square Footage: (Cost per S.F.) _____

Estimated Cost of Public Improvement: _____

Estimated Engineering Design Time: _____ Years _____ Months

Estimated Date to Begin Construction: _____

Estimated Completion Date: _____

ESTIMATED OR PROBABLE COST SHEET

Project Name _____ Project Number _____

Prepared By: _____ Date: mm/dd/yyyy _____

- (A) Estimated Construction Time: Years _____ Months _____
- (B) # of Parcels _____ (C) # of Signs _____
- (D) Engineer Petition Preparation Fee \$ _____
- (E) Appraisal Costs \$ _____
- (F) Other: _____ \$ _____
- (G) Estimated or Probable Construction Cost \$ _____
- (H) Land Acquisition Costs (Attach Itemized List Each Tract) \$ _____
- (I) Utility Mitigation (Attach Itemized List & Cost) \$ _____

Fill in information above (A – I).

The numbers below are automatically calculated.

- (J) Reserve for Construction Timing 1% Per Month [1% x (G) x Total Months (A)] \$ _____
- (K) **SUBTOTAL OF CONSTRUCTION COST:** [(G) + (J)] \$ _____

- (L) **CONSTRUCTION TOTAL COST:** [(K) + (H) + (I)] \$ _____
- (M) Interim Financing [(8% of (L) Per Year for Each Year of Construction Time)
+ 1 Year, based on Years/Months (A)] \$ _____
- (N) Temporary Note Issuance Cost [.5% x (L) of Total-Min. \$250] \$ _____
- (O) Engineering [15% x (L)] \$ _____
- (P) Engineer Petition Preparation Fee [from line (D) above] \$ _____
- (Q) Inspection [5% x (L)] \$ _____
- (R) Legal Notice Set at \$200.00 \$ _____
- (S) Sign Costs [\$500.00 per Sign (C)] \$ _____
- (T) Certificates of Title [\$20.00 per Parcel(B)] \$ _____
- (U) Tax Roll Certification [\$5.00 per Parcel(B)] \$ _____
- (V) Project Management Cost [5% x (L) Construction Total Cost] \$ _____
- (W) Appraisal Costs [from line (E) above] \$ _____
- (X) Bond Issuance Cost [1.75% x (L) Construction Total Cost] \$ _____
- (Y) Reserve for Contingency [10% x (L) Construction Total Cost] \$ _____
- (Z) Other: [from line (F) above] \$ _____
- (AA) **PROJECT SUBTOTAL COST [Sum of lines (L) through (Z)]** \$ _____

- (BB) City Petition Fee (Set at \$4000) \$ _____
- (CC) Indirect Costs [4% of Subtotal (AA)] \$ _____
- (DD) City Petition Fee plus Indirect Costs (BB+CC) \$ _____

- (EE) **PROJECT TOTAL ESTIMATED OR PROBABLE COSTS** \$ _____
(AA + DD)

PETITION FOR PUBLIC IMPROVEMENTS

TO: The Governing Body of the City of Olathe, Kansas:

1. We, the undersigned, being owners of record of property liable for assessment for the following proposed improvements:

we hereby propose that such improvement be made in the manner provided by K.S.A. 12-6a01, et seq.

2. The estimated or probable cost of such improvement is:

_____ (\$_____).

3. The boundary of the proposed improvement district to be assessed as indicated on the map depicting the land indicated and legally described as follows, but excluding all dedicated public right of way within such area:

4. Method of Assessment:

(a) The proposed method of assessment for the improvement is:

5. The proposed apportionment of costs between the improvement district and the city is

_____ percent (_____%) to be assessed against the improvement district and

_____ percent (_____%) to be paid by the city.

6. We further propose that such improvement be made without notice and hearing as required by K.S.A. 12-6a04 (a).

7. Names may not be withdrawn from this petition by the signers hereof after the Governing Body commences consideration of the petition, or later than seven (7) days after this petition is filed, whichever occurs first.

8. We hereby agree that all costs incurred for the preparation, administration, engineering fees, etc. shall be assessed against the improvement district and the city based upon

the method of assessment and the apportionment of costs described herein regardless of the completion of the construction of the improvement.

9. Petitioners signing for the public improvement hereby agree that if in the event there is property in the improvement district that is outside the corporate limits of the city of Olathe, the owners of such property will petition for annexation prior to the time the governing body of the city of Olathe considers approval of the public improvement.
10. When applicable, any petitioner signing for a public improvement hereby agrees to dedicate or convey the necessary easements to accommodate said improvement.
11. Signed right-of-way donations and any necessary easements based upon the preliminary construction plan shall be provided prior to publication of the resolution approving the benefit district for any portion of the benefit district which cost is assessed against the improvement district and not paid by the city at large. If a property owner refuses to donate land for right-of-way for any portion of the benefit district which cost is assessed against the improvement district and not paid by the city, the Governing Body will assess all costs of purchasing right-of-way for that property upon the non-donating property owner pursuant to K.S.A. 12-692 and city policy.
12. We further propose that the improvement be assessed prior to construction pursuant to the authority of K.S.A. 12-6a09(c).
13. Petitioners certify that they have no financial interest in any property with delinquent special assessments, ad valorem taxes, or other federal or state tax liens anywhere within the state of Kansas.
14. Property within in a benefit district may be platted or otherwise split into multiple parcels after a benefit district is created by the Governing Body. In connection with the filing of a plat or other request for a property split, 100% of the property owners subject to the split must file with the City a petition consenting to reallocation of special assessments against such property. The petition must specify the method for reallocation, and the specified method must comply with the resolution of the Governing Body creating the benefit district.

Owner:

Please provide Mailing Address:

Legal description of property owned within improvement district:

Estimated assessable (sq. ft. or f.f.) in district _____

Estimated Assessment Amount \$_____

Date: _____

Signature: _____

Time: _____

Print Name: _____

Owner:

Please provide Mailing Address:

Legal description of property owned within improvement district:

Estimated assessable (sq. ft. or f.f.) in district _____

Estimated Assessment Amount \$_____

Date: _____

Signature: _____

Time: _____

Print Name: _____

CERTIFICATION

STATE OF _____)
)
 COUNTY OF _____) SS:

I, _____, hereby certify that the signatures appearing on the Petition Signature Sheets, consisting of _____ pages, are genuine and the addresses opposite the names are correct.

Signature _____
 Print Name _____

Subscribed and sworn to before me this _____ day of _____, 20____.

 Notary Public

My commission expires:

CERTIFICATION

STATE OF _____)
))
 COUNTY OF _____)

SS:

I (we), the undersigned, do hereby certify that I (we) have personally contacted all property owners within the proposed improvement district and have fully explained the project to them, unless otherwise noted below:

PROPERTY OWNERS NOT CONTACTED

NAME & ADDRESS LEGAL DESCRIPTION REASON NOT CONTACTED

DATED this _____ day of _____, 20_____.

Signature _____
 Print Name _____
 Signature _____
 Print Name _____

Subscribed to and sworn to before me this _____ day of _____, 20_____

 Notary Public