



A Capital City Government Working For You...

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City Council Agenda

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

October 16, 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:**
"Disability Mentoring Day"
"Week Without Violence"
- 2. **PRESENTATIONS:**
"None scheduled at this time."
- 3. **ROLL CALL:**
- 4. **CONSENT AGENDA:**

A. Communication - Community Corrections Advisory Board

A COMMUNICATION recommending the re-appointment of Mary Bradshaw to the Community Corrections Advisory Board for a term that would expire on October 31, 2009. *(Council District No. 8)*

B. Communication - Community Corrections Advisory Board

A COMMUNICATION recommending the re-appointment of Lazone Grays to the Community Corrections Advisory Board for a term that would expire on October 31, 2009. *(Council District No. 1)*

C. Communication - Community Corrections Advisory Board

A COMMUNICATION recommending the re-appointment of Ted Heim to the Community Corrections Advisory Board for a term that would expire on October 31, 2009. *(Council District No. 6)*

D. Communication - Jayhawk Area Agency on Aging Advisory Council

 [ATTACHMENTS](#)

A COMMUNICATION recommending the appointment of Beverly Cushinberry to the Jayhawk Area Agency on Aging Advisory Council for a term that would expire on September 30, 2010. *(Council District No. 3)*

E. Final Plat - Monarch Meadow Subdivision No. 4 (P07/31)

 [ATTACHMENTS](#)

A FINAL PLAT for Monarch Meadow Subdivision No. 4 located south of SW 41st Street and west of SW Lincolnshire Road between SW 41st Street and SW Monarch Court in the City of Topeka, Shawnee County, Kansas.(P07/31) *(The Planning Commission recommended approval by a vote of 6-0-0.)(The Planning Department recommended approval.)*

(The proposal would adjust the lot lines of previously platted lots and decrease the number of lots from 8 to 7.)

F. MINUTES of the regular meeting of October 9, 2007

G. APPLICATIONS:

5. PUBLIC HEARINGS:

A. Public Hearing and Ordinance - Strathman Sales Company, Inc. (V07E/11)

 [ATTACHMENTS](#)

A PUBLIC HEARING relating to vacation request V07E/11 by Stratham Sales Company, Inc., to vacate a platted utility easement in Jefferson Square Subdivision No. 2 located at the southwest corner of SE Quincy Street and SE Lakewood Boulevard, City of Topeka, Shawnee County, Kansas.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a platted utility easement in Jefferson Square Subdivision No. 2 located at the

southwest corner of SE Quincy Street and SE Lakewood Boulevard, City of Topeka, Shawnee County, Kansas. Final Reading. (V07E/11) (Council District No. 3)

(Approval would vacate a portion of a platted utility easement and establish a necessary sanitary sewer easement.)

6. UNFINISHED BUSINESS:

A. Ordinance - Historic Asset Preservation Fund

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Deputy Mayor Brett Blackburn amending City of Topeka Code Section 2-331 concerning the expenditure of monies from the Historic Asset Preservation fund and specifically repealing said original section. Final Reading. *(Deferred from the meeting of August 28, 2007.)(The Economic and Community Development Committee recommended approval by a vote of 3-0-0 on September 28, 2007.)*

(The amendment would restrict the expenditure of funds to the preservation of historic assets that provide a public heritage tourism benefit, and would specifically exclude expenditures on projects that are private or primarily commercial in nature.)

7. NEW BUSINESS:

A. Communication - Trafficway Improvement Project No. 70142-02

A COMMUNICATION authorizing the City Manager to solicit bids and award the construction contract for Trafficway Improvement Project 70142-02 located on SE California Avenue between SE 21st Street and SE 29th Street. *(Council District No. 4)*

(Approval would allow for the award of the construction contract for the project.)

B. Ordinance - Weekly Expenditures - September 24-30, 2007

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 24, 2007, through September 30, 2007, and enumerating said expenditures therein. First and Final Reading.

8. MISCELLANEOUS:

-

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

-

10. PUBLIC COMMENT:

-

11. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2007

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

DATE: October 16, 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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CIP PROJECT: No

ACTION OF COUNCIL:

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DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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DATE: October 16, 2007

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SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Disability Mentoring Day"
"Week Without Violence"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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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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214 SE 8th Street
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September 4, 2007

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DATE:	October 16, 2007	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
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

September 20, 2007

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DATE: October 16, 2007
CONTACT PERSON: Celeste Benton **DOCUMENT #:**
SECOND PARTY/SUBJECT: Community Corrections **PROJECT #:**
Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION recommending the re-appointment of Mary Bradshaw to the Community Corrections Advisory Board for a term that would expire on October 31, 2009. *(Council District No. 8)*

POLICY ISSUE:

NA

STAFF RECOMMENDATION:

The Mayor is recommending the re-appointment of Mary Bradshaw, 6422 SW 24th, to the Community Corrections Advisory Board for a two year term that will end October 31, 2009. There is no official attendance policy. Ms Bradshaw has been absent four times during her appointment.

BACKGROUND:

KSA 75-5297. The Community Corrections Advisory Board deals with adult offenders in community corrections, and develops the annual community corrections comprehensive plan. As a statutory board, the Mayor nominates the members. Statutory boards are not required to submit a Statement of Substantial Interest form.

BUDGETARY IMPACT:

NA

SOURCE OF FUNDING:

NA

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 27, 2007

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DATE: October 16, 2007
CONTACT PERSON: Celeste Benton **DOCUMENT #:**
SECOND PARTY/SUBJECT: Community Corrections **PROJECT #:**
Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION recommending the re-appointment of Lazone Grays to the Community Corrections Advisory Board for a term that would expire on October 31, 2009. *(Council District No. 1)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the re-appointment of Lazone Grays, 332 SW Topeka Blvd. #1, to the Community Corrections Advisory Board for a two year term that will end October 31, 2009. There is no official attendance policy. Mr. Grays has been absent twice during his appointment.

BACKGROUND:

KSA 75-5297. The Community Corrections Advisory Board deals with adult offenders in community corrections, and develops the annual community corrections comprehensive plan. As a statutory board, the Mayor nominates the members. Statutory boards are not required to submit a Statement of Substantial Interest form.

