



A Capital City Government Working For You...

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City Council Agenda

**City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603**

**September 4, 2007
6:00 PM**

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Bunten

Councilmembers

Lana Kennedy	District No. 1	Deborah Swank	District No. 6
John Alcala	District No. 2	Brett Blackburn	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Preisner	District No. 8
Jack Woelfel	District No. 4	Richard Harmon	District No. 9
Bill Haynes	District No. 5		

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council

Persons addressing the City Council will be limited to four (4) minutes of public address on a particular agenda item. Debate, question/answer dialogue or discussion between Councilmembers will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Council or the Council by affirmative vote of five (5) members may extend the four (4) minute limitation.

Persons will be limited to addressing the City Council one (1) time on a particular matter unless otherwise allowed by an affirmative vote of five (5) members of the City Council.

Citizens wishing to offer Public Comment may sign up by phoning the City Clerk's office at 368-3940.

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th – Room 166 and on the City's web site at <http://www.topeka.org>)

INVOCATION:

PLEDGE OF ALLEGIANCE:

- 1. **PROCLAMATIONS:**
"None scheduled at this time."
- 2. **PRESENTATIONS:**
"None scheduled at this time."
- 3. **ROLL CALL:**
- 4. **CONSENT AGENDA:**

A. Resolution - Kappa Alpha Theta - Noise Exception

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Deborah Swank granting Kappa Alpha Theta an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 6)*

(The Rock the Casa event will take place during the hours of 3:00 p.m. and 8:00 p.m. on September 8, 2007.)

B. MINUTES of the regular meeting of August 21, 2007 and August 28, 2007

C. APPLICATIONS:

5. NEW BUSINESS:

A. Communication - Real Estate Report - City of Topeka Surplus Property

 [ATTACHMENTS](#)

A COMMUNICATION approving the Real Estate Report and authorizing the disposal of a vacant lot in the 1900 block of N. Kansas Avenue. *(Council District No. 2)*

(All City departments have indicated they have no need for the subject property and have declared it as surplus property. The property would be disposed of by the competitive bid process. No common address is listed for the property.)

B. Ordinance - Weekly Expenditures - August 6-12, 2007

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 6, 2007, through August 12, 2007, and enumerating said expenditures therein. First and Final Reading.

C. Ordinance - Weekly Expenditures - August 13-19, 2007

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 13, 2007, through August 19, 2007, and enumerating said expenditures therein. First and Final Reading.

6. FIRST READINGS:

A. Ordinance - Deidre Birzer (V07A/6)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of the west one-half of an unimproved public alley right-of-way in Keystone Addition located east of 1609 SE 32nd Street, City of Topeka, Shawnee County, Kansas. First Reading. *(V07A/6) (Council District No. 4)*

(The east half of the public alley right-of-way was vacated in 1978 and approval would vacate the remaining west half of the alley to retain the sanitary sewer easement.)

B. Ordinance - Mexican Independence Day Celebration

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Jeff Preisner authorizing the sale, consumption, and possession of alcoholic liquor at the Mexican Independence Day Celebration to be held in downtown Topeka on September 15, 2007. First Reading.

The ordinance was added to the agenda at the meeting.

7. MISCELLANEOUS:

-

8. PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL:

-

9. PUBLIC COMMENT:

-

10. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2007

 + Back  Print

DATE: September 4, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2007

 + Back  Print

DATE: September 4, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

June 12, 2007

 + Back  Print

DATE: September 4, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2007

 [+ Back](#)  [Print](#)

DATE: September 4, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 3, 2007

 + Back  Print

DATE: September 4, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 20, 2007

 + Back  Print

DATE: September 4, 2007
CONTACT PERSON: Deborah Swank DOCUMENT #:
SECOND PARTY/SUBJECT: Emily Charles PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Deborah Swank granting Kappa Alpha Theta an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 6)*

(The Rock the Casa event will take place during the hours of 3:00 p.m. and 8:00 p.m. on September 8, 2007.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for live bands located at 2001 SW MacVicar Avenue during specified date and time.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Deborah Swank granting Kappa Alpha Theta an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146, and

WHEREAS, Kappa Alpha Theta has requested that it be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Kappa Alpha Theta, the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Kappa Alpha Theta is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for a live band at the Rock the

COUNRES
Kappa Alpha Theta
08/20/07

25 Casa event located at 2001 SW MacVicar Avenue during the hours of 3:00 p.m.
26 until 8:00 p.m. on September 8, 2007.

27

28 ADOPTED and APPROVED by the City Council _____.

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William W. Bunten, Mayor

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Brenda Younger, City Clerk

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A Capital City Government Working For You...

