



A Capital City Government Working For You...

www.topeka.org

City Council Agenda

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

October 23, 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:**
"Update on Topeka Police Department Activities"
- 3. **ROLL CALL:**
- 4. **CONSENT AGENDA:**

A. Communication - Board of Mechanical Examiners

A COMMUNICATION recommending the re-appointment of Richard Beardmore to the Board of Mechanical Examiners for a term that would expire on October 31, 2009. *(Council District No. 9)*

B. Resolution - Arbor Valley Senior Homes, L.L.C.

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Jeff Preisner expressing support for the Arbor Valley Senior Homes, L.L.C., Development Project.

(Approval would allow an application to be submitted to the Kansas Housing Resources Corporation (KHRC) for Low Income Housing tax Credits (LIHTC) by Keystone Development Group, Inc. The development would consist of a 192 senior-housing unit complex located at 6423 SW Huntoon Street.)

C. MINUTES of the regular meeting of October 16, 2007

D. APPLICATIONS:

5. NEW BUSINESS:

A. Communication - Denial of Demolition - 1020 SW Fillmore

 [ATTACHMENTS](#)

A COMMUNICATION regarding the proposed demolition of the residential structure located at 1020 SW Fillmore Street.

(The State Historic Preservation Officer (SHPO) made a determination that the proposed demolition project would "encroach upon, damage, or destroy" the environs of the Holiday Park Historic District. The Council may approve the appeal by determining that there is no feasible or prudent alternative to demolition, or deny the appeal.)

B. Communication - Denial of Demolition - 1244 SW Polk

 [ATTACHMENTS](#)

A COMMUNICATION regarding the proposed demolition of the residential structure located at 1244 SW Polk Street.

(The State Historic Preservation Officer (SHPO) has made a determination that the proposed demolition project will "encroach upon, damage, or destroy" the environs of the Holiday Park Historic District. The Council may approve the appeal by determining that there is no feasible and prudent alternative to demolition, or deny the appeal.)

C. Petition for Annexation - Fred Patton

 [ATTACHMENTS](#)

A PETITION requesting annexation of a 28.5 acre tract of land located near the intersection of NE 46th Street and NE Indian Creek Street, City of Topeka, Shawnee County, Kansas.
(Staff recommends denial of the request.)

(The property is located three miles north of city limits. Petition for annexation is for the purpose

of obtaining city water service pursuant to City of Topeka Ordinance No. 18820.)

D. Communication - Request for Exemption from the Annexation Requirement to Obtain City Water Service - Fred Patton

 [ATTACHMENTS](#)

A COMMUNICATION requesting the City Council make a finding pursuant to Topeka City Code Section 146-37(c)(3) that Fred Patton be granted an exemption from the annexation requirement for the purpose of obtaining city water service to avoid unnecessary hardship for a 28.5 acre tract of land located near the intersection of NE 46th Street and Indian Creek Street, City of Topeka, Shawnee County, Kansas.

(The property is located three miles north of city limits. Approval would grant an exception to the provisions of Ordinance No. 18820 which requires annexation to obtain city water service.)

E. Resolution - KDOT Enhancement Fund Application

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of transportation enhancement funds set forth by the Federal Transportation Equity Act for the 21st century for Street Improvement Project No. 18027-00, which provides for the I-70 beautification project and authorizing City Manager to sign the application.

(The beautification project includes a section of I-70 from 10th Street to 6th Street creating an entrance corridor for visitors.)

F. Resolution - Topeka Fire Department Helmets and Safety Glasses

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember John Alcala requesting that the City Manager purchase in FY 2007 new fire helmets and safety glasses for Topeka Fire Department firefighting personnel.

(The cost of the helmets and safety glasses would be allocated from the 2007 General Fund contingency and shall not exceed \$23,000.)

G. Petition, Project Budget and Resolution - Lauren's Bay Estates Sanitary Sewer Improvement Project No. 40951-01

 [ATTACHMENTS](#)

A PETITION, PROJECT BUDGET in the amount of \$2,152,500, and a **RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Lateral Sanitary Sewer Improvement Project No. 40951-01, which provides for sanitary sewer service installation at Lauren's Bay Estates as more specifically described herein. *(Council District No. 7)*

(The project budget is to be financed by general obligation bonds, with debt service paid 100% by the Improvement District. The project would provide for sanitary sewer improvements in Lauren's Bay Estates west of Wanamaker Road and SW 47th Street.)

H. Petition, Project Budget and Resolution - Lauren's Bay Estates Street Improvement Project No. 60632-01

 [ATTACHMENTS](#)

A PETITION, PROJECT BUDGET in the amount of \$5,937,400, and a **RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60632-01 which provides for street construction at Lauren's Bay Estates as more specifically described herein. *(Council District No. 7)*

(The project budget is to be financed by general obligation bonds, with debt service paid 92.75% by the Improvement District and 7.25% by City General Obligation Bonds. The project would provide for street improvements in Lauren's Bay Estates west of Wanamaker Road and SW 47th Street.)

I. Ordinance - Weekly Expenditures - October 1-7, 2007

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of October 1, 2007, through October 7, 2007, and enumerating said expenditures therein. First and Final Reading.

6. FIRST READINGS:

A. Ordinance - Authorizing the issuance of General Obligation Bonds, Series 2007-D

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$14,935,000 aggregate principal amount of General Obligation Bonds, Series 2007-D, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-110c, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., the Home Rule Authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the City, all as amended. First Reading.

(The ordinance would authorize the issuance of general obligation bonds and the proceeds would pay for a number of public infrastructure improvements that have already been approved by the Council that are completed or under construction.)

7. MISCELLANEOUS:

-

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

-

9. PUBLIC COMMENT:

-

10. ADJOURNMENT:

-



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE: October 23, 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...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

+ Back Print

DATE: October 23, 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...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE: October 23, 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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE:	October 23, 2007	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"Update on Topeka Police Department Activities"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE: October 23, 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...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 2, 2007

+ Back Print

DATE: October 23, 2007
CONTACT PERSON: Celeste Benton
SECOND PARTY/SUBJECT: Board of Mechanical Examiners
CATEGORY/SUBCATEGORY: 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION recommending the re-appointment of Richard Beardmore to the Board of Mechanical Examiners for a term that would expire on October 31, 2009. *(Council District No. 9)*

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the re-appointment of Richard Beardmore, 523 SW Whitehall Ln., to the Board of Mechanical Examiners for a two year term that will end October 31, 2009. There is no attendance policy. Mr. Beardmore has missed two meetings in his two-year term.

Councilman Preisner nominated Mr. Beardmore for the re-appointment. Mr. Beardmore has submitted a Statement of Substantial Interest to the City Clerk.

BACKGROUND:

City Code 26-236 and Ordinance 18382. The Board of Mechanical Examiners reviews applications and approves the issuance of licenses in accordance with Chapter 26 of the City Code. The board is empowered to hear and determine interpretations of applicable codes and to permit exceptions, variances or waivers therefrom, provided they meet the intent of the adopted code.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

No Attachments Available

Item #6



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 8, 2007

+ Back Print

DATE: October 23, 2007
CONTACT PERSON: Randy Speaker **DOCUMENT #:**
SECOND PARTY/SUBJECT: Arbor Valley Senior Homes **PROJECT #:**
LLC
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Jeff Preisner expressing support for the Arbor Valley Senior Homes, L.L.C., Development Project.

(Approval would allow an application to be submitted to the Kansas Housing Resources Corporation (KHRC) for Low Income Housing tax Credits (LIHTC) by Keystone Development Group, Inc. The development would consist of a 192 senior-housing unit complex located at 6423 SW Huntoon Street.)

POLICY ISSUE:

Should a resolution of support be adopted by the City Council.

STAFF RECOMMENDATION:

Adopt the resolution.

BACKGROUND:

The project if approved by the KHRC would assist in the construction of 192 new housing units to help meet the needs of 178 low income elderly families and 14 market rate elderly families.

BUDGETARY IMPACT:

NONE. No funding to be provided from the City of Topeka.

SOURCE OF FUNDING:

Federal Low Income Housing Tax Credits

ATTACHMENTS:

[Map of 6423 SW Huntoon St](#)

[Arbor Valley LIHTC Project Description](#)

[Resolution](#)

Item #7



0 SW HUNTOON ST

6626 SW HUNTOON ST

6646 SW HUNTOON ST

6424 SW HUNTOON ST

6266 SW HUNTOON ST

SW Huntoon ST

Attachment number 1
Page 1 of 1

Huntoon
SW Huntoon St

6205 SW HUNTOON ST

SW Valley View Dr

SW Arbor Valley Dr

SW Maple Ct

SW Maple Ln

6423 SW HUNTOON ST

1320 SW SUMMIT WOODS DR

SW Valley View Dr

SW Arbor Valley Dr

SW Pin Oak Pky

LOW INCOME HOUSING TAX CREDIT (LIHTC) PROGRAM
Arbor Valley Senior Homes
Keystone Development Group, Inc., Arbor Valley Senior Homes L.L.C.

Additional Information:

The project developer provided the following information. Location to be the proposed new construction of 192 housing units at 6423 SW Huntoon, in west Topeka, Shawnee County, Kansas.

The development will entail construction of 14 units at market rate and 178 units that serve a population that earn less than 60% of adjusted gross median income. The development consists of a \$25,023,178 LIHTC project.

Actions Taken By Applicant To Inform Surrounding Neighborhood:

This development has few existing structures in close proximity therefore information was provided verbally to a neighbor to the north. The Developer reports a written statement from the Planning Department that the project is consistent with and conforms to the current, adopted comprehensive plan, land use plan, zoning, code, subdivision regulations and/or neighborhood plans as applicable. Additionally, Ordinance No. 18905 was approved regarding the Master PUD Plan of Arbor Valley Subdivision.

The project entails the construction of senior housing and the impact on the surrounding property owners should be minimal.

Should this project be approved and funded the anticipated construction would begin in January 2008 and completed by February 2009 and complete lease up by September 2009.

The property is currently zoned PUD by ordinance.

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Jeff Preisner expressing support for the Arbor Valley Senior Homes, LLC Development Project.

WHEREAS, the City of Topeka, Kansas, has been informed by Keystone Development Group, Inc., on behalf of Arbor Valley Senior Homes LLC., the developer of Arbor Valley Subdivision, an affordable housing project, that a housing tax credit application will be filed with the Kansas Housing Resources Corporation for the construction of One Hundred Ninety Two (192) units of senior housing, to provide clean, safe, modern, energy efficient, affordable elderly rental housing within Topeka, Kansas, with a legal description as follows:

A tract of land located in Lot 1, Block A, Arbor Valley Subdivision containing 6.65 acres more or less to the City of Topeka, Shawnee County Kansas.

Commonly referred to as 6423 SW Huntoon Street, to the City of Topeka, Shawnee County, Kansas.

WHEREAS, this development will contain one-hundred ninety two (192) units of housing; and

WHEREAS, the units will be targeted to market rate and low income residents; and

WHEREAS, this development will be a newly constructed structures project in an area that has need of clean, safe, modern, and affordable housing.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Topeka, Kansas, that it supports the development of the aforesaid housing project in our community, subject to city ordinances, proper zoning and the building permit process.