BUDGETARY IMPACT:

NA

SOURCE OF FUNDING:

NA

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 19, 2007

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DATE: October 16, 2007
CONTACT PERSON: Celeste Benton **DOCUMENT #:**
SECOND PARTY/SUBJECT: Community Corrections **PROJECT #:**
Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION recommending the re-appointment of Ted Heim to the Community Corrections Advisory Board for a term that would expire on October 31, 2009. *(Council District No. 6)*

POLICY ISSUE:

NA

STAFF RECOMMENDATION:

The Mayor is recommending the re-appointment of Ted Heim, 1518 SW Jewell to the Community Corrections Advisory Board for a two year term that will end October 31, 2009. There is no official attendance policy. Mr. Heim has been absent four times during his appointment.

BACKGROUND:

KSA 75-5297. The Community Corrections Advisory Board deals with adult offenders in community corrections, and develops the annual community corrections comprehensive plan. As a statutory board, the Mayor nominates the members. Statutory boards are not required to submit a Statement of Substantial Interest form.

BUDGETARY IMPACT:

NA

SOURCE OF FUNDING:

NA

ATTACHMENTS:

No Attachments Available



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 26, 2007

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DATE: October 16, 2007
CONTACT PERSON: Celeste Benton **DOCUMENT #:**
SECOND PARTY/SUBJECT: Jayhawk Area Agency on Aging Advisory Council **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION recommending the appointment of Beverly Cushinberry to the Jayhawk Area Agency on Aging Advisory Council for a term that would expire on September 30, 2010. *(Council District No. 3)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Beverly Cushinberry, 3100 SE Bryant St., to the Jayhawk Area Agency on Aging Advisory Council for a three-year term that would end September 30, 2010.

The Jayhawk Area Agency on Aging Advisory Council is a statutory board and requires that nominees come from the Mayor with approval by the City Council.

BACKGROUND:

KSA 75-5926 et seq and Ordinance 18382. The Jayhawk Area Agency on Aging Advisory Council is a statutory board that advises the Jayhawk Area Agency on Aging Board of Directors concerning policies and programs that affect older citizens in Douglas, Jefferson and Shawnee counties, and promotes the ability of older citizens to secure and maintain independence and dignity in their community.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Cushinberry Bio - JAAA](#)

Item #9

Beverly Cushinberry
3100 SE Bryant
Topeka, Kansas 66605
785-266-4658

I have been a life long resident of Topeka. I was raised in Central Topeka, attended Lowman Hill Elementary School, Boswell Junior High and graduated from Topeka High in 1970. I then went to work for Southwestern Bell Telephone as it was called then. I worked for them for 28 years and retired in 1998. I was a Girl Scout as a young lady also took piano lessons. Since graduation from Topeka High I have been involved in various groups such as being the president of the Black Women's Network. Was a member of Golden City Sertoma's for a short while. I am the Assistant Secretary for the Topeka Branch of the NAACP at the present. I belong to Asbury Mt. Olive United Methodist Church of which I have been a member since I was 10 years old. I have three younger sisters, one who works for AT&T, one who works for SRS – State of Kansas and my youngest sister who resides in Colorado Springs, Colorado. In January 2005 I decided to go back to school I am presently enrolled in the Bachelor's program for Legal Studies at Washburn University as a junior. I also work part time at my Church as the Administrative Assistant



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 21, 2007

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DATE: October 16, 2007
CONTACT PERSON: Bill Fiander/David Thurbon DOCUMENT #:
SECOND PARTY/SUBJECT: Monarch Meadow Subdivision No. 4 PROJECT #: P07/31
CATEGORY/SUBCATEGORY 017 Plats/002 Final
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A FINAL PLAT for Monarch Meadow Subdivision No. 4 located south of SW 41st Street and west of SW Lincolnshire Road between SW 41st Street and SW Monarch Court in the City of Topeka, Shawnee County, Kansas.(P07/31) (The Planning Commission recommended approval by a vote of 6-0-0.)(The Planning Department recommended approval.)

(The proposal would adjust the lot lines of previously platted lots and decrease the number of lots from 8 to 7.)

POLICY ISSUE:

Consistent with the City of Topeka Subdivision Regulations.

STAFF RECOMMENDATION:

The Planning Commission recommended that the final plat phase of **Monarch Meadow Subdivision No. 4** be **APPROVED** by a vote of **6-0-0** at their September 17, 2007 meeting as referenced in their attached minutes. The Planning Department recommended that this request be **APPROVED** as referenced in the attached staff report.

BACKGROUND:

- See attached Staff Report.
- City Council options:
 - Accept the plat as presented for recording by the Shawnee County Register of Deeds.
 - Reject the plat so it would **not** be eligible for recording by the Shawnee County Register of Deeds

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Staff Report](#)

Item #10

[Plat](#)

[Aerial](#)

[Planning Commission Minutes](#)

September 17, 2007
Agenda Item #G-4

SUBDIVISION REPORT

(Major Plats)

CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

NAME: Monarch Meadow Subdivision No. 4 - [P07/31]

OWNER/DEVELOPER: Maxim, L.L.C.

ENGINEER/SURVEYOR: Schmidt Engineering & Surveying, L.L.C.

GENERAL LOCATION: South of SW 41st Street and west of SW Lincolnshire Road between SW 41st Street and SW Monarch Court.

PARCEL ID NUMBERS: 1442004005003000, 1442004005004000, 1442004005005000, 1442004005006000, 1442004005007000, 1442004005008000, 1442004005009000, 1442004005010000.

JURISDICTION: Class "A" subdivision within the City of Topeka.

ANNEXATION: N/A.

Area	# of Lots	Density	Proposed Land Use	Zoning *
2.09 acres	7	3.35 units/acre	Single-Family Residential	"R-1" Single-Family Dwelling District

***Pending Zoning Case:** N/A

Design: The subject plat contains 2.09 acres, more or less and is irregular in shape, measuring approximately 330.40' x 396.72' with its greatest length running perpendicular to SW 41st Street. The proposal is a replat of Lots 3-10 Block "A" Monarch Meadow Subdivision. This replatting will reduce the total number of lots by one from that approved by the final plat of Monarch Meadow Subdivision resulting in larger lots to better accommodate placement of single family dwellings. In addition, the replat will dedicate of a 7' utility easement along the north boundary of proposed Lots 1 and 2, a waterline easement along SW Monarch Court and a 39' storm water drainage and utility easement across the lots as indicated on the plat. The plat will result in a single block 7-lot subdivision for single-family residential dwellings.

SERVICES AND FACILITIES:

1. **WATER SERVICE:** The development is to be serviced by the City of Topeka public water supply and

September 17, 2007
Agenda Item #G-4

distribution system by means of connection to an existing 6" water main located along SW Monarch Court, with all water connections to be at developer expense.