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 21, 2007

 [+ Back](#)  [Print](#)

DATE: September 4, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 1, 2007

 + Back  Print

DATE: September 4, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Government Working For You...

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 21, 2007

+ Back Print

DATE: September 4, 2007
CONTACT PERSON: Rusty Rakestraw **DOCUMENT #:**
SECOND PARTY/SUBJECT: Real Estate Report for Disposal of Real Property **PROJECT #:**
CATEGORY/SUBCATEGORY 019 Reports / 009 Real Estate
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION approving the Real Estate Report and authorizing the disposal of a vacant lot in the 1900 block of N. Kansas Avenue. (Council District No. 2)

(All City departments have indicated they have no need for the subject property and have declared it as surplus property. The property would be disposed of by the competitive bid process. No common address is listed for the property.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve the disposal of the real estate.

BACKGROUND:

All City departments have indicated they have no need for the subject property and have declared it as surplus property. Sec. 2-456 of the City Code states that Council consent is required for disposal of all real property. An adjacent property owner has made a request to purchase the property. Due to the fact the property can be built upon, the City must open up the sale to the public.

BUDGETARY IMPACT:

To be determined in the bidding process.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Real Estate Report](#)

[Plat of Survey](#)

[Aerial Map](#)

Item #9

PUBLIC WORKS DEPARTMENT

REAL ESTATE REPORT FOR DISPOSAL OF REAL PROPERTY

- 1. Common Address:** None, vacant property in the 1900 block of North Kansas Avenue. ID# 1042002013021000. See attached map.
- 2. Legal Description:** The East 150 feet of the South 75 feet of the North 150 feet of Lot C in Suburban Home Place Addition to the City of Topeka, Shawnee County, Kansas, LESS Right-of-Way Easement.
- 3. Current Zoning:** R-1 Single Family
- 4. Acquisition Date:** 8/8/83
- 5. Reason City Acquired:** For widening of North Kansas Avenue
- 6. How City Acquired:** Deed recorded in Book 2216, Page 734
- 7. Current Use:** Vacant residential lot
- 8. Expected Future Use:** Same as present.
- 9. Appraised Value:** Per the County Appraiser, the 2007 land value, prior to the right of way being subtracted, is \$2,850 (\$.25/sq. ft.).
- 10. Proposed Method of Disposal:** In accordance with Sec. 2-457 (3) of the City Code: "Competitive bidding. By competitive sealed bids based upon a written request for proposals. A notice of the proposed sale shall be published in the official city newspaper at least ten days prior to acceptance of proposals."
- 11. Financial Impact:** To be determined in the bidding process
- 12. Additional Information:** Pat Best, an adjacent property owner, has said she has mowed and maintained the subject property since 1989. Ms. Best has requested to purchase the property to build a residential garage for her property at 1913 North Kansas Avenue. Due to the fact the property is a buildable property, the City must open up the sale to the public.

**RESPONSE BY DEPARTMENT HEAD ON DETERMINATION OF
SURPLUS REAL PROPERTY**

Should the property be declared surplus and processed for disposal?