28 ADOPTED and APPROVED by City Council _____

29 CITY OF TOPEKA, KANSAS

30

31

32

33

34

35

36

37

38

ATTEST:

William W. Buntin, Mayor

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE: October 23, 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...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

+ Back Print

DATE: October 23, 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...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 26, 2007

+ Back Print

DATE: October 23, 2007
CONTACT PERSON: Miriam Berke DOCUMENT #:
SECOND PARTY/SUBJECT: Joseph R Brown / PROJECT #:
Demolition
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION regarding the proposed demolition of the residential structure located at 1020 SW Fillmore Street.

(The State Historic Preservation Officer (SHPO) made a determination that the proposed demolition project would "encroach upon, damage, or destroy" the environs of the Holiday Park Historic District. The Council may approve the appeal by determining that there is no feasible or prudent alternative to demolition, or deny the appeal.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the proposed demolition.

BACKGROUND:

The subject property was ordered demolished by the Administrative Hearing Officer on December 21st, 2006. The City Council may:

- A. Approve the appeal by determining that there is no feasible alternative to demolition.
- B. Deny the appeal.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[State Historic Preservation Office Letter](#)

Item #10

[Aerial Photograph](#)

[Demolition Order](#)

KANSAS

KSR&C No. 07-09-026

Kansas State Historical Society
Jennie Chinn, *Executive Director*

KATHLEEN SEBELIUS, GOVERNOR

September 7, 2007

Miriam Berke
Code Compliance Services Director
City of Topeka
620 SE Madison, 3rd Floor
Topeka, KS 66607

RE: Proposed Demolition of 1244 SW Polk within the environs of the Holiday Park Historic District I and 1020 SW Fillmore within the Environs of the Holiday Park I and Holiday Park II Historic Districts in Topeka- Shawnee County

Dear Ms. Berke:

The materials submitted on the project referenced above have been reviewed in accordance with the state preservation statute K.S.A. 75-2724. The law requires the State Historic Preservation Officer (SHPO) be given the opportunity to comment on proposed projects affecting historic properties or districts. Properties listed on the National Register of Historic Places and/or the Register of Kansas Places, or those properties that are located within 500 feet of the boundaries of historic properties or districts located within the corporate limits of a city are subject to review.

The SHPO is charged with determining whether or not projects will "encroach upon, damage or destroy" historic buildings or their environs. According to the SHPO's *Standards and Guidelines for Evaluating the Effect of Projects on Environs*:

Standard #1: The character of a historic property's environs should be retained and preserved. The removal or alteration of distinctive buildings, structures, landscape features, spatial relationships, etc. that characterize the environs should be avoided.

Standard #4: Demolition of character-defining buildings, structures, landscape features, etc. in a historic property's environs should be avoided. When the severity of deterioration requires removal within the environs, compatible reconstruction shall occur.

Both 1244 SW Polk and 1020 SW Fillmore are within the 500' environs of the Holiday Park Historic Districts. Both buildings were constructed around the same time as the historic buildings in the district and they are also within intact residential neighborhoods. These properties are character-defining buildings within the environs, and therefore the SHPO has determined the proposed demolition project will encroach upon, damage, or destroy

the environs of the listed historic districts.

The statute states that the project cannot proceed until the local governing body has determined, based on a consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the project includes all possible planning to minimize harm to the historic property and its environs. The local governing body is required to give five days' notice of such determination, by certified mail, to the SHPO. The statute allows for anyone aggrieved by the governing body's determination to file suit and have the issue decided in the courts.

Thank you for giving us the opportunity to comment on this proposal. Please submit any comments or questions regarding this review to Julie Weisgerber at 785-272-8681, ext 226.

Sincerely,
Jennie Chinn
State Historic Preservation Officer



Patrick Zollner
Director, Cultural Resources Division
Deputy State Historic Preservation Officer



Historic Buffer

Hillmore

Western

11th

10th

2006 Aerials



BEFORE THE ADMINISTRATIVE HEARING OFFICER, CITY OF TOPEKA

Attachment number 3
Page 1 of 2

RE: 1020 SW FILLMORE

CASE # 2006-H-1234

DECEMBER 21, 2006

JOSEPH R BROWN
3412 SE OHIO AVE
TOPEKA KS 66605

ADMINISTRATIVE HEARING ORDER

**PURSUANT TO TOPEKA CITY CODE CHAPTER 112, ARTICLE IV, OF THE
PROPERTY MAINTENANCE CODE FOR THE CITY OF TOPEKA, KANSAS**

Now on this 20th day of December 2006, the complaint on the above premises comes for hearing before Chadwick J. Taylor, Administrative Hearing Officer. Notice of time and place of hearing having been given as required by law to wit: service of notice was provided via certified mail on November 22, 2006, and published on November 29, 2006 and December 6, 2006.

There appears: Curtis Wheeler, Property Maintenance Inspector; there were no other appearances.

The Administrative Hearing Officer, after hearing all of the evidence and reviewing all exhibits presented, finds that said structure(s) located on the following described real estate: S ½ LOT 346, ALL LOT 348, FILLMORE ST.

Commonly known as 1020 SW Fillmore St, in the City of Topeka, Shawnee County, Kansas,

IS UNFIT FOR HUMAN USE OR HABITATION in the following particulars:

The building or any portion thereof is likely to partially or completely collapse because of:

fire damage;

There is damage by fire, tornado, wind, flood, or any other cause to such an extent that the structural strength or stability is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location;

And does not meet the minimum standards of the Property Maintenance Code Chapter 112 for the City of Topeka, Kansas.

The repair, alteration or improvement to the structure cannot be made at a reasonable cost in relation to the value of the structure. The cost to replace the structure is estimated to be \$143,680.00; the repair costs to the structure are estimated to be \$47,271.53, which, cost exceeds 30% of the replacement value as, required by the Property Maintenance Code, City of Topeka.

Page 2

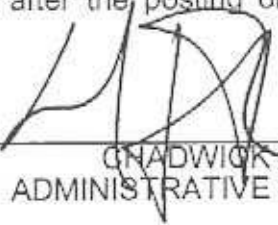
Re: 1020 SW FILLMORE ST – Administrative Hearing Order

IT IS, THEREFORE, ORDERED that the owner(s) JOSEPH R BROWN, (heirs, executor, administrator or anyone in interest), shall remove or demolish the house and all outbuildings, remove the foundations, remove all trash, rubbish, junk and debris and level the site to grade by filling in of the excavation remaining on the property on which the demolished structure was located, in such manner as to eliminate all potential danger to the public health, safety or welfare arising from such excavation within thirty (30) days from the date of service of this order as required by law.

IT IS FURTHER ORDERED that if the owner(s) (heirs, executor, administrator or anyone in interest) shall fail to take the demolition action within the required time, Code Compliance Services Section shall cause the demolition action to be taken and the cost, less salvage, if any, shall be assessed as a lien against the lot or parcel of land upon which the said structure(s) is/are located, such lien to include administrative costs, necessary attorney fees, and such other incidental costs as provided by law.

Topeka City Code Chapter 112, Article IV, Section 300 provides that any person affected by an order issued by the Administrative Hearing Officer may petition the Shawnee County District Court for an injunction restraining the imposition of this order, and the court may, upon such petition, issue a temporary injunction, pending the final disposition of the case; provided, however, that such person shall petition such court within thirty (30) days after the posting or service of the order of the Administrative Hearing Officer.

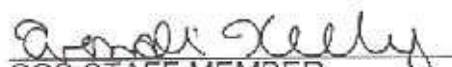
IT IS, THEREFORE, ORDERED


CHADWICK J. TAYLOR
ADMINISTRATIVE HEARING OFFICER

CERTIFICATE OF MAILING

I, the undersigned, do hereby certify that on the 21st day of December 2006, a true and correct copy of the above and foregoing Order was deposited in the US Mail, certified mail, and addressed to the property owner of 1020 SW Fillmore St as follows:

PROPERTY OWNER(S)
JOSEPH R BROWN
3412 SE OHIO AVE
TOPEKA KS 66605
CERTIFIED MAIL # 7160 3901 9849 5539 5873


CCS STAFF MEMBER

Prepared By: WK

Reviewed By: CW



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 26, 2007

+ Back Print

DATE: October 23, 2007
CONTACT PERSON: Miriam Berke DOCUMENT #:
SECOND PARTY/SUBJECT: Phillip M and Carol A PROJECT #:
Rusk / Demolition
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION regarding the proposed demolition of the residential structure located at 1244 SW Polk Street.

(The State Historic Preservation Officer (SHPO) has made a determination that the proposed demolition project will "encroach upon, damage, or destroy" the environs of the Holiday Park Historic District. The Council may approve the appeal by determining that there is no feasible and prudent alternative to demolition, or deny the appeal.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the proposed demolition.

BACKGROUND:

The subject property was ordered demolished by the Administrative Hearing Officer on April 5th, 2006. The City Council may:

- A. Approve the appeal by determining that there is no feasible alternative to demolition.
- B. Deny the appeal.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[State Historic Preservation Office Letter](#)

[Aerial Photograph](#)

Item #11

KANSAS

KSR&C No. 07-09-026

Kansas State Historical Society
Jennie Chinn, *Executive Director*

KATHLEEN SEBELIUS, GOVERNOR

September 7, 2007

Miriam Berke
Code Compliance Services Director
City of Topeka
620 SE Madison, 3rd Floor
Topeka, KS 66607

RE: Proposed Demolition of 1244 SW Polk within the environs of the Holiday Park Historic District I and 1020 SW Fillmore within the Environs of the Holiday Park I and Holiday Park II Historic Districts in Topeka- Shawnee County

Dear Ms. Berke:

The materials submitted on the project referenced above have been reviewed in accordance with the state preservation statute K.S.A. 75-2724. The law requires the State Historic Preservation Officer (SHPO) be given the opportunity to comment on proposed projects affecting historic properties or districts. Properties listed on the National Register of Historic Places and/or the Register of Kansas Places, or those properties that are located within 500 feet of the boundaries of historic properties or districts located within the corporate limits of a city are subject to review.

The SHPO is charged with determining whether or not projects will "encroach upon, damage or destroy" historic buildings or their environs. According to the SHPO's *Standards and Guidelines for Evaluating the Effect of Projects on Environs*:

Standard #1: The character of a historic property's environs should be retained and preserved. The removal or alteration of distinctive buildings, structures, landscape features, spatial relationships, etc. that characterize the environs should be avoided.

Standard #4: Demolition of character-defining buildings, structures, landscape features, etc. in a historic property's environs should be avoided. When the severity of deterioration requires removal within the environs, compatible reconstruction shall occur.

Both 1244 SW Polk and 1020 SW Fillmore are within the 500' environs of the Holiday Park Historic Districts. Both buildings were constructed around the same time as the historic buildings in the district and they are also within intact residential neighborhoods. These properties are character-defining buildings within the environs, and therefore the SHPO has determined the proposed demolition project will encroach upon, damage, or destroy

the environs of the listed historic districts.

The statute states that the project cannot proceed until the local governing body has determined, based on a consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the project includes all possible planning to minimize harm to the historic property and its environs. The local governing body is required to give five days' notice of such determination, by certified mail, to the SHPO. The statute allows for anyone aggrieved by the governing body's determination to file suit and have the issue decided in the courts.