2. SEWAGE DISPOSAL: The development is to be serviced by the City of Topeka public wastewater treatment plant and collection system by means of connection to an existing 8" sewer main located along SW Monarch Court, with all sewer line connections to be at developer expense.
3. WASTEWATER PLAN SERVICE AREA: The property is located within the Urban Service Area as reflected by the Shawnee County Wastewater Management Plan; and the proposal appears to be in full compliance with said Plan.
4. DRAINAGE CONDITIONS: The drainage report as submitted by the Consultant to the City of Topeka Department of Public Works has been approved per memo dated September 4, 2007.
5. STREET PLAN/ACCESS: Each lot will take access from SW Monarch Court in accordance with preliminary street plans approved by the Shawnee County Public Works Department per memo dated March 17, 2003.
6. FIRE DISTRICT: City of Topeka Fire District.
7. STREAM BUFFER: N/A.
8. SCHOOL DISTRICT: U.S.D. 437 – Auburn/Washburn District.
9. PARKS/OPEN SPACE: No parkland is being dedicated. The current parkland development fee is calculated at \$1,575. Based on 7 single-family dwelling units with each dwelling unit being assessed a fee of \$225.00 per unit.

WAIVER/VARIANCE TO STANDARDS: The applicant has requested and been granted a waiver of extension to have the Preliminary and Final Plats presented together.

A Variance is requested to Section 134-142(a) due to all utilities serving the area already being in place or will be placed in easements at the rear of the lots making side lot line easements unnecessary.

PUBLIC CAPITAL IMPROVEMENTS IN WHICH THE DEVELOPER ANTICIPATES REQUESTING THE GOVERNING BODY TO PARTICIPATE: None anticipated.

CAPITAL IMPROVEMENT PLAN (CIP): There are currently no transportation projects in the City's CIP (2006-2011) affecting this area.

CONFORMANCE TO COMPREHENSIVE PLAN: The *Comprehensive Plan* establishes this area for *Urban Suburban Low Density Residential* land use. This subdivision will have full public services and therefore, is found compliant with the comprehensive plan.

STAFF ANALYSIS:

As proposed the overall subdivision design conforms to the established standards and provisions of the subdivision regulations relative to design criteria; and the design appears compatible with existing and planned conditions. Based upon the above findings and staff analysis, the Planning Department recommends the preliminary and final plat phases of Monarch Meadow Subdivision No. 4 be **APPROVED** subject to:

September 17, 2007
Agenda Item #G-4

1. The Planning Commission granting the variance to the provisions of Code Section 134-142(a) waiving the side lot line public utility easement requirements since all utilities serving the area are currently in place or will be placed in easements at the rear of the lots making side lot line easements unnecessary.

Prepared by: Dean W. Diediker
Planner II

FINAL PLAT MONARCH MEADOW SUBDIVISION NO. 4

A REPLAT OF LOTS 3, 4, 5, 6, 7, 8, 9 & 10, BLOCK A, MONARCH MEADOW SUBDIVISION,
CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

BOOK _____ PAGE _____

DESCRIPTION:

A replat of Lots 3, 4, 5, 6, 7, 8, 9 and 10, Block A, Monarch Meadow Subdivision, City of Topeka, Shawnee County, Kansas, being described as follows: Beginning at the Northeastly corner of said Lot 3, Block "A", Monarch Meadow Subdivision; thence Southerly along the East line of said Lot on the platted bearing of S03°44'04"E, 139.71 feet, to the Southeast corner of said Lot 3; thence S86°15'56"W, 41.27 feet; thence on a 145.00 foot radius curve left, an arc distance of 201.32 feet, said curve having a long chord bearing S46°29'29"W, 185.53 feet; thence S06°43'02"W, 84.46 feet; thence on a 60.00 foot radius curve left, an arc distance of 16.67 feet, said curve having a long chord bearing S01°14'26"E, 16.61 feet, to the Southeast corner said Lot 10, Block A, Monarch Meadow Subdivision; thence S80°48'06"W, 156.89 feet, to the Southwest corner of said Lot 10; thence N00°05'31"E, 396.72 feet, along the West line of said Lots 6, 7, 8 & 9, Block A, Monarch Meadow Subdivision; thence S89°46'18"E, 330.40, to the Point of Beginning. Containing 2.09 acre more or less.

DEDICATION: The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat which subdivision shall be known as MONARCH MEADOW SUBDIVISION NO. 4.

STREETS: Streets shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

NOTICE: In the event there are other owners or those holding any proprietary interest in any land contained in this subdivision whom do not appear and duly acknowledge this plat prior to the time of recording in the Office of the Register of Deeds, the plat shall be null and void.

EASEMENT NOTE: Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer, drainage or utility easements. This includes but is not limited to trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access and egress of maintenance vehicles and equipment for the operation and maintenance of the utilities or pipe lines located in the easement. Any permanent or semi-permanent obstruction located in the permanent sewer or utility easement may be removed by personnel representing the applicable Department of Public Works, to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement. Cost of removal and/or replacement shall be the responsibility of the property owners.

CERTIFICATE OF SURVEYOR: I hereby certify the details of this plat to be correct to the best of my knowledge and belief, that all boundary corners of this subdivision of land have been monumented, that iron pins are set as shown on the attached plat this _____ day of _____, 2007.

John G. Schmidt, Jr., L.S.
Registration No. 988

IN TESTIMONY WHEREOF: The owner, Maxim, L.L.C., has caused these presents to be signed this _____ day of _____, 2007.

Maxim, L.L.C.
Royce A. Fulmer, Partner
R.A. Fulmer Company Inc., General Partner

STATE OF KANSAS: County of Shawnee, ss. Be it remembered that on this _____ day of _____, 2007, before me, the undersigned, a notary public in and for the County and State aforesaid came Royce A. Fulmer, Partner of Maxim, L.L.C., a Kansas limited liability company, R.A. Fulmer Co., Inc., a Kansas corporation, general partner, who is personally known to me to be the same person who executed, the within instrument of writing, and such person duly acknowledges the execution of the same.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed my notarial seal the day and year last written above.

Notary Public _____ My Commission Expires: _____

APPROVED BY THE TOPEKA PLANNING COMMISSION this date _____, 2007.

Topeka Planning Commission Chairman _____ David F. Thurbon, Planning Director

This subdivision has been presented to the City Council, City of Topeka, Kansas on the _____ day of _____, 2007, for acceptance of land to be dedicated. for public purposes.