YES

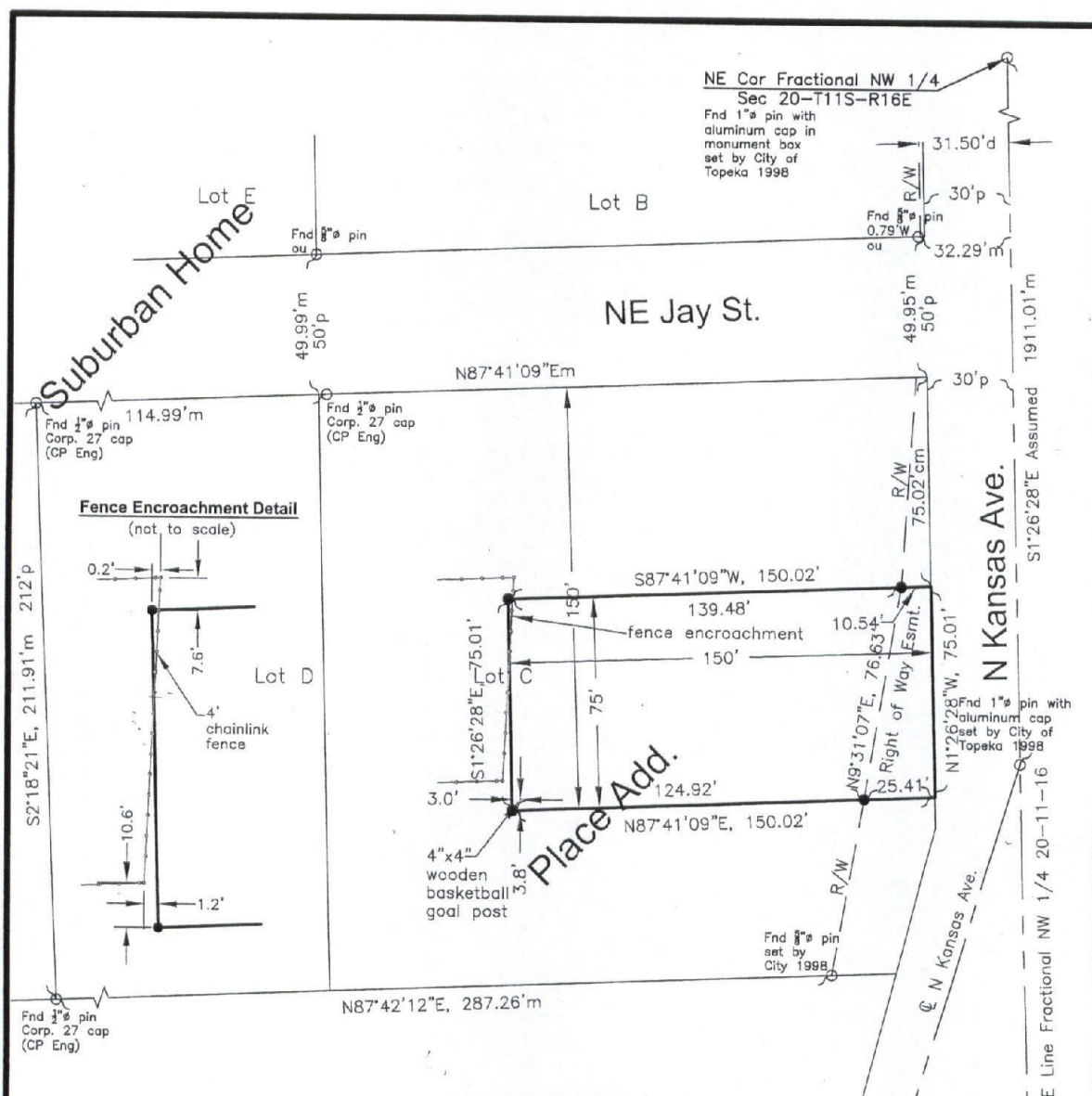
NO

[X]	[]	Financial Services Department
[X]	[]	Fire Department
[X]	[]	Housing and Neighborhood Development Department
[X]	[]	Human Resources Department
[X]	[]	Information Technology
[X]	[]	Legal Department
[X]	[]	Municipal Court
[X]	[]	Parks & Recreation Department
[X]	[]	Planning Department
[X]	[]	Police Department
[X]	[]	Public Works Department
[X]	[]	Zoological Park

Report Prepared by:
Rusty Rakestraw,
Public Works Real Estate Officer

PLAT OF SURVEY

07104

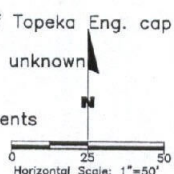


LEGAL DESCRIPTION

The East 150 feet of the South 75 feet of the North 150 feet of Lot C in Suburban Home Place Addition in the City of Topeka, Shawnee County, Kansas.
LESS: Right of way easement.
Contains 9914 square feet, more or less

LEGEND

- = set 5/8" pin with City of Topeka Eng. cap
- = found iron pin
- ou = origin of found monument unknown
- R/W = Right of Way
- m = measured
- cm = calculated from measurements
- d = deed
- p = plat



Visual evidence of encroachments or unrecorded easements are as shown on this plat.
There are no easements of record shown on Owners and Encumbrances Report No. 879817 by First American Title Kansas Agency, Inc. dba Columbian Title of Topeka, Inc.
This tract is not in a designated flood zone.