Thank you for giving us the opportunity to comment on this proposal. Please submit any comments or questions regarding this review to Julie Weisgerber at 785-272-8681, ext 226.

Sincerely,
Jennie Chinn
State Historic Preservation Officer



Patrick Zollner
Director, Cultural Resources Division
Deputy State Historic Preservation Officer



BEFORE THE ADMINISTRATIVE HEARING OFFICER, CITY OF TOPEKA Attachment number 3
Page 1 of 2

RE: 1244 SW POLK

CASE # 2006-H-90

APRIL 5, 2006

PHILLIP M & CAROL A RUSK
22375 179TH
TONGANOXIE KS 66089

ADMINISTRATIVE HEARING ORDER

**PURSUANT TO TOPEKA CITY CODE CHAPTER 112, ARTICLE IV, OF THE
PROPERTY MAINTENANCE CODE FOR THE CITY OF TOPEKA, KANSAS**

Now on this 5TH day of April 2006, the complaint on the above premises comes for hearing before Chadwick J. Taylor, Administrative Hearing Officer. Notice of time and place of hearing having been given as required by law to wit: service of notice was provided via certified mail on March 1, 2006 and published on March 17, 2006 and March 24, 2006.

There appears: Curtis Wheeler (Code Compliance Services Section); The owner of record does not appear.

The Administrative Hearing Officer, after hearing all of the evidence and reviewing all exhibits presented, finds that said structure(s) located on the following described real estate: POLK ST W 90FT OF S ½ LOT 436 & W 90FT OF LOT 438.

Commonly known as 1244 SW POLK, in the City of Topeka, Shawnee County, Kansas,

IS UNFIT FOR HUMAN USE OR HABITATION in the following particulars:

The building or any portion thereof is likely to partially or completely collapse because of:

dilapidation, deterioration or decay;

And does not meet the minimum standards of the Property Maintenance Code Chapter 112 for the City of Topeka, Kansas.

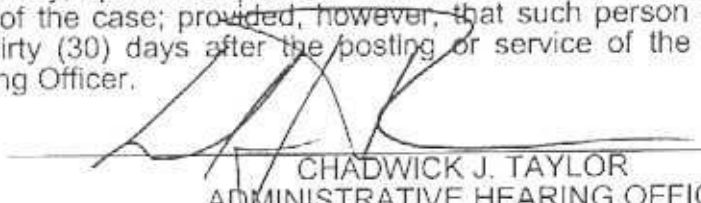
The repair, alteration or improvement to the structure cannot be made at a reasonable cost in relation to the value of the structure. The cost to replace the structure is estimated to be \$146,640.00; the repair costs to the structure are estimated to be \$55,346.75, which, cost exceeds 30% of the replacement value as required by the Property Maintenance Code, City of Topeka.

Page 2
Re: 1244 SW POLK – Administrative Hearing Order

IT IS, THEREFORE, ORDERED that the owner(s) PHILLIP M & CAROL A RUSK, (heirs, executor, administrator or anyone in interest), shall remove or demolish the house and all outbuildings, remove the foundations, remove all trash, rubbish, junk and debris and level the site to grade by filling in of the excavation remaining on the property on which the demolished structure was located, in such manner as to eliminate all potential danger to the public health, safety or welfare arising from such excavation within thirty (30) days from the date of service of this order as required by law.

IT IS FURTHER ORDERED that if the owner(s) (heirs, executor, administrator or anyone in interest) shall fail to take the demolition action within the required time, Code Compliance Services Section shall cause the demolition action to be taken and the cost, less salvage, if any, shall be assessed as a lien against the lot or parcel of land upon which the said structure(s) is/are located, such lien to include administrative costs, necessary attorney fees, and such other incidental costs as provided by law.

Topeka City Code Chapter 112, Article IV, Section 300 provides that any person affected by an order issued by the Administrative Hearing Officer may petition the Shawnee County District Court for an injunction restraining the imposition of this order, and the court may, upon such petition, issue a temporary injunction, pending the final disposition of the case; provided, however, that such person shall petition such court within thirty (30) days after the posting or service of the order of the Administrative Hearing Officer.


CHADWICK J. TAYLOR
ADMINISTRATIVE HEARING OFFICER

CERTIFICATE OF MAILING

I, the undersigned, do hereby certify that on the 5th day of April 2006, a true and correct copy of the above and foregoing Order was deposited in the US Mail, certified mail, and addressed to the property owner of 1244 SW POLK as follows:

PROPERTY OWNER(S)
PHILLIP M & CAROL A RUSK
22375 179TH
TONGANOXIE KS 66089
CERTIFIED MAIL # 7160 3901 9849 1882 9841


CCS STAFF MEMBER

Prepared By: WK
Reviewed By: CW



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 2, 2007

+ Back Print

DATE: October 23, 2007
CONTACT PERSON: David Thurbon
SECOND PARTY/SUBJECT:
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A PETITION requesting annexation of a 28.5 acre tract of land located near the intersection of NE 46th Street and NE Indian Creek Street, City of Topeka, Shawnee County, Kansas. *(Staff recommends denial of the request.)*

(The property is located three miles north of city limits. Petition for annexation is for the purpose of obtaining city water service pursuant to City of Topeka Ordinance No. 18820.)

POLICY ISSUE:

The City Council needs to determine whether this tract of land should be annexed into the city limits. If the Council desires to annex this tract, a petition for annexation and associated service plan, will need to be submitted to the Shawnee County Board of Commissioners because it is not contiguous to the current city limits.

STAFF RECOMMENDATION:

The Planning Department recommends that this tract of land not be annexed due to its distance from the city limits and the excessive cost of providing city services.

BACKGROUND:

The owner desires to construct a single-family residence on this tract of land which lies within the city's water service area. See attached letter from the property owner for the reasoning behind requesting water service and the proposed use of the land.

BUDGETARY IMPACT:

Actual city costs to serve this area would be very difficult to determine, however, a single tract of land this far from the existing city limits would not make sense to annex based on efficiency of city vs. county/township services, such as road maintenance, snow removal, fire and police service.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Petition for annexation](#)

Item #12

[Letter from Fred Patton](#)

[Vicinity map](#)

[Aerial photo](#)

PETITION FOR ANNEXATION

Now on this 16th day of July 2007, Frederick C. and Kimberly L. Patton, as owners of record of the following described real estate, do hereby consent to and petition for annexation by the City of Topeka, in accordance with K.S.A. 12-520, *et seq.* as amended and any other laws of the State of Kansas, of the following described real estate to wit:

Part of the Northwest Quarter of Section 4, Township 11 South, Range 16 East of the 6th P.M., Shawnee County, Kansas,

described as follows:

Beginning at the Northwest Corner of said Northwest Quarter;

thence South 89 degrees 33 minutes 14 seconds East along the North line of the Northwest Quarter, 1,285.17 feet;

thence South 0 degrees 00 minutes 00 seconds West, 1,063.78 feet;

thence North 89 degrees 50 minutes 40 seconds West, 1,247.50 feet to the West line of said Northwest Quarter;

thence North 2 degrees 00 minutes 51 seconds West along the West line of said Northwest Quarter, 1,071.01 feet to the point of beginning

The undersigned owners of record of the above-described real estate do hereby waive any right to maintain an action challenging the authority of the City of Topeka to annex the land described herein or the regularity of the proceedings had in connection therewith.

This Petition for Annexation, until acted upon by the City of Topeka, shall run with the land described above and shall be binding upon the heirs, successors, and assigns of the undersigned and shall be filed of record with the Shawnee County Register of Deeds upon execution.

Owner's signatures: Frederick C. Patton
Frederick C. Patton

Kimberly L. Patton
Kimberly L. Patton

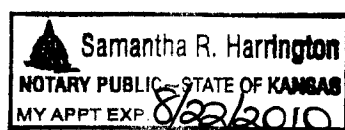
Owner's Mailing Address: 630 NW Menninger Road, Topeka, KS 66617

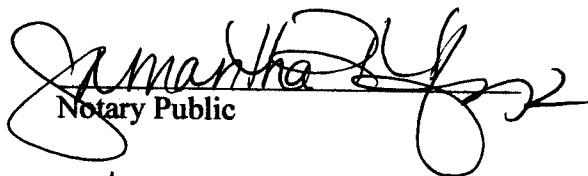
2007 JUL 19 A 11:11

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

BE IT REMEMBERED, that on this 16th day of July 2007, before me the undersigned, a Notary Public, in and for the County and State aforesaid, came Frederick C. and Kimberly L. Patton, who are personally known to me to be the individuals who executed the foregoing Petition for Annexation and such persons duly acknowledged the execution of the same.

IN TESTIMONY THEREOF, I have hereunto set my hand, and affixed the seal the day and year last above mentioned.




Notary Public
8/22/2010
Term Expires



Patton Law Office, LLC

2708 NW Topeka Blvd
Topeka, KS 66617

Phone: 785-235-0686
Fax: 785-235-0685

August 10, 2007

David Thurbon
Planning Director
City of Topeka
620 SE Madison, 3rd Floor
Topeka, KS 66607-1118

RE: Request for Exemption to Topeka City Code § 146-37
Frederick C. and Kimberly L. Patton

Mr. Thurbon:

I hereby request an exemption to Topeka City Code § 146-37 for property my wife and I own on NE 46th Street in Shawnee County. The property has the following legal description:

Part of the Northwest Quarter of Section 4, Township 11 South, Range 16 East of the 6th P.M., Shawnee County, Kansas,
described as follows:

Beginning at the Northwest Corner of said Northwest Quarter;
thence South 89 degrees 33 minutes 14 seconds East along the North line of the Northwest Quarter, 1,285.17 feet;
thence South 0 degrees 00 minutes 00 seconds West, 1,063.78 feet;
thence North 89 degrees 50 minutes 40 seconds West, 1,247.50 feet to the West line of said Northwest Quarter;
thence North 2 degrees 00 minutes 51 seconds West along the West line of said Northwest Quarter, 1,071.01 feet to the point of beginning

According to Mr. Bill Fiander, the property is located outside of the City of Topeka's Municipal Service Boundary (MSB), but just inside the City of Topeka's Planned Growth Area (PGA). The property is serviced by the City of Topeka's water system.

In the summer of 2002, my wife and I purchased this property (approximately 28.5 acres) to build a single family home on. We had long looked for a large parcel of land to be able to build a home on for our family. I am on the Seaman School Board, so we were looking for a property that would allow us to continue to live and have our children go to school in the Seaman District. After several years of looking for a parcel, we ended up purchasing this particular parcel of property for slightly more than \$150,000.00.

Given the high cost of the property, we were unable to afford to build our home at the time we purchased the property. We now have three young children and have outgrown the home we presently live in. Thus, we have decided it is time to begin having a home built on our property.

Before making too much progress, it was brought to my attention that this property is located in an area served by City of Topeka water. Once I learned that, I made contact with Mr. Don Rankin, who put me in touch with Mr. Mike Hawkins in the water department. Both were very helpful, but explained that in order to access the water line that already runs in front of the property on 46th street, that we would either need to be annexed by the City of Topeka or be granted a hardship exemption.

Given we have long planned and dreamed of constructing a home on this property, we initially decided to apply for annexation to the City of Topeka so that we could be provided water service to our property. We were advised by Mr. Fiander that, given our situation, we should apply for an exemption under City Code § 146-37(c)(3), versus applying for annexation to the City of Topeka. This code section provides for an exemption when an unnecessary hardship exists that is not created by actions of the applicant.