The City Council hereby accepts the land for public purposes.
By the City Council, City of Topeka, Kansas

William W. Bunten, Mayor _____ Brenda Younger, City Clerk

ENTERED ON THE TRANSFER RECORD OF SHAWNEE COUNTY, KANSAS, this date _____, 2007.

Cynthia A. Beck, County Clerk

FILED FOR RECORD in Shawnee County Register of Deeds, this date _____, 2007.

Marilyn L. Nichols, Register of Deeds

REVIEWED BY SHAWNEE COUNTY SURVEYOR, this _____ day of _____, 2007, in accordance with KSA Chapter 58, Article 20.

Rule A. Seymour, L.S. No. 834, County Surveyor

PREPARED BY:
SCHMIDT ENGINEERING & SURVEYING, L.L.C.
3420 SW URISH ROAD
TOPEKA, KANSAS 66614
PH. (785) 478-4420

RESTRICTED ACCESS LINE: Defines portion of subdivision boundary in which the public is not allowed to cross in order to gain access to the subdivision. The governing body may cross this line in order to gain access to the subdivision.

VARIANCE NOTE: Pursuant to Section 134-4 of the City of Topeka Subdivision Regulations, the Topeka City Planning Commission hereby grants the following design variance to the provisions of the Subdivision Regulations:

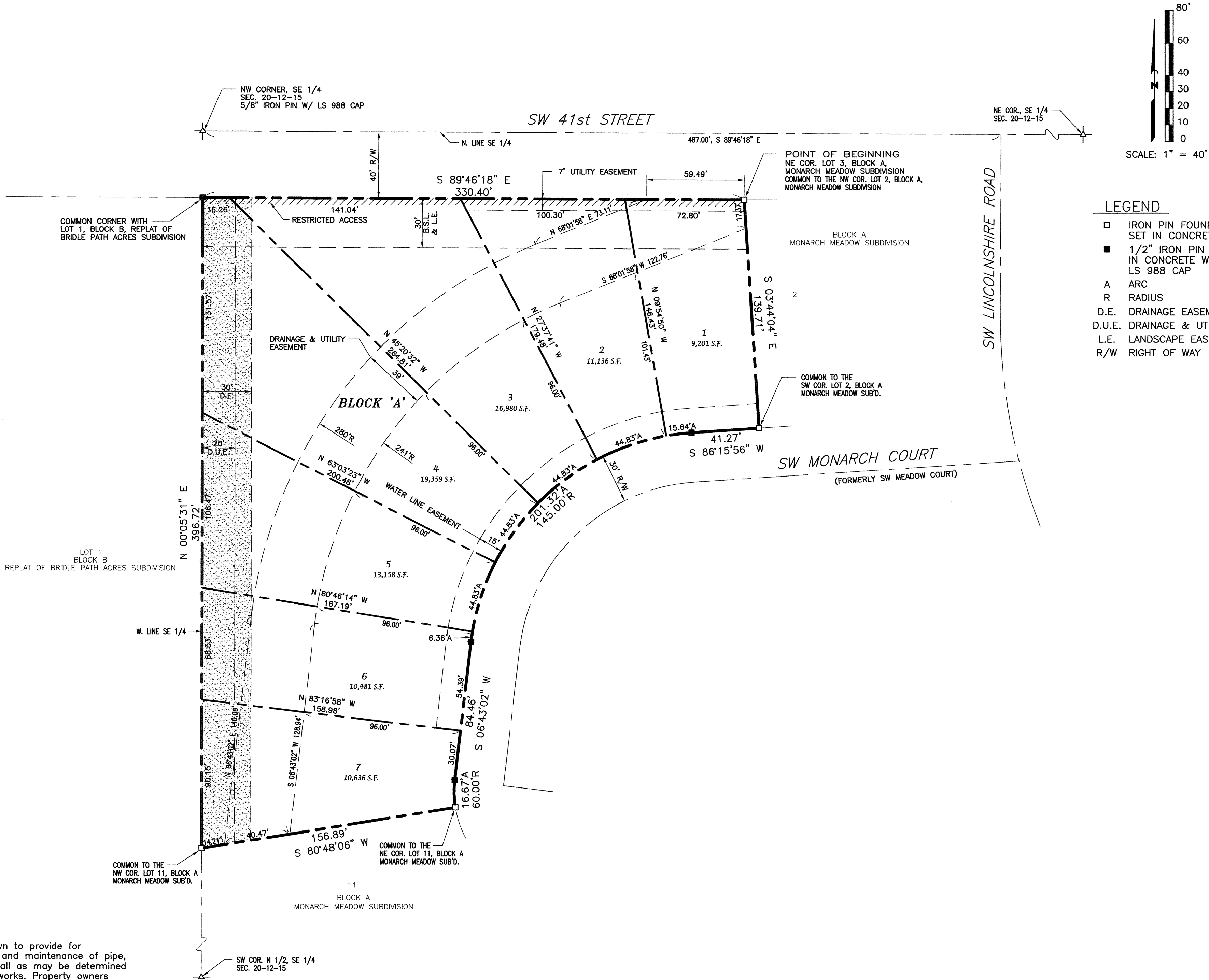
A variance to Section 134-142(a), to waive the six foot side lot line, public utility easement requirement since all utilities are either currently in place or will be placed in easements at the rear of the lots making side lot line easements unnecessary.

DRAINAGE EASEMENT: "Drainage easements are hereby established as shown to provide for the unobstructed overland flow of surface water and/or the construction and maintenance of pipe, flume, ditch or any or all improvements for the drainage of said water, all as may be determined and/or approved by the director of the applicable department of public works. Property owners shall not place any permanent or semi-permanent obstruction in said easement. All maintenance within the drainage easement (DE) shall be the right, duty and responsibility of the property owner(s) of the property in which the easement is so located, however, if maintenance is neglected or subject to other unusual circumstances and is determined to be a hazard or threat to public safety by the director of the applicable department of public works, corrective maintenance may be performed by the governing jurisdiction with costs assessed to and borne upon said property owner(s). Officials representing the applicable department of public works shall have the right to enter upon the easement for purposes of periodic inspection and/or corrective maintenance.

UTILITY EASEMENTS: An easement or license is hereby granted to the Public Utilities to locate, construct and maintain or authorize the location, construction maintenance and use of conduits for all and any purpose, water, gas, sewer mains, pole and wires or all or any of them, over, under, and along the strips marked "Utility Easement". A temporary construction easement of 12 feet adjacent to the sides of the utility easement is dedicated to the Public Utilities while construction is in progress.