I hereby certify that I have monumented the corners of the above described tract in accordance with evidence as shown on this plat.

Reviewed by the County Surveyor, this _____ day of _____, 20____ in accordance with KSA Chapter 58, Article 20.

RULE A. SEYMOUR, L.S. NO. 834, COUNTY SURVEYOR

TOPEKA
Public Works
ENGINEERING

620 SE MADISON ST. • 2nd Floor • TOPEKA, KS 66607
Phone: (785) 365-3442 • Fax: (785) 365-3851

PLAT OF SURVEY

07104

SHEET: 1 of 1

CITY QTR: A-11

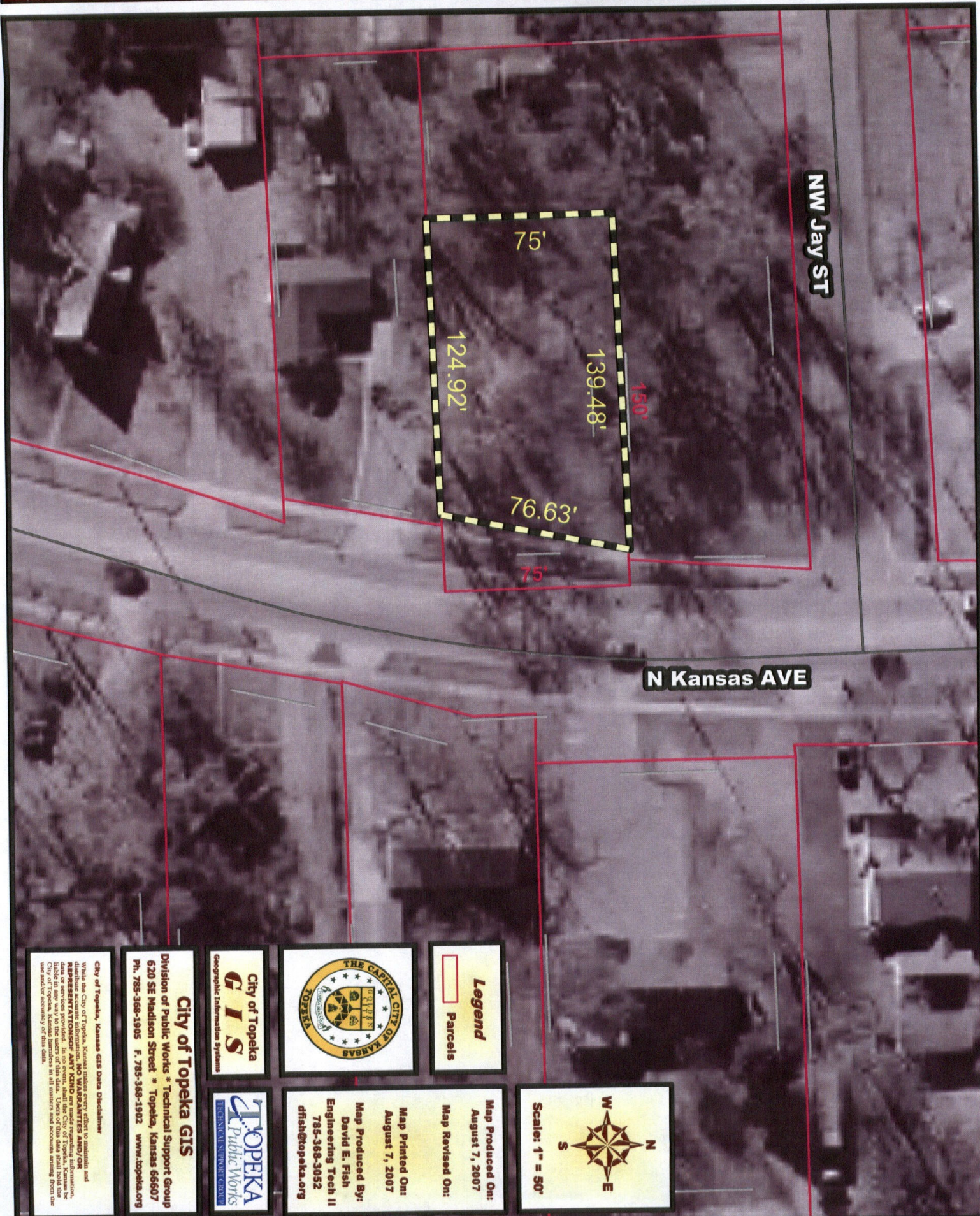
SURVEY DATE: 8/28/07

DRAWN BY: D. SPARR

FIELD BOOKS: 168-18

SURVEYED BY: J. MAXON

North Kansas AVE

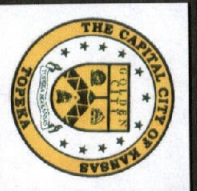


NW Jay ST

N Kansas AVE

Legend

 Parcels

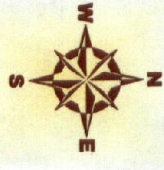


City of Topeka
G I S
Geographic Information Systems

City of Topeka GIS
Division of Public Works - Technical Support Group
620 SE Madison Street - Topeka, Kansas 66607
Ph. 785-368-1905 F. 785-368-1902 www.topeka.org

City of Topeka, Kansas GIS Data Disclaimer
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Scale: 1" = 50'



Map Produced On:
August 7, 2007
Map Revised On:

Map Printed On:
August 7, 2007
Map Produced By:
David E. Fish
Engineering Tech II
785-368-3052
dfish@topeka.org

TOPEKA
Public Works
TECHNICAL SUPPORT GROUP



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 29, 2007

+ Back Print

DATE: September 4, 2007
CONTACT PERSON: Jim Langford/kej **DOCUMENT #:**
SECOND PARTY/SUBJECT: Weekly Expenditures **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: 08/28/07 Continued 1 week **JOURNAL #:** 07
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 6, 2007, through August 12, 2007, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

Approve and allow weekly payments of valid operating expenditures, pursuant to Resolution No. 7607.

STAFF RECOMMENDATION:

Adopt as presented.

BACKGROUND:

Pursuant to Resolution No. 7607, adopted on April 12, 2005, which provides authorization to pay for certain expenditures prior to approval by the Council in an expenditure ordinance, the expenditures being authorized by this ordinance have been previously paid, in accordance with established procedures and policies for such payments.

BUDGETARY IMPACT:

Approves expenditures for the period August 6, 2007, through August 12, 2007, in the amount of \$2,047,247.20.

SOURCE OF FUNDING:

Appropriated funds and fees-for-service revenues of various City departments.

ATTACHMENTS:

[Weekly Expenditures for Week Ending August 12, 2007](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of August 6, 2007, through August 12, 2007, and enumerating said expenditures herein.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. All expenditures made or authorized to be made by issuance of checks or electronic transfers as enumerated herein, are in accordance with City of Topeka Resolution No. 7607.

Section 2. The claims and expenditures listed in Exhibit A, which is on file in the City Council Office and the City Clerk's Office and incorporated herein by said reference, are hereby allowed and approved for payment.

<u>Section 3.</u>	Total for 63 vendor checks written in this period	\$1,969,298.79
	Total vendor checks voided in this period (net)	(1,589.35)
	Total electronic transfers to vendors in this period	79,537.76
	Total net payroll to employees this period	0.00
	Total payroll related electronic transfers this period	<u>0.00</u>
	Total for expenditures in this period	<u>\$2,047,247.20</u>

Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 21, 2007

+ Back Print

DATE: September 4, 2007
CONTACT PERSON: Jim Langford/kej **DOCUMENT #:**
SECOND PARTY/SUBJECT: Weekly Expenditures **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 13, 2007, through August 19, 2007, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

Approve and allow weekly payments of valid operating expenditures, pursuant to Resolution No. 7607.

STAFF RECOMMENDATION:

Adopt as presented.

BACKGROUND:

Pursuant to Resolution No. 7607, adopted on April 12, 2005, which provides authorization to pay for certain expenditures prior to approval by the Council in an expenditure ordinance, the expenditures being authorized by this ordinance have been previously paid, in accordance with established procedures and policies for such payments.

BUDGETARY IMPACT:

Approves expenditures for the period August 13, 2007, through August 19, 2007, in the amount of \$5,604,388.74.

SOURCE OF FUNDING:

Appropriated funds and fees-for-service revenues of various City departments.

ATTACHMENTS:

[Weekly Expenditures for Week Ending August 19, 2007](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of August 13, 2007, through August 19, 2007, and enumerating said expenditures herein.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. All expenditures made or authorized to be made by issuance of checks or electronic transfers as enumerated herein, are in accordance with City of Topeka Resolution No. 7607.

