QUESTIONS FROM WESTWOOD HILLS HOME OWNERS ASSOCIATION

Queens Road – Q&A

Many questions are focused around how and why the boundaries are established for a benefit district.

- The statute (KSA 12-6a01 et seq.) defines "improvement district" as "An area deemed by the governing body to be benefitted by an improvement and subject to special assessment for all or a portion of the cost of the improvement." (KSA 12-6a01(f))

- A governing body is vested with broad discretion in establishing an improvement district, and its determination is not subject to review in the absence of showing fraudulent or arbitrary conduct (Giddings v. City of Pittsburg, 421 P.2d 181)

- Assessments must impose a substantially equal burden of the costs of the improvement upon property within the improvement district that is similarly benefitted (KSA 12-6a08(a))

- If property that does not abut a proposed street improvement is included in the benefit district, then property abutting such improvement must be included in the district (Kansas Attorney General Opinion No. 2000-13)

- Property situated similarly to other properties that are included in improvement district must be deemed benefitted (Kansas Attorney General Opinion No. 2000-13)

1) How is a benefit district decided? We understand who makes the decision (bond experts/ city engineers, etc.) and are asking how the lines are drawn? Can the districts be expanded? Should the benefit districts for these two projects be the same? 6th Street is included in the Signalization district and not in the Queens Improvement. Why would 6th Street not be a part of the Queens Rd. improvement district?

RESPONSE: 1. The Governing Body determines the boundaries of a Benefit District.
The district can be expanded to properties that are benefitted by the improvements.
The benefit district for the signal at 6th & Queens Road includes area south of 6th Street. The area south of 6th Street benefits from the signalization but does not benefit from the construction of Queens Road.

2) Is (are) the developer(s) paying a major share of the improvement district? Queens Rd. requires improvement because of the increased density in population and thus traffic caused by the developments. Developers are for-profit companies who can claim tax benefit for their share and charge their residents for specials. Therefore, no cost to them. Private citizens owning property do not have the same benefit.

RESPONSE: 2. There are still properties developing on the east side of Queens Road as well as many "for profit" townhomes and other rentals.
Based on cost:
68% of all the property is commercial/development multi-family/rental or leases
7% City
25% is single family Residential

3) Is the share assigned to the developer(s) the same $ per square foot as Westwood Hills residents? Again, the density is caused by building up, not out- numbers matter!

RESPONSE: 3. The benefit district is based on the total square footage and spread equally to all properties within the district. Density is not considered.

4) Why does the Queens Rd. district include a larger footprint on the west side of Wakarusa and only a partial part of Wakarusa to the east? East and west districts are probably equal in distance to Queens Rd. If distance is a part of the decision, there is little if any distance difference from either side of the street I have driven from my home on various direct routes to reach Queens Rd. and from homes on the east side of Wakarusa not included on the benefit map presently and I live further and need to use

4-5 roads rather than 3 for those in the portion not in the district.

RESPONSE: 4. Half the distance between Queens & Congressional areas considered to be the logical break Eisenhower Drive accesses both Wakarusa and Overland. The properties that would use Eisenhower Drive are included in the benefit district.

5) The larger majority of HOA Westwood residents in the district are asked to pay three times- their home square footage for two benefit districts and their dues to pay for the HOA common areas included. Promised maintenance and improvements to the subdivision requested by all HOA dues payers (not just those listed in the benefit districts) will need to be curtailed or eliminated to make the payments A special assessment is still a second/third tax.

6) If the HOA payment of $18,475 Is removed, will that increase the amount per square foot for each resident? How much more?

RESPONSE: 6. It has been determined that the HOA/Westwood Hills Common Area will not be assessed. This does increase the assessment to the Westwood Hills properties by $114.91 per lot.

7) What benefit does the HOA "park" property receive from the improvement of Queens Rd.?

RESPONSE: 7. No longer applicable.

8) In 2014, at a hearing to request increased volumes of apartments/residents in the LINKS area, Westwood Hill residents were told by City officials the Westwood Hills subdivision would not be in the Queens Rd. benefit district; that would be paid by the developers.

9) Can the benefit district not include commercial companies whose business will benefit from the Queens Rd. improvement- especially Wal-Mart on Overland Dr.?

RESPONSE: 9. A benefit district can include commercial properties. The Wal-Mart property, specifically, was included in the benefit district for Overland Drive, Congressional and the signalization of 6th & Congressional. However, Queens Road does not have a direct benefit to the Wal-Mart property.

10) Were George Williams Way extension and 15th to Highway 10 paid with benefit districts or with City tax money?

RESPONSE: 10. Bob Billings Parkway was extended to Highway 10 by KDOT. This was part of the exit/overpass project that KDOT completed. Similarly, they extended and reconfigured E 1500 Road/E 900 Road on the west side in the county.

George Williams Way from 6th Street to Overland and Overland to the North City Limits were both paid for by benefit districts. When Rock Chalk Park/Sports Pavilion Lawrence developed, George Williams Way was extended. The extension was part of the complex development.

11) With many options to drive to Westwood Hills from 6th Street, why would Westwood Hills residents need to be in a district to pay for a signal so far away?

RESPONSE: 11. Properties included in the benefit district for Queens Road receive benefit from the signalization at 6th Street.

12) Why does 6th Street continue to add signals every 3/10 of a mile? -worse than 23rd St.

RESPONSE: 12. The City's access management plan along 6th Street includes signalizing the intersecting collector/arterial streets at ¼ mile spacing.

QUESTIONS FROM PUBLIC HEARING/EMAILS RECEIVED

QUESTION: What are the statutory requirements to protest the formation of a benefit district?