GENERAL NOTES:

- 1.) All utilities shall be placed underground pursuant to the City's right-of-way management standards.
- 2.) According to the Flood Insurance Rate Map ("FIRM") Community Panel No. 200331 0095 C, effective date June 1, 1982, this subdivision is in Flood Zone C, (area of minimal flooding).
- 3.) Care and maintenance of Landscape Easement will be provided by a homeowner's association, which will govern the overall appearance and materials within the landscape area so as to promote the continuity of design.
- 4.) Minimum opening elevations have been established for Lots 1 through 7, Block A, which is 2 feet above swale flowline.



LEGEND

- IRON PIN FOUND SET IN CONCRETE
- 1/2" IRON PIN SET IN CONCRETE W/ LS 988 CAP
- A ARC
- R RADIUS
- D.E. DRAINAGE EASEMENT
- D.U.E. DRAINAGE & UTILITY EASEMENT
- L.E. LANDSCAPE EASEMENT
- R/W RIGHT OF WAY



P07/31 Monarch Meadow Subdivision No. 4

DRAFT

**Minutes of the
Topeka Planning Commission
September 17, 2007**

Monarch Meadows Subdivision No. 4 (Preliminary and Final Plat Phases)(P07/31) by Maxim, L.L.C. on property located on the southside of SW 41st Street west of SW Lincolnshire Road between SW 41st Street and SW Monarch Court. **(Diediker)** Dean Diediker summarized the staff report.

Proponents:

Rick Schmidt, Schmidt Engineering, spoke in favor of the proposal. He said his client agrees with the staff report and he is available for questions.

No one spoke in opposition to the proposal.

Jim Brown moved approval as written by staff, seconded by Howard Blackmon. **APPROVAL. (6-0-0)**



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2007

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

DATE: October 16, 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

September 4, 2007

 + Back  Print

DATE: October 16, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

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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

October 1, 2007

+ Back Print

DATE:	October 16, 2007		
CONTACT PERSON:	David Thurbon/Bill Fiander	DOCUMENT #:	N/A
SECOND PARTY/SUBJECT:	Strathman Sales Co., Inc.	PROJECT #:	V07E/11
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 006 Vacations		
CIP PROJECT:	No		
ACTION OF COUNCIL:	10/09/07 First Reading.	JOURNAL #:	07
		PAGE #:	

DOCUMENT DESCRIPTION:

A PUBLIC HEARING relating to vacation request V07E/11 by Stratham Sales Company, Inc., to vacate a platted utility easement in Jefferson Square Subdivision No. 2 located at the southwest corner of SE Quincy Street and SE Lakewood Boulevard, City of Topeka, Shawnee County, Kansas.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a platted utility easement in Jefferson Square Subdivision No. 2 located at the southwest corner of SE Quincy Street and SE Lakewood Boulevard, City of Topeka, Shawnee County, Kansas. Final Reading. (V07E/11) (Council District No. 3)

(Approval would vacate a portion of a platted utility easement and establish a necessary sanitary sewer easement.)

POLICY ISSUE:

N/A.

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 owner wishes to expand the existing building into the area dedicated as utility easement.
- A sanitary sewer easement will be retained. The ordinance reflects retention of the sewer easement.
- 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.

ATTACHMENTS:

Item #13

[Aerial](#)

[Application](#)

[Vicinity Map](#)

[Public Improvement Easement](#)

[Ordinance](#)

[Legal Advertisement](#)

[Check-off Page](#)



V07E/11 Stratham Sales Co., Inc.

TOPEKA PLANNING DEPARTMENT	
620 SE Madison Street-3 rd Floor Topeka, Kansas 66607	Office: (785) 368-3728 Fax: (785) 368-2535

PLANNING OFFICE USE ONLY	
Date Submitted <u>8/2/07</u>	Date Advertised _____
Application No. <u>VOTE 11</u>	Date of Public Hearing _____
TO BE COMPLETED BY CITY CLERK'S OFFICE	
Filing Fee \$ <u>200.00</u>	Receipt No. <u>37541</u>

APPLICATION
City Vacation of Streets, Alleys and Easements

1. Applicant(s): Strathman Sales Co., Inc.
2. Applicant's Mailing Address: 2127 SE Lakewood Blvd
City Topeka State: Kansas Zip: 66605
3. Telephone: Area Code: 785 No.: 354-8537

4. Legal description of property requested to be vacated as prepared by the City of Topeka
Department of Public Works:

Attached

5. Check type of vacation: Street ☐ Alley ☐ Easement ☒ Other ☐
6. Legal description of property owned by the applicant which adjoins the street, alley or easement to be vacated:
Lots 1 & 2 Block No. U
In Jefferson Square Subdivision No. 2

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.

8. Briefly, describe the proposed development of the subject property and your reasons for vacating the property:

The owner wishes to expand the existing building, into the area dedicated as utility easement

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?

The owner is prepared to grant a smaller easement, if needed.

11. Will any permanent structures be constructed within the area proposed for vacation?

Yes, An Extension of the existing building

12. Will the area proposed for vacation create any unique, adverse or undesirable traffic conditions?

No

13. How are adjoining properties used?

The adjoining property is public right-of-way, and the owner/applicants property - used as a warehouse/
distribution center.

14. In your opinion, would the proposed vacation injure or endanger any private rights?

No

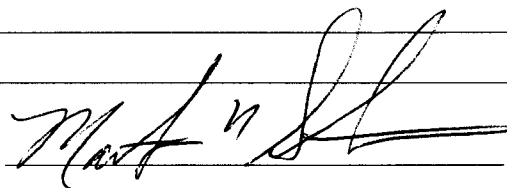
15. In your opinion, would the public suffer any loss or inconvenience should the petition to vacate be approved?

No, The owner proposes to relocate the existing sanitary sewer, which is in the easement.