Section 2. The claims and expenditures listed in Exhibit A, which is on file in the City Council Office and the City Clerk's Office and incorporated herein by said reference, are hereby allowed and approved for payment.

<u>Section 3.</u>	Total for 495 vendor checks written in this period	\$2,876,358.57
	Total vendor checks voided in this period (net)	(57.24)
	Total electronic transfers to vendors in this period	119,641.69
	Total net payroll to employees this period	1,635,754.23
	Total payroll related electronic transfers this period	<u>972,691.49</u>
	Total for expenditures in this period	<u>\$5,604,388.74</u>

Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 8, 2007

+ Back Print

DATE: September 4, 2007

CONTACT PERSON: David Thurbon/Bill Fiander **DOCUMENT #:** N/A

SECOND PARTY/SUBJECT: Deidre Birzer **PROJECT #:** V07A/6

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 006 Vacations

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of the west one-half of an unimproved public alley right-of-way in Keystone Addition located east of 1609 SE 32nd Street, City of Topeka, Shawnee County, Kansas. **First Reading.** (V07A/6) (Council District No. 4)

(The east half of the public alley right-of-way was vacated in 1978 and approval would vacate the remaining west half of the alley to retain the sanitary sewer easement.)

POLICY ISSUE:

Typically, staff is not supportive of alley vacations that only vacate half of an alley or that create excessive dead-end situations. However, in this case half of the alley contiguous with this request was already vacated in 1978 and the alley is not improved. Adjacent property owners have been notified of this request to close the remaining portion of the alley.

STAFF RECOMMENDATION:

The Planning Department recommends **APPROVAL** of the proposed vacation conditional to retaining a necessary sanitary sewer easement.

BACKGROUND:

- The Kansas Statutes and Topeka Code Section 130-476(b) requires a public hearing in conjunction with proposed vacation petitions which have been filed in accordance with a prescribed procedure.
- The east one-half of the alley was vacated in 1978. The applicant wishes to own and maintain the west one-half of the unimproved alley.
- A sanitary sewer is located within the alley. A sanitary sewer easement will be retained.
- Approval of the vacation should not be construed to imply support for existing or subsequent land development.

BUDGETARY IMPACT:

N/A.

SOURCE OF FUNDING:

N/A.

Item #12

ATTACHMENTS:

[Vicinity Map](#)

[Aerial](#)

[Ordinance](#)

[Legal Advertisement](#)

[Comment Sheet](#)

[Application](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of the west one-half of an unimproved public alley right-of-way in Keystone Addition located east of 1609 SE 32nd Street, City of Topeka, Shawnee County, Kansas. **(V07A/6)**
(Council District No. 4)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by Deidre Birzer, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described platted unimproved alley right-of-way located within the City of Topeka, Shawnee County, Kansas:

The West one-half of an alley in Keystone Addition in the City of Topeka, Shawnee County, Kansas, the West line of which is coincident with the East lines of Lots 434, 436, 438, 440 and 442 on Minnesota Avenue, formerly Wisconsin Avenue, extending from a prolongation of the North line of Lot 434 to a prolongation of the South line of Lot 442.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on September 11, 2007, the petition is ready for determination by the Council of the City of Topeka, Kansas.

Section 3. That the Council of the City of Topeka, after being duly informed and hearing the evidence presented finds that:

- a. Legal notice was given as required by K.S.A. 12-504 as amended.
- b. No private rights will be injured or endangered by such vacation.
- c. The public will suffer no loss or inconvenience by such vacation.

Section 4. That the Council of the City of Topeka does hereby find that justice requires the petition of vacation be granted and does hereby order the vacation of the below described platted unimproved alley right-of-way located within the City of Topeka, Kansas:

The West one-half of an alley in Keystone Addition in the City of Topeka, Shawnee County, Kansas, the West line of which is coincident with the East lines of Lots 434, 436, 438, 440 and 442 on Minnesota Avenue, formerly Wisconsin Avenue, extending from a prolongation of the North line of Lot 434 to a prolongation of the South line of Lot 442.