We would appreciate your consideration of our request and upon your review the placement of our request on the City Council agenda. Not only have we invested a significant amount of money into this property, but we have also invested a lot of thought into being able to construct a home for our family. While we understand things are not always fair, it does not seem reasonable to deny us use of our property because of the city policy not allowing water service to property owners outside of the city limits.

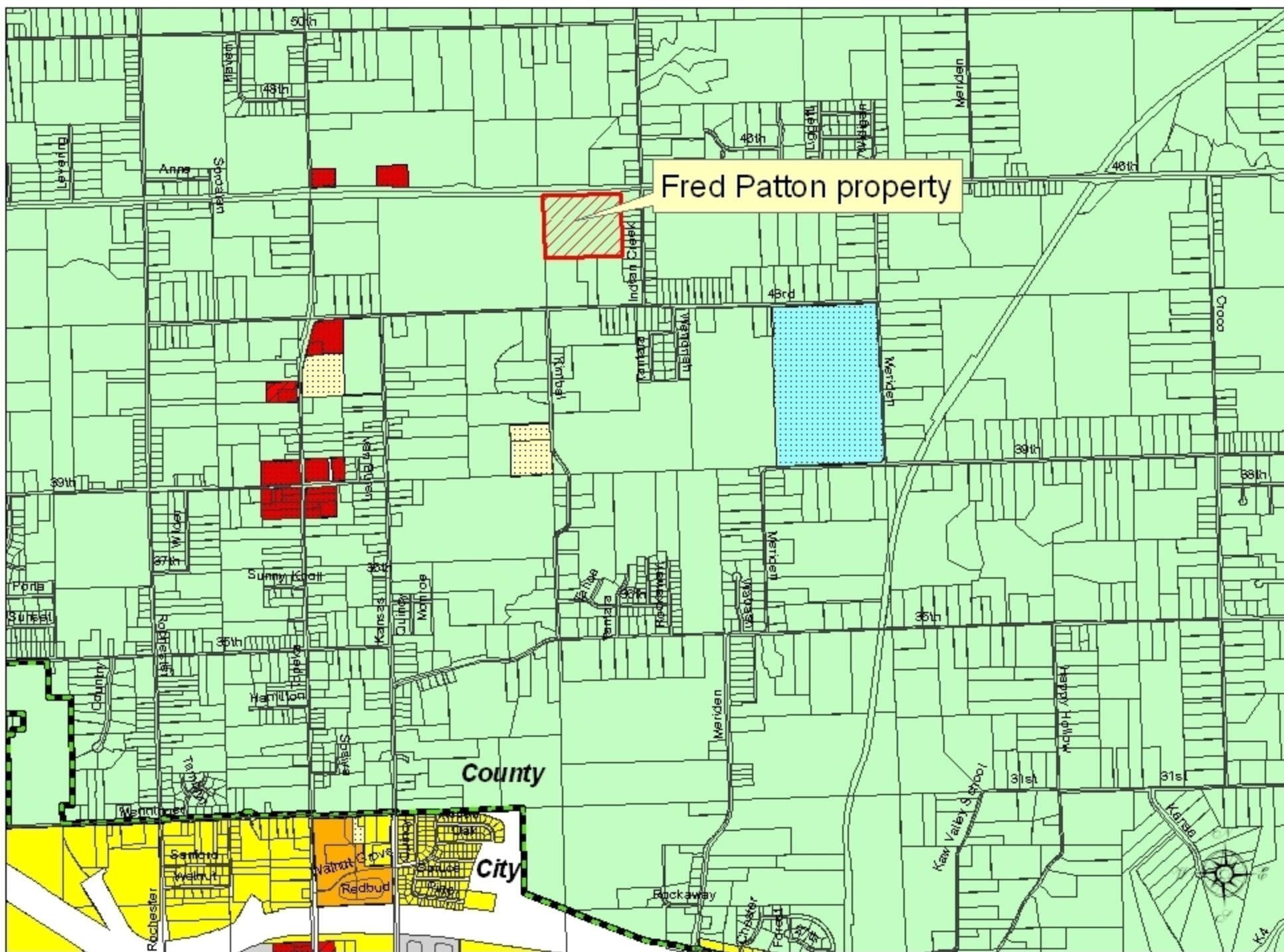
Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fred C. Patton', with a stylized flourish at the end.

Fred C. Patton

cc: Bill Fiander, Deputy Director







A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 2, 2007

 + Back  Print

DATE: October 23, 2007
CONTACT PERSON: David Thurbon
DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION requesting the City Council make a finding pursuant to Topeka City Code Section 146-37(c) (3) that Fred Patton be granted an exemption from the annexation requirement for the purpose of obtaining city water service to avoid unnecessary hardship for a 28.5 acre tract of land located near the intersection of NE 46th Street and Indian Creek Street, City of Topeka, Shawnee County, Kansas.

(The property is located three miles north of city limits. Approval would grant an exception to the provisions of Ordinance No. 18820 which requires annexation to obtain city water service.)

POLICY ISSUE:

City ordinance requires annexation in order to obtain city water service. The ordinance provides for seven exemptions, as follows:

1. To eliminate an imminent threat to public health and safety as determined and/or ordered by the Kansas Department of Health and Environment or a similar regulatory agency, or court of law.
2. To promote an economic development project as determined by the City Council.
3. To avoid unnecessary hardship in situations not created by the actions of the applicant as determined by the City Council.
4. The City is obligated to provide water service to the property owner by contract or other legally enforceable document.
5. The Planning Commission has prior to February 15, 2007, approved a preliminary or final plat which includes City water service.
6. The City has previously provided water service to the same parcel of real estate for which service has been requested.
7. to allow the City to provide water service to a facility owned and operated by a political and taxing subdivision with approval of the City Council.

STAFF RECOMMENDATION:

This is a policy issue to be determined by the City Council.

The Planning Department would recommend that water service not be provided to tracts of land under 20 acres in size, in order to conform with recommendation in the 2025 Land Use & Growth Management Plan. (The requested tract of land is 28.5 acres.)

Item #13

The only exemption criteria that might apply appears to be:

3. To avoid unnecessary hardship in situations not created by the actions of the applicant as determined by the City

Council.

This action would be denial of the petition for annexation (the previous case on the Council's agenda).

If the Council desires to grant the applicant's request, approval should be conditioned on receiving a written **"consent to annexation"** from the property owner.

BACKGROUND:

See attached "Patton Law Office Letter" reasons stating the reasons for annexation exemption and water service.

BUDGETARY IMPACT:

Water revenues from a single-family residence, if the annexation exemption request is approved.

SOURCE OF FUNDING:

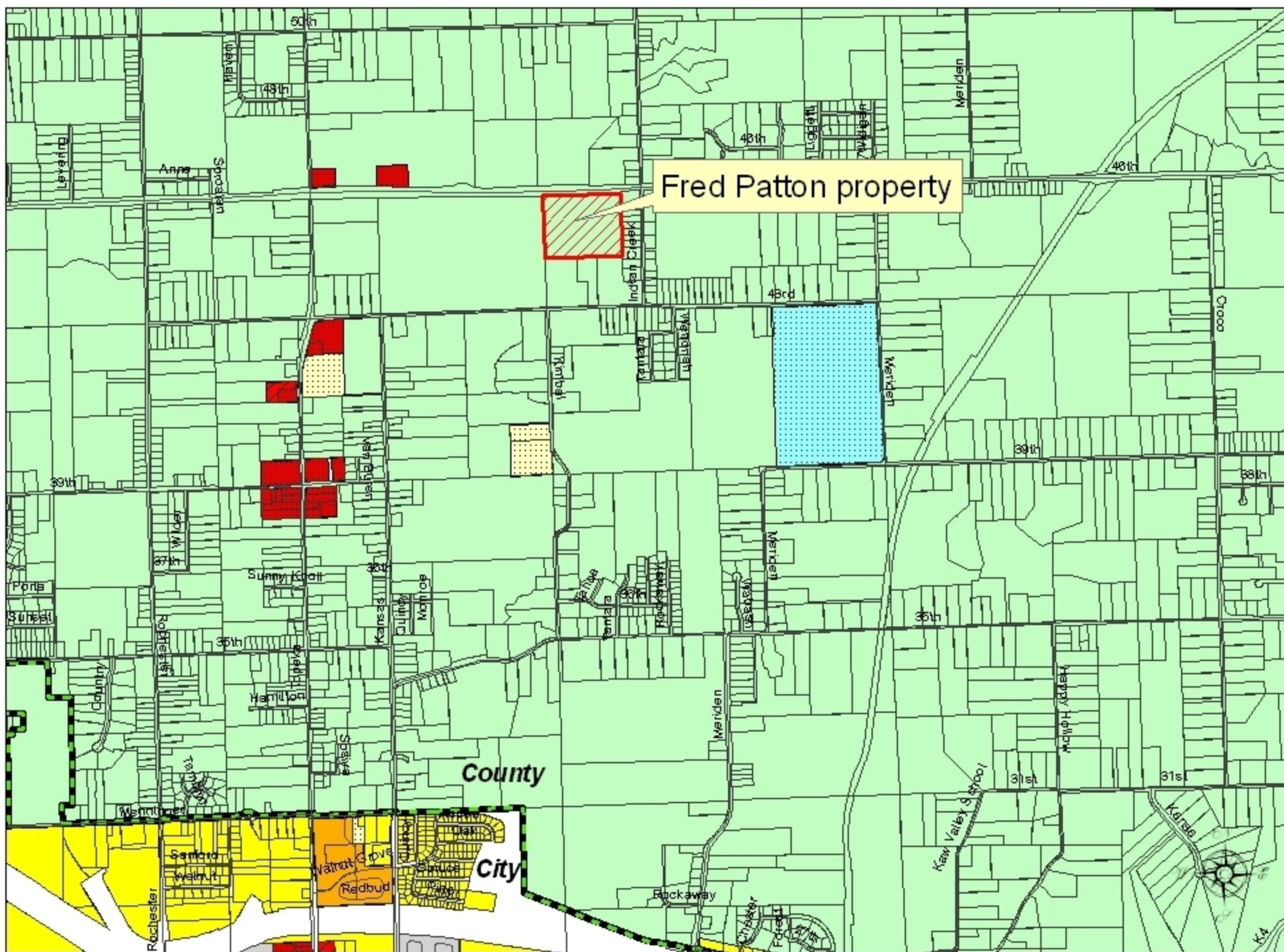
NA

ATTACHMENTS:

[Vicinity map](#)

[Aerial photo](#)

[Patton Law Office Letter](#)







Patton Law Office, LLC

2708 NW Topeka Blvd
Topeka, KS 66617

Phone: 785-235-0686
Fax: 785-235-0685

August 10, 2007

David Thurbon
Planning Director
City of Topeka
620 SE Madison, 3rd Floor
Topeka, KS 66607-1118

RE: Request for Exemption to Topeka City Code § 146-37
Frederick C. and Kimberly L. Patton

Mr. Thurbon:

I hereby request an exemption to Topeka City Code § 146-37 for property my wife and I own on NE 46th Street in Shawnee County. The property has the following legal description:

Part of the Northwest Quarter of Section 4, Township 11 South, Range 16 East of the 6th P.M., Shawnee County, Kansas,
described as follows:
Beginning at the Northwest Corner of said Northwest Quarter;
thence South 89 degrees 33 minutes 14 seconds East along the North line of the Northwest Quarter, 1,285.17 feet;
thence South 0 degrees 00 minutes 00 seconds West, 1,063.78 feet;
thence North 89 degrees 50 minutes 40 seconds West, 1,247.50 feet to the West line of said Northwest Quarter;
thence North 2 degrees 00 minutes 51 seconds West along the West line of said Northwest Quarter, 1,071.01 feet to the point of beginning

According to Mr. Bill Fiander, the property is located outside of the City of Topeka's Municipal Service Boundary (MSB), but just inside the City of Topeka's Planned Growth Area (PGA). The property is serviced by the City of Topeka's water system.