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:

NA

Signature of Applicant(s)



(Please Attach Any Additional Information)

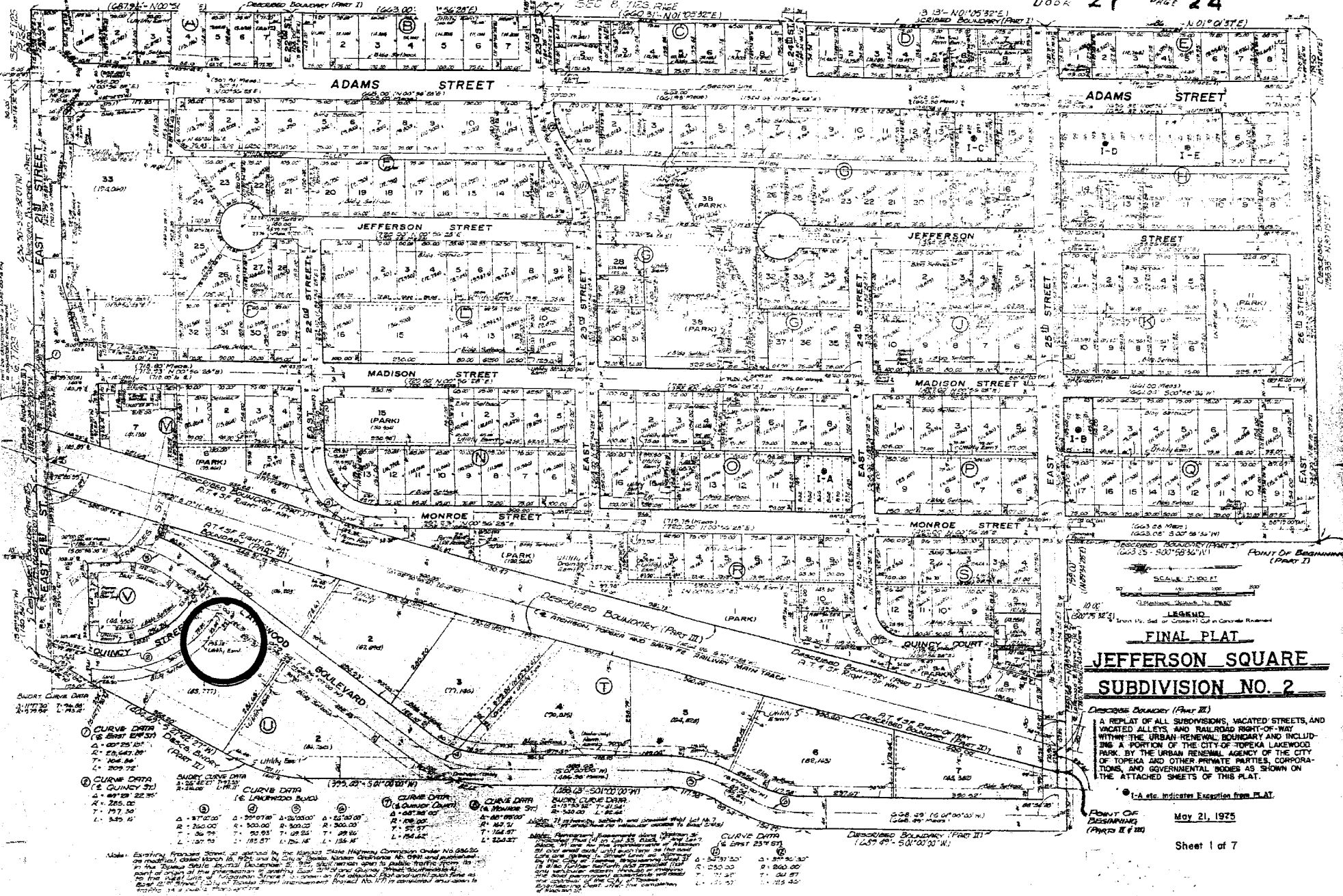
If the owner(s) of record is to be represented by legal counsel or an authorized agent, please complete the following so that communications pertaining to this application may be forwarded to the appropriate individual.

Name of Representative Bartlett & West Engineers, Inc. by Steve LaCasse, P.E.

Street Address 1200 SW Executive Drive

City Topeka State Kansas Zip Code 66615-3850

Telephone No. (785) 272-2252 ext 267 Fax No. (785) 273-8735



FINAL PLAT
JEFFERSON SQUARE
SUBDIVISION NO. 2

Describe Boundary (Part II)

A REPLAT OF ALL SUBDIVISIONS, VACATED STREETS, AND VACATED ALLEYS, AND RAILROAD RIGHT-OF-WAY WITHIN THE URBAN-RENEWAL BOUNDARY AND INCLUDING A PORTION OF THE CITY OF TOPEKA LAKEWOOD PARK, BY THE URBAN-RENEWAL AGENCY OF THE CITY OF TOPEKA AND OTHER PRIVATE PARTIES, CORPORATIONS, AND GOVERNMENTAL BODIES AS SHOWN ON THE ATTACHED SHEETS OF THIS PLAT.

1-A etc. indicates Exception from PLAT.

May 21, 1975

Sheet 1 of 7

**PERMANENT PUBLIC
IMPROVEMENT
EASEMENT**

THIS INDENTURE, Made this _____ day of _____, 2007 by and between
Strathman Sales Co., inc.
hereinafter referred to as Landowner; and THE CITY OF TOPEKA, a municipal corporation,
hereinafter referred to as City.

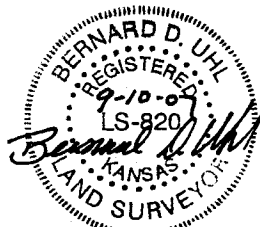
WITNESSETH, That Landowner in consideration of One Dollar and no/100 (\$1.00) and
other valuable considerations, the receipt of which is hereby acknowledged, does hereby grant,
bargain, sell and convey unto the City, an easement for a Sanitary Sewer, over and
through the following described real estate in the City of Topeka, County of Shawnee, and State
of Kansas, to-wit:

*(Signature, date and seal of a Registered Land Surveyor certifies that the following real property
legal description is an original description and has been prepared by or under the direct
supervision of subscribed Registered Land Surveyor. K.S.A. 74-7003)*

A TRACT OF LAND OF LOT 1, BLOCK U, JEFFERSON SQUARE SUBDIVISION NO. 2, CITY OF TOPEKA,
SHAWNEE COUNTY, KANSAS.

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK U; THENCE COINCIDENT WITH
THE SOUTHEASTERN LINE OF SAID LOT 1, BLOCK U, SAID LINE ALSO BEING THE WESTERLY
RIGHT OF WAY LINE OF LAKEWOOD BOULEVARD, SOUTH 36 DEGREES 07 MINUTES 00 SECONDS
WEST, 98.56 FEET; THENCE PERPENDICULAR WITH SAID SOUTHEASTERLY LINE, NORTH 53
DEGREES 53 MINUTES 00 SECONDS WEST, 25.00 FEET; THENCE, PARALLEL WITH SAID
SOUTHEASTERLY LINE, NORTH 36 DEGREES 07 MINUTES 00 SECONDS EAST, 73.68 FEET; THENCE
NORTH 50 DEGREES 44 MINUTES 33 SECONDS WEST, 58.00 FEET; THENCE NORTH 45 DEGREES 03
MINUTES 56 SECONDS EAST, 26.91 FEET, TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT
1, BLOCK U; SAID LINE ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF QUINCY STREET;
THENCE COINCIDENT WITH SAID NORTHEASTERLY LINE ON A CURVE TO THE LEFT, HAVING A
RADIUS OF 320.00 FEET, CURVE LENGTH 55.97 FEET, CENTRAL ANGLE 10 DEGREES 01 MINUTES 15
SECONDS; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE, SOUTH 53 DEGREES 53
MINUTES 00 SECONDS EAST, 23.04 FEET; TO THE POINT OF BEGINNING.