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for a utility easement to be established over the described property as set forth in Section 4 and does hereby order the retention of the below described area as a sanitary sewer easement:

The West one-half of an alley in Keystone Addition in the City of Topeka, Shawnee County, Kansas, the West line of which is coincident with the East lines of Lots 434, 436, 438, 440 and 442 on Minnesota Avenue, formerly Wisconsin Avenue, extending from a prolongation of the North line of Lot 434 to a prolongation of the South line of Lot 442.

Section 6. This vacation shall not affect any other underlying easements or restrictions whether platted or by instrument.

Section 7. The City Clerk is hereby directed to certify a copy of this ordinance to the Shawnee County Register of Deeds Office for appropriate recording.

Section 8. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Council of the City of Topeka _____, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____

Not To Be Codified X



V07A/6 by Diedre Birzer



V07A/6 by Diedre Birzer

CITY OF TOPEKA PLANNING DEPARTMENT

620 SE Madison Street-3rd Floor
Topeka, Kansas 66607

Office: (785) 368-3728
Fax: (785) 368-2535

PLANNING OFFICE USE ONLY

Date Submitted <u>6-20-2007</u>	Date Advertised _____
Application No. <u>V07A16</u>	Date of Public Hearing _____
TO BE COMPLETED BY CITY CLERK'S OFFICE	
Filing Fee \$ <u>250.00</u>	Receipt No. <u>10128</u>

APPLICATION

City Vacation of Streets, Alleys and Easements

2007 JUN 18 4:33 PM

- Applicant(s): Deidre Birzer
- Applicant's Mailing Address: 1609 SE 32nd St.
City Topeka State: KS Zip: 66605
- Telephone: Area Code: 785 No.: 267-2015
- Legal description of property requested to be vacated as prepared by the City of Topeka Department of Public Works: The west one-half of the alley east of lots 434-436-438-440-442, subject to retaining a utility easement.

- Check type of vacation: Street _____ Alley ☒ Easement _____ Other _____
- Legal description of property owned by the applicant which adjoins the street, alley or easement to be vacated:

Lots East half of lots 434-436-438-440-442 Block No. _____
on Minnesota Ave., formerly Wisconsin Ave.
In Keystone Addition Subdivision Keystone

Metes and Bounds Description, if unplatted: _____

7. Are there other owners of land who own property adjoining the subject street, alley or easement proposed to be vacated who, pursuant to K.S.A. 12-504, would be a property party to the petition to vacate?

Yes ✓ No

If yes, please list said owner's name(s) and mailing address.

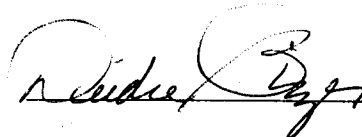
Michael Fellman 4904 SE 61st Berryton, KS 66409
Alvin Rockstool 3215 SE Keystone Ave, Topeka, KS 66605

8. Briefly, describe the proposed development of the subject property and your reasons for vacating the property: The east one half of the alley was vacated in 1978 to benefit lots 433-435-437-439 (1617 SE 32nd St) This would simply vacate the other half of the alley and clarify the ownership and maintenance obligations.
9. Will the area proposed for vacation preclude, restrict, hamper or lessen ingress-egress to other similarly abutting properties? No
10. Do you concur with the retention of the subject area as an easement should the reviewing utility or public agency request such to cover existing or proposed utility lines? Yes
11. Will any permanent structures be constructed within the area proposed for vacation? A fence that includes a gate for utility access.
12. Will the area proposed for vacation create any unique, adverse or undesirable traffic conditions? No
13. How are adjoining properties used? 1617 SE 32nd St - Driveway + garage + yard
3215 SE Keystone Ave - Yard
14. In your opinion, would the proposed vacation injure or endanger any private rights? No

15. In your opinion, would the public suffer any loss or inconvenience should the petition to vacate be approved? No

16. In the event this proposed vacation is to vacate street or alley right-of-way, are you aware of the applicability of the district zoning on the subject property? Please briefly explain: No

Signature of Applicant(s).



(Please Attach Any Additional Information)

If the owner(s) of record is to be represented by legal counsel or an authorized agent, please complete the following so that communications pertaining to this application may be forwarded to the appropriate individual.

Name of Representative Jeffrey A. Wiethorn Coffman, DeFries + Nothorn, P.A.

Street Address 534 S. Kansas Avenue Suite 925

City Topeka State KS Zip Code 66603-3407

Telephone No. (785) 234-3461 Fax No. (785) 234-3363

Please have the attached published in the Topeka Metro News in the Legal Advertising Section on August 17, 2007 and again on August 24, 2007.