In the summer of 2002, my wife and I purchased this property (approximately 28.5 acres) to build a single family home on. We had long looked for a large parcel of land to be able to build a home on for our family. I am on the Seaman School Board, so we were looking for a property that would allow us to continue to live and have our children go to school in the Seaman District. After several years of looking for a parcel, we ended up purchasing this particular parcel of property for slightly more than \$150,000.00.

Given the high cost of the property, we were unable to afford to build our home at the time we purchased the property. We now have three young children and have outgrown the home we presently live in. Thus, we have decided it is time to begin having a home built on our property.

Before making too much progress, it was brought to my attention that this property is located in an area served by City of Topeka water. Once I learned that, I made contact with Mr. Don Rankin, who put me in touch with Mr. Mike Hawkins in the water department. Both were very helpful, but explained that in order to access the water line that already runs in front of the property on 46th street, that we would either need to be annexed by the City of Topeka or be granted a hardship exemption.

Given we have long planned and dreamed of constructing a home on this property, we initially decided to apply for annexation to the City of Topeka so that we could be provided water service to our property. We were advised by Mr. Fiander that, given our situation, we should apply for an exemption under City Code § 146-37(c)(3), versus applying for annexation to the City of Topeka. This code section provides for an exemption when an unnecessary hardship exists that is not created by actions of the applicant.

We would appreciate your consideration of our request and upon your review the placement of our request on the City Council agenda. Not only have we invested a significant amount of money into this property, but we have also invested a lot of thought into being able to construct a home for our family. While we understand things are not always fair, it does not seem reasonable to deny us use of our property because of the city policy not allowing water service to property owners outside of the city limits.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fred C. Patton', with a stylized flourish at the end.

Fred C. Patton

cc: Bill Fiander, Deputy Director



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 8, 2007

+ Back Print

DATE:	October 23, 2007	DOCUMENT #:	
CONTACT PERSON:	Scott Alisoglu	PROJECT #:	18027-00
SECOND PARTY/SUBJECT:	Kansas Dept. of Transportation / Application for Transportation Enhancement Funds		
CATEGORY/SUBCATEGORY	020 Resolutions / 004 Public Improvements		
CIP PROJECT:	No		
ACTION OF COUNCIL:	Approve and Adopt	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of transportation enhancement funds set forth by the Federal Transportation Equity Act for the 21st century for Street Improvement Project No. 18027-00, which provides for the I-70 beautification project and authorizing City Manager to sign the application.

(The beautification project includes a section of I-70 from 10th Street to 6th Street creating an entrance corridor for visitors.)

POLICY ISSUE:

The City of Topeka, Kansas, has the legal authority to apply for, receive, and administer federal, state, and other monies through Home Rule Power under the Constitution of the State of Kansas and authorized by K.S.A. 12-1662, regarding the expenditure of federal aid to public agencies.

STAFF RECOMMENDATION:

Approve and Adopt

BACKGROUND:

The City of Topeka is applying for Transportation Enhancement funds through KDOT to beautify a section of I-70 from 10th to 6th Streets and create an entrance corridor that will provide visitors with an eye-catching marking as they enter the Capital City of Kansas. The City is applying for the funds in the program's Scenic/Environmental category. This original application was written in 2004, but was not submitted due to Council action disallowing it.

BUDGETARY IMPACT:

None for this action.

Item #14

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of transportation enhancement funds set forth by the Federal Transportation Equity Act for the 21st century for Street Improvement Project No. 18027-00, which provides for the I-70 beautification project and authorizing City Manger to sign the application.

WHEREAS, the City of Topeka, Kansas, has the legal authority to apply for, receive, and administer federal, state, and other monies through Home Rule Power under the Constitution of the State of Kansas and authorized by K.S.A. 12-1662, regarding the expenditure of federal aid to public agencies; and

WHEREAS, the City of Topeka, Kansas, desires to submit an application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the Federal Transportation Equity Act for the 21st Century; and

WHEREAS, the City of Topeka, Kansas, is participating in the Kansas Department of Transportation's Transportation Enhancement Program set forth by the Federal Transportation Equity Act for the 21st Century; and

WHEREAS, Federal monies are available under a transportation enhancement program set forth by the Federal Transportation Equity Act for the 21st Century, administered by the State of Kansas, Department of Transportation, for the purpose of Historic, Scenic and Environmental, and Pedestrian and Bicycle projects; and

WHEREAS, After appropriate public input and due consideration, the Governing Body of City of Topeka, Kansas has recommended that an application be submitted to the State of Kansas for Street Improvement Project No. 18027-00, which provides for the beautification of I-70, hereinafter referred to as the I-70 Beautification Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that:

Section 1. That the City of Topeka, Kansas does hereby authorize City Manager Norton N. Bonaparte, Jr., to submit an application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the Federal Transportation Equity Act for the 21st Century on behalf of the citizens of City of Topeka, Kansas.

Section 2. That the City of Topeka, Kansas, hereby assures the Kansas Department of Transportation that sufficient funding for the construction of the I-70 Beautification Project is available.

Section 3. That the City of Topeka, Kansas, hereby assures the Kansas Department of Transportation that sufficient funding for the operation and maintenance of the I-70 Beautification Project will be available for the life of the project.

Section 4. That the City of Topeka, Kansas, hereby assures the Kansas Department of Transportation that the City of Topeka, Kansas, will have title or permanent easement to the I-70 Beautification Project by the time of project letting.

Section 5. That Norton N. Bonaparte, Jr., City Manager of the City of Topeka, Kansas, is authorized to sign the application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the Federal Transportation Equity Act for the 21st Century on behalf of the citizens of City of Topeka, Kansas. The City Manager is also authorized to submit additional information as may be required and act as the official representative of the City of Topeka in this and subsequent related activities.

Section 6. That the City of Topeka, Kansas, hereby assures the Kansas Department of Transportation that the City of Topeka, Kansas, is willing and able to, if the I-70 Beautification Project is selected for funding, administer the designing, letting and construction of the I-70 Beautification Project.

PASSED and APPROVED by City Council _____.

CITY OF TOPEKA, KANSAS

William B. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 9, 2007

+ Back Print

DATE: October 23, 2007
CONTACT PERSON: John Alcala DOCUMENT #:
SECOND PARTY/SUBJECT: TFD helmets and safety glasses PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember John Alcala requesting that the City Manager purchase in FY 2007 new fire helmets and safety glasses for Topeka Fire Department firefighting personnel.

(The cost of the helmets and safety glasses would be allocated from the 2007 General Fund contingency and shall not exceed \$23,000.)

POLICY ISSUE:

Whether or not to approve the purchase of new fire helmets and safety glasses in FY 2007

STAFF RECOMMENDATION:

BACKGROUND:

Some helmets currently in use by Topeka Fire Department firefighting personnel have exceeded the 10-year service limit recommended by the National Fire Protection Association (NFPA). Appropriate eye protection approved by NFPA should also be factored into the helmet replacement process. Since the helmets and safety glasses are a matter of firefighter safety, this Resolution provides for the purchase of all helmets and safety glasses in FY 2007. It is expected that savings will be realized through the re-bid process and through bulk purchase.

BUDGETARY IMPACT:

Not to exceed \$23,000

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:

[Resolution](#)

Item #15

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember John Alcala requesting that the City Manager purchase in FY 2007 new fire helmets and safety glasses for Topeka Fire Department firefighting personnel.

WHEREAS, the National Fire Protection Association (NFPA) Standard #1851, (2008 edition), states that helmets should be replaced at no more than 10 years; and

WHEREAS, some helmets currently in use by Topeka Fire Department firefighting personnel have exceeded the 10-year service limit; and

WHEREAS, providing firefighting personnel with appropriate eye protection approved by NFPA should also be factored into the helmet replacement process; and

WHEREAS, the Topeka City Council believes the City should immediately equip all firefighting personnel with the protective and safety head and eye gear they require while performing hazardous duties; and

WHEREAS, cost savings will be determined based off the re-bid process and by purchasing these items in bulk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that it directs the City Manager to purchase new helmets to replace all helmets that have reached the 10-year service limit. In conjunction with the purchase of helmets, the City Council directs the City Manager to purchase safety glasses for all firefighting personnel.

BE IT FURTHER RESOLVED that funding for the purchase of the new helmets and safety glasses shall come from the 2007 General Fund contingency. Cost for the helmets and safety glasses shall not exceed \$23,000.

ADOPTED and APPROVED by the City Council _____

COUNCILRES
TFD HELMETS (10-YEAR)
10/04/07

28
29
30
31
32
33
34
35

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 9, 2007

+ Back Print

DATE: October 23, 2007

CONTACT PERSON: Shawn Bruns **DOCUMENT #:**

SECOND PARTY/SUBJECT: Sanitary Sewer Improvement Project **PROJECT #:** 40951-01

CATEGORY/SUBCATEGORY 015 Petitions/001 Benefit District

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A PETITION, PROJECT BUDGET in the amount of \$2,152,500, and a **RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Lateral Sanitary Sewer Improvement Project No. 40951-01, which provides for sanitary sewer service installation at Lauren's Bay Estates as more specifically described herein. (Council District No. 7)

(The project budget is to be financed by general obligation bonds, with debt service paid 100% by the Improvement District. The project would provide for sanitary sewer improvements in Lauren's Bay Estates west of Wanamaker Road and SW 47th Street.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Submit the Petition for Council action.
Submit the Project Budget for Council action.
Submit the Resolution of Advisability and Authorization for Council action.

BACKGROUND:

The owners of Lots 1 through 4, Block A; Lots 1 through 28, Block B; Lots 1 through 9, Block C; Lots 1 through 5, Block D; Lots 1 through 9, Block E; Lots 1 through 8, Block F; Lots 10 through 18, Block F; Lots 1 through 11, Block G; Lots 1 through 23, Block H; Lots 1 through 15, Block I; Lots 1 through 22, Block J; Lots 1 through 11, Block K; Lots 1 through 15, Block M; & Lots 1 through 9, Block T, Lauren's Bay Estates are petitioning to have sanitary sewer service extended to the described area with piping, manholes, engineering and all other contingencies required for a complete project.

BUDGETARY IMPACT:

Project Budget: \$2,152,500.00

On a unit basis for all lots, or individual dwelling sites which are included in the improvement district. This project consists of 178 Lots with 1 unit per Lot. Item #16

SOURCE OF FUNDING:

Financing will be from General Obligation Bonds. Debt Service will be paid 100% by the Improvement District.