THE ABOVE EASEMENT CONTAINS 3868 SQUARE FEET, MORE OR LESS



Together with the right of entering on said premises for the purpose of constructing,
reconstructing, inspecting, repairing and doing such things as are necessary to use and maintain
same forever.

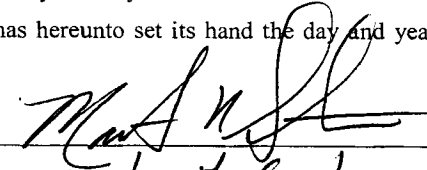
Should one or more of the Landowners be natural persons not joined by their respective
spouses, it is conclusively presumed that the land conveyed is not the residence, homestead, or
principal business or falls within the footprint of the principal business of such Landowners.
Should one or more of the Landowners be a legal entity other than a natural person, it shall be
conclusively presumed that the person signing on behalf of that entity has been duly and legally
authorized to so sign and there shall be no necessity for a seal or attestation.

This Permanent Public Improvement Easement shall run with the land and be binding
upon the grantees, lessees, successors, and assigns of the parties hereto, unless terminated by the
abandonment of the Public Improvement Easement by the City.

IN WITNESS WHEREOF, Landowner has hereunto set its hand the day and year first
above written.

Easement No. _____

For Project No. _____


Matthew H. Strathman
Pres. / G.M.

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a platted utility easement located at the southwest corner of SE Quincy Street and SE Lakewood Boulevard in Jefferson Square Subdivision No. 2, City of Topeka, Shawnee County, Kansas. **(V07E/11) (Council District No. 3)**

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 Stratham Sales Co., Inc., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted utility easement located within the City of Topeka, Shawnee County, Kansas:

A utility easement in Block U, Jefferson Square Subdivision No. 2, City of Topeka, Shawnee County, Kansas, as recorded in Book 27, Page 24 at the office of the County Register of Deeds; more particularly described as follows:

Beginning at the northeast corner of Lot 1, in said Block U; thence, coincident with the East line of said Lot 1, South 36 degrees 07 minutes 00 seconds West 124.75 feet; thence North 00 degrees 39 minutes 07 seconds East 163.13 feet to a point on the North line of said Lot 1; thence coincident with said North line, on a non-tangent curve to the left, said curve having a radius of 320.00 feet, a central angle of 12 degrees 55 minutes 51 seconds, and an arc length of 72.22 feet; thence, continuing along said North line, South 53 degrees 53 minutes 00 seconds East, to the point of beginning; containing 5,713 square feet, more or less.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on October 16, 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 utility easement located within the City of Topeka, Kansas:

A utility easement in Block U, Jefferson Square Subdivision No. 2, City of Topeka, Shawnee County, Kansas, as recorded in Book 27, Page 24 at the office of the County Register of Deeds; more particularly described as follows:

Beginning at the northeast corner of Lot 1, in said Block U; thence, coincident with the East line of said Lot 1, South 36 degrees 07 minutes 00 seconds West 124.75 feet; thence North 00 degrees 39 minutes 07 seconds East 163.13 feet to a point on the North line of said Lot 1; thence coincident with said North line, on a non-tangent curve to the left, said curve having a radius of 320.00 feet, a central angle of 12 degrees 55 minutes 51 seconds, and an arc length of 72.22 feet; thence, continuing along said North line, South 53 degrees 53 minutes 00 seconds East, to the point of beginning; containing 5,713 square feet, more or less.

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for a sanitary sewer 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:

A utility easement in Block U, Jefferson Square Subdivision No. 2, City of Topeka, Shawnee County, Kansas, as recorded in Book 27, Page 24 at the office of the County Register of Deeds; more particularly described as follows:

Beginning at the northeast corner of Lot 1, in said Block U; thence, coincident with the East line of said Lot 1, South 36 degrees 07 minutes 00 seconds West 124.75 feet; thence North 00 degrees 39 minutes 07 seconds East 163.13 feet to a point on the North line of said Lot 1; thence coincident with said North line, on a non-tangent curve to the left, said curve having a radius of 320.00 feet, a central angle of 12 degrees 55 minutes 51 seconds, and an arc length of 72.22 feet; thence, continuing along said North line, South 53 degrees 53 minutes 00 seconds East, to the point of beginning; containing 5,713 square feet, more or less.

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

Please have the attached published in the Topeka Metro News in the Legal Advertising Section on September 21, 2007 and again on September 28, 2007.

IN THE MATTER OF THE PROPOSED VACATION OF:

A utility easement located at the southwest corner of SE Quincy Street and SE Lakewood Boulevard in Jefferson Square Subdivision No. 2, City of Topeka, Shawnee County, Kansas. **(V07E/11) (Council District No. 3)**

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 Stratham Sales Co., Inc., owners of the concerned property, which includes a utility easement and praying that the easement located on said property, be vacated.

The petition will be presented to the Council of the City of Topeka for hearing on October 16, 2007, 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.: V07E/11 Location: Southwest corner of SE Quincy
Street and SE Lakewood Boulevard

DEPARTMENTS:

- **Water Division:** X No Objection Objection
- **Engineering:** No Objection X Objection
Comments: There is at least a sanitary sewer in this easement. At the time of construction of the street in 1977, there was also a gas line and the south terminus of an overhead power line.
- **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
Comments: The customer needs to realize if the cable to their building is in the way of construction, they would be responsible for charges to move it.
- **Westar:** X No Objection Objection
- **Kansas Gas Service:** X No Objection Objection
- **Cox Communications:** X No Objection Objection

Cindy Johnson, Planner I

September 14, 2007



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 1, 2007

+ Back Print

DATE: October 16, 2007
CONTACT PERSON: Brenden J Long **DOCUMENT #:**
SECOND PARTY/SUBJECT: Historic asset preservation **PROJECT #:**
fund
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: Deferred to Eco Devo **JOURNAL #:**
Committee on 8/28/2007
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Deputy Mayor Brett Blackburn amending City of Topeka Code Section 2-331 concerning the expenditure of monies from the Historic Asset Preservation fund and specifically repealing said original section. **Final Reading.** (Deferred from the meeting of August 28, 2007.)(The Economic and Community Development Committee recommended approval by a vote of 3-0-0 on September 28, 2007.)