IN THE MATTER OF THE PROPOSED VACATION OF:

The west half of a public unimproved alley right-of-way located east of 1609 SE 32nd Street, Keystone Addition, City of Topeka, Shawnee County, Kansas. **(V07A/6)**
(Council District No. 4)

NOTICE OF PUBLIC HEARING

(Pursuant to K.S.A. 12-504 et seq.)

To Whom It May Concern:

Public notice is hereby given that a petition has been filed by Deidre Birzer, owner of the concerned property which includes a portion of a public unimproved alley right-of-way and praying that the right-of-way located on said property be vacated.

The petition will be presented to the Council of the City of Topeka for hearing on September 11, at 6:00 P.M. or as soon thereafter as the same may be heard in the City Council Chambers, Municipal Building, 2nd Floor, 8th and Monroe Streets, Topeka, Kansas, at which time and place all interested persons may appear and be heard, either for or against granting the prayer of said Petition.

**BY THE GOVERNING BODY,
CITY OF TOPEKA, KANSAS**

STREET/ALLEY/EASEMENT/SUBDIVISION VACATION

Case No.: V07A/6 Location: Located east of 1609 SE 32nd Street.

DEPARTMENTS:

- **Water Division:** X No Objection Objection
- **Engineering:** X No Objection Objection
Comments: There is an existing sanitary sewer in the alley. A sanitary sewer easement must be retained over the vacated alley, if there are no other utilities present. If there are other utilities, then a public utility easement must be retained.
- **County Refuse:** X No Objection Objection
- **Fire Department:** X No Objection Objection
- **Police Department:** X No Objection Objection

UTILITY COMPANIES:

- **AT&T:** X No Objection Objection
- **Westar:** X No Objection Objection
- **Kansas Gas Service:** X No Objection Objection
- **Cox Communications:** X No Objection Objection

Cindy Johnson, Planner I

August 8, 2007



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 5, 2007

 [Back](#)  [Print](#)

DATE: September 4, 2007
CONTACT PERSON: Jeff Preisner **DOCUMENT #:**
SECOND PARTY/SUBJECT: Elias Garcia **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: First Reading 9/4/2007 **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Jeff Preisner authorizing the sale, consumption, and possession of alcoholic liquor at the Mexican Independence Day Celebration to be held in downtown Topeka on September 15, 2007. First Reading.

The ordinance was added to the agenda at the meeting.

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Authorization for sale, possession, and consumption of alcoholic liquor at specified location, dates, and times.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Jeff Preisner authorizing the Mexican Independence Day Celebration to be held in downtown Topeka on September 15, 2007.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. Authorization is hereby given to the Hispanic Heritage Month Committee to hold the Mexican Independence Day Celebration on 9th Street between Kansas Avenue and Jackson Street and on Jackson Street at the intersection of 9th Street adjacent to the Capitol on September 15, 2007.

Authorization also is given to barricade 9th Street between Kansas Avenue and Jackson Street as well as to barricade Jackson Street at the intersection of 9th Street adjacent to the Capitol between the hours of 3:00 p.m. and 11:00 p.m. Attendance to the Celebration is open to the public between the hours of 3:00 p.m. and 11:00 p.m. on September 15, 2007. Licensed retailers may sell non-alcoholic commodities or food between the hours of 3:00 p.m. and 11:00 p.m. on September 15, 2007. The barricaded portion of 9th Street and Jackson Street between the hours of 3:00 p.m. and 11:00 p.m. on September 15, 2007, shall be temporarily removed from the City's right-of-way and the provisions of K.S.A. 41-719. Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor may in accordance with all applicable state laws and municipal ordinances sell alcoholic liquor in the specific area designated by the division of Alcohol Beverage Control within the barricaded portion of 9th Street and Jackson Street between the hours of 3:00 p.m. and 11:00 p.m. on September 15, 2007. Event attendees

may buy, possess and consume alcoholic beverages in the specific area designated by the division of Alcohol Beverage Control within the barricaded portion of 9th Street and Jackson Street between the hours of 3:00 p.m. and 11:00 p.m. on September 15, 2007.

Section 2. This Ordinance shall be null and void on September 16, 2007.

Section 3. This Ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

January 30, 2007

 + Back  Print

DATE: September 4, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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No Attachments Available



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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available