RESPONSE: According to KSA 12-6a06
"The improvement shall not be commenced if, within 20 days after publication of the resolution ordering the improvement written protests signed by both 51% or more of the resident owners of record of property within the improvement district and the owners of record of more than half of the total area of such district are filed with the city clerk."

QUESTION: Eastern terminus of the Baldwin Creek Trail is North Queens Road. A trail head with parking should be completed with the Queens Road improvements.

RESPONSE: The northern limits of the Queens Road project are at Eisenhower Drive. Queens Road (E 1000 Road) to the north where the Baldwin Creek Trail connects is outside of the city limits and improvements are not eligible to be included in this project.

QUESTION: Why can't the city use KLINK funding for Queens Road?

RESPONSE: KLINK funds can only be used for maintenance of state highways that are in the city limits. These streets include:
6th Street from Iowa to N. 2nd – HWY 40
N. 2nd from 6th & Massachusetts to N. City Limits – HWY 40/59
Iowa from K-10 to 6th Street – HWY 59

Maintenance includes mill & overlay, striping and some curb & gutter.

QUESTION: Westwood Homeowners were told there was money available to pay for Queens Road. In the paper it was reported that there was $1.75 million set aside to pay for Queens Road that was transferred to 9th Street.

RESPONSE: The 2018 CIP includes 2 projects:
- Intersection 6th & Queens, estimated cost $450,000
- Queens Road from 6th Street to Eisenhower, estimated cost $4,850,000

Both projects will be funded with General Obligation Bonds which are paid with special assessments. The City participation is budged at $400,000.

QUESTION: Why is the cost for Queens Road not being paid for by developers?

RESPONSE: The west side (which seems to be what is considered developer) is 52% of the total square footage and therefore will pay for 52% of the costs.

The east side is 48%

However, there are several rental/company owned properties, some not yet built upon that exist on the east side. Based on the cost, commercial/developer owned properties will pay for approximately 68%, single family residential and HOA properties approximately 25% and the City costs are approximately 7%.

QUESTION: It is not fair that owners will have to shovel snow on Queens Road.

RESPONSE: There are many areas in the city that have dual frontages/sidewalks on more than one side of the property. The city has taken on the removal of snow on multiuse paths. The sidewalk along Queens will be the adjacent property owners to maintain.

QUESTION: Why isn't this a city-wide project?

RESPONSE: New subdivisions and multi-dwelling unit projects rarely create enough demand by themselves to require building *all* of the streets in the street network necessary to support them as a new area of the city urbanizes. Because arterial and collector streets are very expensive to build, and one development alone is rarely large enough to pay for their construction, new developments are often required only to build the streets minimally necessary to provide access, but with the understanding that the development will need to contribute to the greater street network as developments accumulate and greater demand is placed on the surrounding network.

To address this, we require new subdivisions to be served, at the developer's expense per the city's development policy, with a planned street network but not always with the ultimate planned street network. To accommodate future need, developers are required, at time of platting, to execute an "Agreement Not to Protest the Formation of a Future Benefit District" for streets determined to be part of the street network supporting the development. This is a common practice for platting property in the city and is triggered with the very first development as an area opens up for development. Direct access to the identified streets is not made for every new lot and may not be made for any new lot based on access management standards, but it is reasonable to think that all or a majority of the new lots in an area will use all the streets over time.

When enough development in an area triggers the need to complete the street network, those streets can be constructed with benefit district financing and all developments approved over time then contribute to completing the street network. For certain major streets, the city at large pays its share for extra amenities such as recreation path, bicycle amenities, etc.

Much of Lawrence has developed in this fashion given that we have a history of developing new areas in smaller pieces and not in larger areas as is done in some cities. In this sense, Queen's Road is not unique. What is unique is that the city staff identified the need to construct Queen's Road to an urban standard at least ten years ago, and its funding has not been provided to date. Because funding was always on the horizon, development along Queen's Road persisted and now the demand is very high to complete its construction.

It should be noted that the proposed benefit district has been reviewed by counsel and is a common and legal option for cities/developers to provide infrastructure to an urbanizing area.

While Lawrence has a long history of using this financing mechanism for building infrastructure, the following specific areas are more recent examples of using special benefit district financing:

1. O'Connell Road – from 23rd south to 27th Street
2. George Williams Way – north and south of 6th Street
3. Stoneridge Drive – north and south of 6th
4. Folks Road south of 6th Street
5. Overland drive
6. 6th & Congressional intersection
7. Yankee Tank Estates (Kasold on the curve)

QUESTION: Is there a traffic study that would indicate who would use Queens Road, there is zero benefit for Park West.

RESPONSE: Queens Road has been included in the City's Comprehensive Transportation Plan (T2020, T2040) as a collector route serving the adjacent properties.

QUESTION: The Links Development was told they would have to pay for Queens Road.

RESPONSE: The Links Development is paying for Wakarusa from Queens Road to George Williams Way, the intersection at Wakarusa and Queens Road, and are contributing approximately $1.4 million to the benefit district (approximately 31% of the cost). Additionally, the Links is paying a sewer connection fee $1,033,528 and system development charges in an amount of $1,043,455.

QUESTION: Is the new retirement community on the SW corner of the intersection of 6th & Queens (Branchwood) included in the benefit district and are all 500 units (both floors)?

RESPONSE: Yes, the Village Cooperative of Lawrence is included in the intersection benefit district. The benefit district is based on the area of the tract of land and not the number of units or residents. The development also paid 100% for the street improvements.

QUESTION: The Lawrence Journal World reported that the funds that were set aside for Queens Road, $1.75 million, was transferred to 9th Street?

RESPONSE: 9th Street is included in the 2018 CIP being funded with GO debt.

The 2016 CIP did show a property tax and special assessment funding of the GO debt for Queens Road. Each source providing $2.0 million.