(The amendment would restrict the expenditure of funds to the preservation of historic assets that provide a public heritage tourism benefit, and would specifically exclude expenditures on projects that are private or primarily commercial in nature.)

POLICY ISSUE:

Whether expenditures from the historic asset preservation fund should be limited to public assets, as opposed to public, private and commercial projects.

STAFF RECOMMENDATION:

BACKGROUND:

Current ordinances allow these funds to be expended for "the acquisition, rehabilitation and preservation of historic landmarks or historic resources located within the city." The monies may be expended for any private, public or commercial assets that meet these requirements. The proposal would limit expenditures to public projects that represent "a public heritage tourism benefit."

BUDGETARY IMPACT:

None.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Item #14

[Ordinance](#)

[Committee Referral](#)

[Ordinance - Committee Amendments](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Deputy Mayor Brett Blackburn amending City of Topeka Code § 2-331 concerning the expenditure of monies from the historic asset prevention fund and specifically repealing said original section.

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

Section 1. Topeka City Code § 2-331, Historic asset preservation fund, is hereby amended to read as follows:

Historic asset preservation fund.

There is hereby created in the city a special fund to be known as the historic asset preservation fund. Monies from the city's general fund, community block grant funds or funds from any other source legally available for such purpose shall be credited to this special fund. Monies so credited may be expended, upon approval by the city manager for the acquisition, rehabilitation and preservation of historic landmarks or historic resources of a public heritage tourism benefit located within the city. Monies shall not be expended on projects that are private or primarily commercial in nature.

Section 2. Original City of Topeka Code § 2-331 is hereby specifically repealed.

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

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk

COMMITTEE REFERRAL SHEET COMMITTEE REPORT

Name of Committee:	Economic and Community Development
Referred by City Council at Council meeting:	August 28, 2007
Date referred from Committee:	September 28, 2007
Title:	Ordinance concerning the expenditure of monies from the historic asset preservation fund
Committee Action	Blackburn moved to approve the ordinance as amended. Motion approved 3-0
Comments:	N/A
Amendments:	To be provided by City Attorney
Members of Committee:	Lana Kennedy-Chair, Brett Blackburn, Deborah Swank
Agenda Date Requested:	Per City Manager

Economic Development Committee amendments

New Language – double underline

~~Deleted Language~~ – double strikeout

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Deputy Mayor Brett Blackburn amending City of Topeka Code § 2-331 concerning the expenditure of monies from the historic asset preservation fund and specifically repealing said original section.

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

Section 1. Topeka City Code § 2-331, Historic asset preservation fund, is hereby amended to read as follows:

Historic asset preservation fund.

There is hereby created in the city a special fund to be known as the historic asset preservation fund. Monies from the city's general fund, community block grant funds or funds from any other source legally available for such purpose shall be credited to this special fund. Monies so credited may be expended, upon approval by the city manager for the acquisition, rehabilitation and preservation of historic landmarks or historic resources ~~of a public heritage tourism benefit~~ located within the city. ~~Monies shall not be expended on projects that are private or primarily commercial in nature.~~ Monies deposited into this fund from the transient guest tax shall be expended only on projects of a public heritage tourism benefit located within the city and shall not be expended on projects that are private or primarily commercial in nature, unless open or intended to be open to the public on a regularly scheduled basis. Projects funded by transient guest tax funds shall be subject to the review and recommendation of a committee consisting of the following members:

- a. Two members of the Landmarks Commission.
- b. Two members of the Topeka Tourism Alliance, and

Economic Development Committee amendments

New Language – double underline

~~Deleted Language~~ – double strikeout

29 c. Three members of the Topeka and Shawnee County Area “Freedom’s
30 Frontier” Heritage Tourism Alliance.

31 The expenditure recommendations of this committee shall be forwarded to the City Council
32 Transient Guest Tax committee for final approval of the expenditures.

33 Section 2. Original City of Topeka Code § 2-331 is hereby specifically repealed.

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

36 PASSED and APPROVED by the City Council _____.

37 CITY OF TOPEKA, KANSAS

38

39

40

41 ATTEST:

William W. Bunten, Mayor

42

43

44

45 _____
Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 19, 2007

+ Back Print

DATE: October 16, 2007
CONTACT PERSON: Mike Teply/Shawn Bruns **DOCUMENT #:**
SECOND PARTY/SUBJECT: SE California Ave - SE 21st to SE 29th Street **PROJECT #:** 70142-02
CATEGORY/SUBCATEGORY: 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION authorizing the City Manager to solicit bids and award the construction contract for Trafficway Improvement Project 70142-02 located on SE California Avenue between SE 21st Street and SE 29th Street. (Council District No. 4)

(Approval would allow for the award of the construction contract for the project.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Communication.

BACKGROUND:

At the June 26, 2007 City Council meeting the Council passed a motion directing the City Manager to delay the solicitation of bids on the SE California Project between SE 21st and SE 29th Streets until directed to proceed by the City Council.

The project provides for the construction of sidewalks along the west side of SE California Avenue between SE 21st Street and SE 29th Street and median work at SE 25th Street.

BUDGETARY IMPACT:

The total amount of the project budget for construction is \$325,000.00 which was approved by Ordinance 18620 effective April 26, 2006.

SOURCE OF FUNDING:

G.O. Bonds

Project included in the adopted 2006 Capital Improvement Budget.

Item #15

ATTACHMENTS:



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 3, 2007

+ Back Print

DATE: October 16, 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 September 24, 2007, through September 30, 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 September 24, 2007, through September 30, 2007, in the amount of \$5,583,854.50.

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Weekly Expenditures for Week Ending September 30, 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 September 24, 2007, through September 30, 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 455 vendor checks written in this period	\$2,218,595.18
	Total vendor checks voided in this period (net)	(0.00)
	Total electronic transfers to vendors in this period	721,207.55
	Total net payroll to employees this period	1,618,718.90
	Total payroll related electronic transfers this period	<u>1,025,332.87</u>
	Total for expenditures in this period	<u>\$5,583,854.50</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 Chambers
214 SE 8th Street
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September 4, 2007

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DATE: October 16, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

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STAFF RECOMMENDATION:

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BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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