ATTACHMENTS:

[Petition](#)

[Project Budget](#)

[Map](#)

[Resolution](#)

IMPROVEMENT PROJECT

PETITION

THE MAYOR AND COUNCILMEMBERS
City of Topeka

We, the undersigned owners of record of real estate located within the Improvement District legally described herein, do hereby respectfully petition for the following sanitary sewer improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, *et seq.*, as amended.

Lateral Sanitary Sewer District PROJECT NO. 40951-01

Attachment number 1
Page 1 of 5

A. GENERAL NATURE OF IMPROVEMENT:

To provide sanitary sewer service to the following described area with piping, manholes, engineering and all other contingencies required for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

Lots 1 through 4, Block A; Lots 1 through 28, Block B; Lots 1 through 9 Block, C; Lots 1 through 5, Block D; Lots 1 through 9, Block E; Lots 1 through 8, Block F; Lots 10 through 18, Block F; Lots 1 through 11, Block G; Lots 1 through 23, Block H; Lots 1 through 15, Block I; Lots 1 through 22, Block J; Lots 1 through 11, Block K; Lots 1 through 15, Block M; Lots 1 through 9, Block T, LAUREN'S BAY ESTATES.

C. ESTIMATED OR PROBABLE COST:

\$2,152,500.00

This cost estimate has been prepared using the best information available, without benefit of a detailed engineering design. Variances may occur as the design details are developed. These costs should not be considered final.

D. METHOD OF ASSESSMENT:

On a unit basis for all lots, or individual dwelling sites which are included in the improvement district. This project consists of 178 Lots with 1 unit per Lot.

E. APPORTIONMENT OF COSTS:

100% to Improvement District as defined above.

Costs are to be paid 100 percent by the owners of property within the Improvement District.

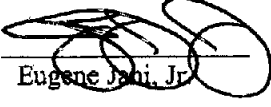
NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

Page 1 of 3

F. CERTIFICATION OF OWNERS:

We, the undersigned owners of all property in the Improvement District, understand, agree and certify:

- (i) That we hereby waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. *et seq.*, Further we request that the City Council adopt a Resolution authorizing the above described Improvement; and
- (ii) That the parcels of property contained within the Improvement District may not be modified, changed or altered by replatting or other means until assessments have been levied; and
- (iii) That we own 100% of the property contained in the Improvement District; and
- (iv) That we will notify, in writing, each and every purchaser of parcels of property within the Improvement District that the property is subject to special assessments to pay for the Improvement; and
- (v) That we have been duly authorized to execute this Petition on behalf of the property owner; and
- (vi) That, if the property is not owned by an individual or individuals, we have disclosed the name of the company, partnership, trust corporation or other entity which owns the property along with our title, position or office; and
- (vii) That we have no financial interest in any property with delinquent special assessments anywhere within the City of Topeka.

Name of Property Owner	Name, Title and Signature of Person Executing Petition	Legal Description of Property Owned	Date
Brainstorm Development Group, LLC 3031 SW Wanamaker Rd. Topeka, KS 66614	By:  Eugene J. J. Jr. President Title	Lots 1 through 5, and Lot 9, Block C; Lots 1 through 5, Block D; Lots 1 through 8, Block F; Lots 10 through 18, Block F; Lots 1 through 11, Block G; Lots 1 through 7, Block H; Lots 1 through 15, Block I; Lots 2 and 3, and Lots 6 through 17, Block J; Lots 1 through 8, and Lots 10 and 11, Block K; Block M, LAUREN'S BAY ESTATES	

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

James A. Klausman
5817 SW Clarion Lakes
Way
Topeka, KS 66610

By: James A. Klausman
James A. Klausman

Lots 11 through 14, and
Lots 20 and 21, Block B;
Lots 14 through 19,
Block H; Lots 19
through 22, Block J;
Lots 1 through 4, Block
T, LAUREN'S BAY
ESTATES.

McGivern Realty, Inc.
3333 SE 21st Street
Topeka, KS 66607

By: Mary M. M...
VICE PRESIDENT
Title

Lots 1 through 4, and
Lots 15 through 19,
Block B; Lots 5 through
9, Block E; Lots 1
through 5, and Lots 11
through 15, Block M,
LAUREN'S BAY
ESTATES.

Attachment number 1
Page 3 of 5

Red 5, LLC
1321 Wakarusa Drive
Lawrence, KS 66049

By: Sam C. Campbell
Co. Mgr.
Title

Lots 8 through 12, Block
H; Lots 4 and 5, Block J;
Lots 6 through 8, Block
C, LAUREN'S BAY
ESTATES.

RAKD, LLC
3807 N Kansas Avenue
Topeka, KS 66617

By: Amel Rukun
MEMBER
Title

Lots 1 through 4, Block
A; Lot 5, and Lots 22
through 28, Block B; Lot
13, and Lots 20 through
23, Block H; Lots 1 and
18, Block J; Lot 9 Block
K, LAUREN'S BAY
ESTATES.

Lakeview Development,
LLC

3323 SE 21st Street
Topeka, KS 66607

By: Perry L. M...
Managing Member
Title

Lots 6 through 10,
Block B; Lots 1
through 4, Block E;
Lots 6 through 10,
Block M, Lots 5 through
9, Block T, LAUREN'S
BAY ESTATES.

CERTIFICATION OF PERSON CARRYING PETITION AND WITNESSING SIGNATURES

I, the undersigned, hereby certify that I have personally witnessed each and every person whose name appears on this document individually affix his or her signature and swear that the foregoing is true and correct to the best of my knowledge.

10/4/07
Date

[Signature]
Signature of Person Carrying Petition

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

Project Budget
for
Lauren's Bay Estates, Phase I
for
Sanitary Sewer

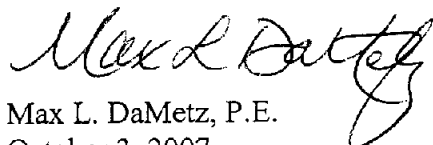
Attachment number 1
Page 4 of 5

1. Construction	\$1,683,000.00
2. Design	\$86,500.00
3. Project Service Fees	
Construction Staking.....	\$37,100.00
Inspection & Materials Testing	\$100,000.00
Project Engineer (1.5%).....	\$15,900.00
4. Administrative Fees (2.5%)	\$26,500.00
5. Legal Administration Fee (3%).....	\$50,500.00
6. Right of Way Acquisition	--0--
7. Contingency (3%)	\$50,500.00
8. Interim Interest (1 year)	\$102,500.00

Total	\$2,152,500.00
--------------	-----------------------

Note: Items 2 through 4 were based upon construction costs, excluding connection fee of \$623,000.00

Prepared by:



Max L. DaMetz, P.E.
October 3, 2007



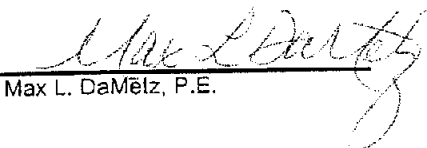
Lauren's Bay Estates, Phase I

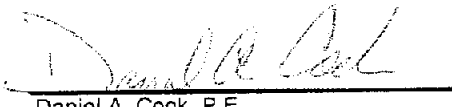
Preliminary Opinion of Probable Cost
for Sanitary Sewer Construction

August 29, 2007

<u>Item</u>		<u>Quantity</u>	<u>Unit</u>	<u>Cost / Unit</u>	Attachment Number 1 Page 5 of 5
Infrastructure					
1	Sanitary				
	21" Gravity	1,100	Lf.	\$ 100	\$ 110,000
	15" Gravity	300	Lf.	\$ 80	\$ 24,000
	12" Gravity	1,200	Lf.	\$ 70	\$ 84,000
	10" Gravity	1,100	Lf.	\$ 50	\$ 55,000
	8" Gravity	7,700	Lf.	\$ 40	\$ 308,000
	4" Service Line	4,000	Lf.	\$ 25	\$ 100,000
	Manhole (4')	50	Lf.	\$ 2,400	\$ 120,000
	Manhole (5')	7	Lf.	\$ 4,000	\$ 28,000
	Extra Depth (4')	200	Vf.	\$ 80	\$ 16,000
	Extra Depth (5')	100	Vf.	\$ 140	\$ 14,000
	Wyes (4"x21" & 4"x15")	27	Ea.	\$ 200	\$ 5,400
	Wyes (4"x8" & 4" x 10")	151	Ea.	\$ 80	\$ 12,080
	Creek Crossing	300	Lf.	\$ 160	\$ 48,000
	Piping for Grinder Pumps	2,100	Lf.	\$ 10	\$ 21,000
2	Erosion Control and Seeding		Lump Sum	\$ 10,000	\$ 10,000
3	Clearing		Lump Sum	\$ 24,500	\$ 24,500
4	Connection Fee (178 Lots)		Lump Sum	\$ 623,000	\$ 623,000
5	Contingency (5%)		Lump Sum		\$ 80,000
Infrastructure Sub-Total:				\$	1,683,000

Respectfully Submitted,


Max L. DaMeltz, P.E.


Daniel A. Cock, P.E.

PROJECT BUDGET

Lateral Sanitary Sewer District No. 40951-01

LOCATION:

Lauren's Bay Estates, Phase I

DESCRIPTION OF PROJECT:

Install sanitary sewer service with piping, manholes, and all other contingencies required for a complete project.

SOURCE OF FUNDS:

To be paid 100% by the Improvement District

<u>COST ESTIMATE:</u>	<u>FUNDING SOURCE 1</u>	<u>FUNDING SOURCE 2</u>	<u>FUNDING SOURCE 3</u>
Construction:	\$1,683,000.00		
Design:	\$86,500.00		
Engineering Admin. Fees (1.5%):	\$21,200.00		
Project Service Fees (8%):	\$124,600.00		
Legal Administrative Fees (3%):	\$50,500.00		
Cost of Bond Issuance (2%):	\$33,700.00		
Right-of Way Acquisition:	\$0.00		
Contingency Amount (3%):	\$50,500.00		
Interim Interest (5%)	\$102,500.00		
Total:	<u>\$2,152,500.00</u>		

PUBLIC HEARING:

PROJECT AUTHORITY:

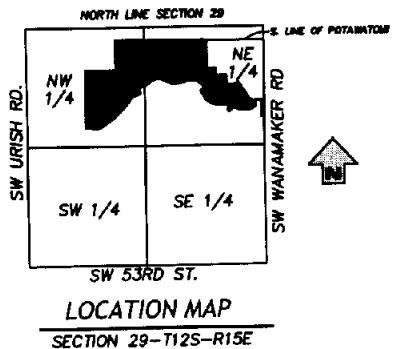
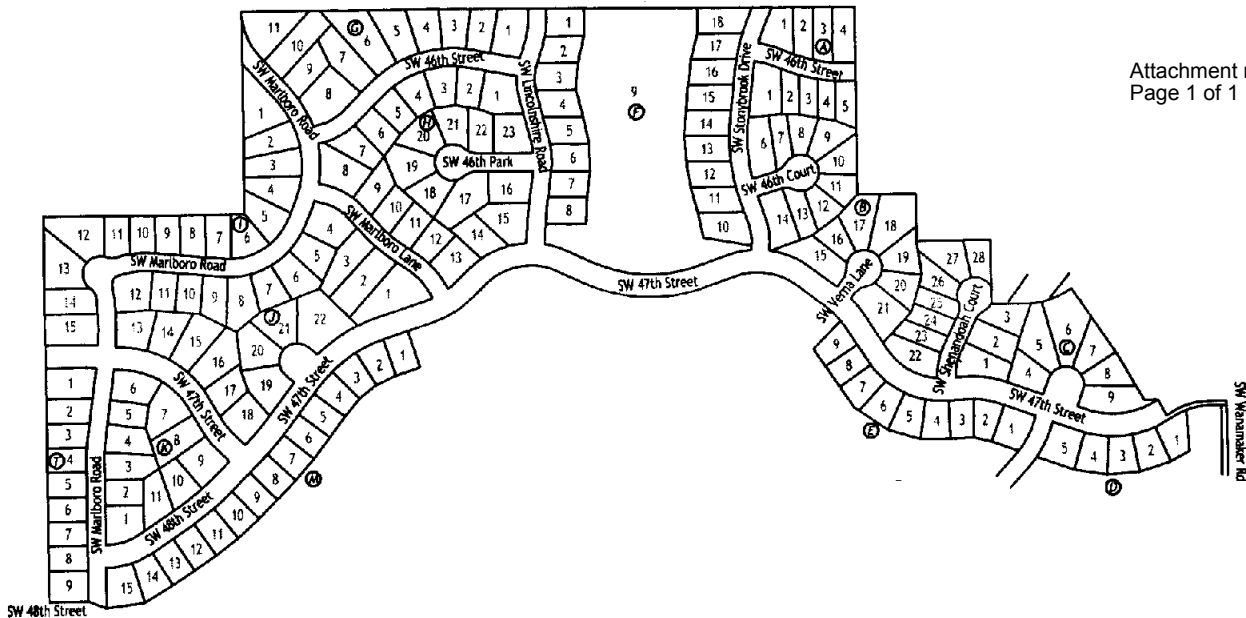
- a. Statutes: _____ KSA 12-6a
- b. Ord./Res. No.: _____
- c. Improvement District: _____ 100%
- d. City at Large: _____
- e. Method of Assessment: _____ On a unit basis

Date: _____

PROJECT ENGINEER: Shawn P. Bruns

Lauren's Bay Estates Phase I

Attachment number 3
Page 1 of 1



NOT TO SCALE

LEVEL ENGINEERING, LLC.
Developing Great Ideas
11257 Strang Line Road | Lenexa, Kansas 66215 | 913.317.9500 | 913.317.9501 (F)

(Published in the Topeka Metro News _____)

RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Lateral Sanitary Sewer Improvement Project No. 40951-01 which provides for sanitary sewer service installation at Lauren's Bay Estates as more specifically described herein.

WHEREAS, the City Clerk has received a petition, pursuant to K.S.A. 12-6a01, *et seq.*, as amended, containing the signatures of the owners of 100% of the area in the improvement district hereinafter described; and

WHEREAS, seven (7) days have elapsed since the filing of said petition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that it finds Lateral Sanitary Sewer Improvement Project No. 40951-01, hereinafter described, to be advisable and does hereby authorize and order said improvement to be made in accordance with its findings as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To provide sanitary sewer service with piping, manholes, engineering and all other contingencies required for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

Lauren's Bay Estates

Block A, Lots 1-4
Block B, Lots 1-28
Block C, Lots 1-9
Block D, Lots 1-5
Block E, Lots 1-9
Block F, Lots 1-8
Block F, Lots 10-18
Block G, Lots 1-11
Block H, Lots 1-23
Block I, Lots 1-15

Block J, Lots 1-22
Block K, Lots 1-11
Block M, Lots 1-15
Block T, Lots 1-9

C. ESTIMATED OR PROBABLE COST:

\$2,152,500.00

D. PROPOSED METHOD OF ASSESSMENT:

On a unit basis for all lots or individual dwelling sites which are included in the described improvement district.

E. APPORTIONMENT OF COSTS:

100% of costs are to be paid by the improvement district.

THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 9, 2007

 + Back  Print

DATE: October 23, 2007
CONTACT PERSON: Shawn Bruns DOCUMENT #:
SECOND PARTY/SUBJECT: Street Improvement PROJECT #: 60632-01
CATEGORY/SUBCATEGORY 015 Petitions/001 Benefit District
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A PETITION, PROJECT BUDGET in the amount of \$5,937,400, and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60632-01 which provides for street construction at Lauren's Bay Estates as more specifically described herein. (Council District No. 7)

(The project budget is to be financed by general obligation bonds, with debt service paid 92.75% by the Improvement District and 7.25% by City General Obligation Bonds. The project would provide for street improvements in Lauren's Bay Estates west of Wanamaker Road and SW 47th Street.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Submit the Petition for Council action.
Submit the Project Budget for Council action.
Submit the Resolution of Advisability and Authorization for Council action.

BACKGROUND:

The owners are petitioning the Street Improvement District to pave SW 46th Street from SW Marlboro Road to SW Lincolnshire Road; SW 46th Street from SW Stonybrook Drive to SW Shenandoah Road; SW Lincolnshire Road from the North line of Lauren's Bay Estates to SW 47th Street; SW Marlboro Lane from SW Marlboro Road to SW 47th Street; SW Marlboro Road from the north line of Lauren's Bay Estates to the SW 48th Street; SW 47th Street from the west line of Lauren's Bay Estates to SW Wanamaker Road; SW 48th Street from the west line of Lauren's Bay Estates to SW Marlboro Road; SW 48th Street from SW Marlboro Road to SW 47th Street; SW 46th Park lying west of SW Lincolnshire Road; SW Stonybrook Drive from the north line of Lauren's Bay Estates to SW 47th Street; SW 46th Court from SW Stonybrook Drive to the end of the cul-de-sac; SW Verna Lane from SW 47th Street to the end of the cul-de-sac, and SW Shenandoah Road from SW 47th Street to 260 feet south, as platted in Lauren's Bay Estates, with asphalt pavement, and curb and gutter, grading, curb inlets, and storm sewer pipes. Included with the project is engineering costs and all other contingencies need to complete the project.

Item #17

The owners are requesting that the City at Large pay 20% of the costs for constructing S.W. 47th Street, a collector street (39 feet wide), in accordance with Resolution No. 7454. The costs of constructing approximately 4600 linear feet of S.W.

47th Street is estimated to be \$2,152,000 of which 20% is \$430,460.00. This \$430,460 amount is 7.25% of the total project budget of \$5,937,400.

BUDGETARY IMPACT:

Project Budget: \$5,937,400.00

Costs are to be paid 92.75% by the owners of the property within the Improvement District.

The City at Large will pay 7.25% of the costs.

SOURCE OF FUNDING:

The project will be financed by General Obligation Bonds. The debt service for 92.75% of the project will be paid by the Improvement District. The debt service on the remaining 7.25% or \$430,460 will be paid from City funds.

Costs are assessed to the Improvement District on a unit basis for all lots or individual dwelling sites which are included in the Improvement District. This project consists of 178 Lots with 1 unit per Lot.

PROPOSED IMPROVEMENT DISTRICT:

Lots 1 through 4, Block A; Lots 1 through 28, Block B; Lots 1 through 9, Block C; Lots 1 through 5, Block D; Lots 1 through 9, Block E; Lots 1 through 8, Block F; Lots 10 through 18, Block F; Lots 1 through 11, Block G; Lots 1 through 23, Block H; Lots 1 through 15, Block I; Lots 1 through 22, Block J; Lots through 11, Block K; Lots 1 through 15, Block M; Lots 1 through 9, Block T, LAUREN'S BAY ESTATES

ATTACHMENTS:

[Petition](#)

[Project Budget](#)

[Debt Service](#)

[For Info/Resolution No 7454](#)

[map](#)

[Resolution](#)

IMPROVEMENT PROJECT

PETITION

THE MAYOR AND COUNCILMEMBERS
City of Topeka

We, the undersigned owners of record of real estate located within the Improvement District legally described herein, do hereby respectfully petition for the following street and storm sewer improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, *et seq.*, as amended.

Street Improvement PROJECT NO. 60632-01

A. GENERAL NATURE OF IMPROVEMENT:

To Pave:

SW 46th Street from SW Marlboro Road to SW Lincolnshire Road;
SW 46th Street from SW Stonybrook Drive to SW Shenandoah Road;
SW Lincolnshire Road from the North line of Lauren's Bay Estates to SW 47th Street;
SW Marlboro Lane from SW Marlboro Road to SW 47th Street;
SW Marlboro Road from the North line of Lauren's Bay Estates to the SW 48th Street;
SW 47th Street from the West line of Lauren's Bay Estates to SW Wanamaker Road;
SW 48th Street from the West line of Lauren's Bay Estates to SW Marlboro Road;
SW 48th Street from SW Marlboro Road to SW 47th Street;
SW 46th Park lying West of SW Lincolnshire Road;
SW Stonybrook Drive from the North line of Lauren's Bay Estates to SW 47th Street;
SW 46th Court from SW Stonybrook Drive to the end of the cul-de-sac;
SW Verna Lane from SW 47th Street to the end of the cul-de-sac;
SW Shenandoah Court from SW 47th Street to the end of the cul-de-sac, and SW
Shenandoah Road from SW 47th Street to 260 feet South, as platted in LAUREN'S BAY
ESTATES, with asphalt pavement, and curb and gutter, grading, curb inlets, and storm
sewer pipes. Included with the project is engineering costs and all other contingencies
needed to complete the project.

B. PROPOSED IMPROVEMENT DISTRICT:

Lots 1 through 4, Block A; Lots 1 through 28, Block B; Lots 1 through 9 Block, C; Lots
1 through 5, Block D; Lots 1 through 9, Block E; Lots 1 through 8, Block F; Lots 10
through 18, Block F; Lots 1 through 11, Block G; Lots 1 through 23, Block H; Lots 1
through 15, Block I; Lots 1 through 22, Block J; Lots 1 through 11, Block K; Lots 1
through 15, Block M; Lots 1 through 9, Block T, LAUREN'S BAY ESTATES

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

TOPEKA, KANSAS
2001 OCT 10 A 9:35
RECEIVED
CITY CLERK
Attachment number 1
Page 1 of 4

C. ESTIMATED OR PROBABLE COST:

\$ 5,937,400.00

This cost estimate has been prepared using the best information available, without benefit of a detailed engineering design. Variances may occur as the design details are developed. These costs should not be considered final.

D. METHOD OF ASSESSMENT:

On a unit basis for all lots or individual dwelling sites which are included in the improvement district. This project consists of 178 Lots with 1 unit per Lot.

E. APPORTIONMENT OF COSTS:

Attachment number 1
Page 2 of 7

92.75% of the costs are to be paid by the owners of the property within the Improvement District and 7.25% of the costs are to be paid by the City at Large.

F. CERTIFICATION OF OWNERS:

We, the undersigned owners of all property in the Improvement District, understand, agree and certify:

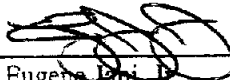
- (i) That we hereby waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. *et seq.*, Further we request that the City Council adopt a Resolution authorizing the above described Improvement; and
- (ii) That the parcels of property contained within the Improvement District may not be modified, changed or altered by replatting or other means until assessments have been levied; and
- (iii) That we own 100% of the property contained in the Improvement District; and
- (iv) That we will notify, in writing, each and every purchaser of parcels of property within the Improvement District that the property is subject to special assessments to pay for the Improvement; and
- (v) That we have been duly authorized to execute this Petition on behalf of the property owner; and
- (vi) That, if the property is not owned by an individual or individuals, we have disclosed the name of the company, partnership, trust corporation or other entity which owns the property along with our title, position or office; and
- (vii) That we have no financial interest in any property with delinquent special assessments anywhere within the City of Topeka.

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

<i>Name of Property Owner</i>	<i>Name, Title and Signature of Person Executing Petition</i>	<i>Legal Description of Property Owned</i>	<i>Date</i>
-------------------------------	---	--	-------------

Brainstorm Development
Group, LLC

3031 SW Wanamaker Rd.
Topeka, KS 66614

By: 
Eugene Jani, Jr.
President
Title

Lots 1 through 5, and Lot
9, Block C; Lots 1
through 5, Block D; Lots
1 through 8, Block F;
Lots 10 through 18, Block
F; Lots 1 through 11,
Block G; Lots 1 through
7, Block H; Lots 1
through 15, Block I; Lots
2 and 3, and Lots 6
through 17, Block J;
Lots 1 through 8, and
Lots 10 and 11, Block K;
Block M, LAUREN'S
BAY ESTATES

Attachment number 1
Page 3 of 7

James A. Klausman

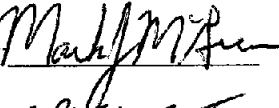
5817 SW Clarion Lakes
Way
Topeka, KS 66610

By: 
James A. Klausman

Lots 11 through 14, and
Lots 20 and 21, Block B;
Lots 14 through 19,
Block H; Lots 19
through 22, Block J;
Lots 1 through 4, Block
T, LAUREN'S BAY
ESTATES.

McGivern Realty, Inc.

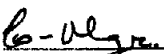
3333 SE 21st Street
Topeka, KS 66607

By: 
Vice President
Title

Lots 1 through 4, and
Lots 15 through 19,
Block B; Lots 5 through
9, Block E; Lots 1
through 5, and Lots 11
through 15, Block M,
LAUREN'S BAY
ESTATES.

Red 5, LLC

1321 Wakarusa Drive
Lawrence, KS 66049

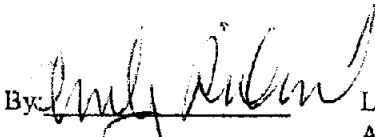
By: 

Title

Lots 8 through 12, Block
H; Lots 4 and 5, Block J;
Lots 6 through 8, Block
C, LAUREN'S BAY
ESTATES.

NOTICE: You may not withdraw your signature from this petition after the City Council commences consideration of this petition or later than seven (7) days after filing of this petition, whichever comes first.

Page 3 of 4

RAKD, LLC
3807 N Kansas Avenue
Topeka, KS 66617

By: 
MEMBER
Title

Lots 1 through 4, Block A; Lot 5, and Lots 22 through 28, Block B; Lot 13, and Lots 20 through 23, Block H; Lots 1 and 18, Block J; Lot 9 Block K, LAUREN'S BAY ESTATES.

Lakeview Development, LLC
3323 SE 21st Street
Topeka, KS 66607

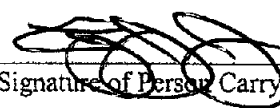
By: 
Managing Member
Title

Lots 6 through 10, Block B; Lots 1 through 4, Block E; Lots 6 through 10, Block M, Lots 5 through 9, Block T, LAUREN'S BAY ESTATES.

Attachment number 1
Page 4 of 7

CERTIFICATION OF PERSON CARRYING PETITION AND WITNESSING SIGNATURES
I, the undersigned, hereby certify that I have personally witnessed each and every person whose name appears on this document individually affix his or her signature and swear that the foregoing is true and correct to the best of my knowledge.

10/4/07
Date

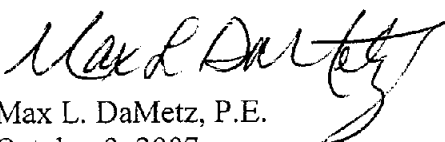

Signature of Person Carrying Petition

Project Budget
for
Lauren's Bay Estates, Phase I
for
Streets and Storm Sewer

Attachment number 1
Page 5 of 7

1. Construction.....	\$4,260,000.00
2. Design	\$319,500.00
3. Project Service Fees	
Construction Staking	\$149,100.00
Inspection & Materials Testing.....	\$220,000.00
Project Engineer (1.5%).....	\$63,900.00
Right of Way maps and Descriptions	\$3,000.00
4. Administrative Fees (2.5%)	\$106,500.00
5. Legal Administrative Fees (3%)	\$127,800.00
6. Right of Way Acquisition	\$20,000.00
7. Contingency (3%)	\$127,800.00
8. Interim Interest (2 year)	\$539,800.00
Total	\$5,937,400.00

Prepared by:


Max L. DaMetz, P.E.
October 3, 2007

Lauren's Bay Estates, Phase I

Preliminary Opinion of Probable Cost

for Street and Storm Sewer Construction

August 29, 2007

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Cost / Unit</u>		<u>Cost</u>
Infrastructure					
1 <i>Clearing</i>	1	Lump Sum	\$	100,000	\$ 100,000
2 <i>Grading</i>	1	Lump Sum	\$	750,000	\$ 750,000
3 <i>Streets</i>					
8" Thick Asphalt Pavement	45,209	SY	\$	32	\$ 1,446,688
Subgrade Preparation	53,834	Lf.	\$	5	\$ 242,253
Curb & Gutter	25,874	Lf.	\$	16	\$ 413,984
Wheelchair Ramp	77	Lf.	\$	500	\$ 38,500
4 <i>Storm Sewer</i>					
Structures	72	Ea.	\$	4,000	\$ 288,000
Large Structures	6	Ea.	\$	6,000	\$ 36,000
Small	3,947	Lf.	\$	40	\$ 157,880
Medium	2,232	Lf.	\$	70	\$ 156,240
Large	333	Lf.	\$	130	\$ 43,290
Extra Large	600	Lf.	\$	200	\$ 120,000
Small End Sections	7	Ea.	\$	400	\$ 2,800
Medium End Sections	6	Ea.	\$	800	\$ 4,800
Large End Sections	2	Ea.	\$	1,500	\$ 3,000
Extra Large End Sections	4	Ea.	\$	2,500	\$ 10,000
5 <i>Erosion Control and Seeding</i>		Lump Sum	\$	60,700	\$ 60,700
6 <i>Detention Basins</i>	2	Ea.	\$	15,000	\$ 30,000
7 <i>Retention Basins</i>	2	Ea.	\$	75,000	\$ 150,000
8 <i>Contingency (5%)</i>		Lump Sum		\$	205,900
Infrastructure Sub-Total:			\$	4,260,000	

Respectfully Submitted,

Max L. DaMetz, P.E.

Daniel A. Cook, P.E.



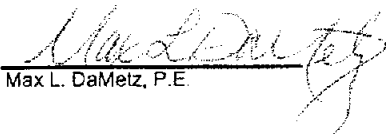
Lauren's Bay Estates, Phase I
City Responsibility of Collector Street
Based Upon Preliminary Opinion of Probable Cost
for Street and Storm Sewer Construction

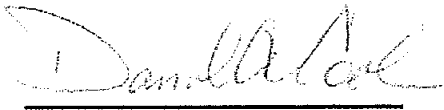
August 29, 2007

Attachment number 1
Page 2 of 7

Item	City Participation	Quantity	Unit	Cost / Unit	City Share
Infrastructure					
1	Clearing	20%	80%	Lump Sum \$ 100,000	\$ 16,000
2	Streets				
	Grading	20%	1	Lump Sum \$ 375,000	\$ 75,000
	8" Thick Asphalt Pavement	20%	20761	SY \$ 32	\$ 132,870
	Subgrade Preparation	20%	24128	SY \$ 5	\$ 21,715
	Curb & Gutter	20%	10100	LF \$ 16	\$ 32,320
	Wheelchair Ramp	20%	45	Ea. \$ 500	\$ 4,500
3	Storm Sewer				
	Small	100%	80	Lf. \$ 40	\$ 3,200
	Medium	100%	10	Lf. \$ 70	\$ 700
	Large	100%	30	Lf. \$ 130	\$ 3,900
	Extra Large	100%	20	Lf. \$ 200	\$ 4,000
6	Contingency (5%)			Lump Sum	\$ 14,700
Infrastructure Sub-Total:				\$ 308,906	

Respectfully Submitted,


Max L. DaMetz, P.E.


Daniel A. Cook, P.E.

PROJECT BUDGET

Street Improvement Project No. 60632-01

LOCATION:

Lauren's Bay Estates, Phase I --
S.W. 46th Street, S.W. Lincolnshire Road, S.W. Marlboro Road,
S.W. Marlboro Lane, S.W. 47th Street, S.W. 48th Street, S.W. 46th Park,
S.W. Stonybrook Drive, S.W. 46th Court, S.W. Verna Lane, S.W. Shenandoah
Court, And S.W. Shenandoah Road

DESCRIPTION OF PROJECT:

Construct pavement, curb & gutter, storm sewer and all other contingencies required for a complete project.

SOURCE OF FUNDS:

To be paid 92.75% by the Improvement District and 7.25% by the City.
7.25% City Share is based on contributing 20% of the cost of S.W. 47th Street, a collector street.

	Improvement District	City G.O. Bonds	Total
<u>COST ESTIMATE:</u>			
Construction:	<u>\$3,951,000.00</u>	<u>\$309,000.00</u>	<u>\$4,260,000.00</u>
Design:	<u>\$296,336.00</u>	<u>\$23,164.00</u>	<u>\$319,500.00</u>
Engineering Admin. Fees (1.5%):	<u>\$59,270.00</u>	<u>\$4,630.00</u>	<u>\$63,900.00</u>
Project Service Fees:	<u>\$342,600.00</u>	<u>\$26,500.00</u>	<u>\$369,100.00</u>
Legal Administrative Fees (3%):	<u>\$118,530.00</u>	<u>\$9,270.00</u>	<u>\$127,800.00</u>
Cost of Bond Issuance (2%):	<u>\$79,020.00</u>	<u>\$6,180.00</u>	<u>\$85,200.00</u>
Right-of Way Acquisition:	<u>\$20,000.00</u>	<u>\$0.00</u>	<u>\$20,000.00</u>
Contingency Amount (3.5%):	<u>\$140,184.00</u>	<u>\$11,916.00</u>	<u>\$152,100.00</u>
Interim Interest (5% for 2 yrs)	<u>\$500,000.00</u>	<u>\$39,800.00</u>	<u>\$539,800.00</u>
Total:	<u>\$5,506,940.00</u>	<u>\$430,460.00</u>	<u>\$5,937,400.00</u>

PUBLIC HEARING:

PROJECT AUTHORITY:

a. Statutes: KSA 12-6a
b. Ord./Res. No.: _____
c. Improvement District: 92.75%
d. City at Large: 7.25%
e. Method of Assessment: On a unit basis

Date: _____

PROJECT ENGINEER: Shawn P. Brun

GO Bond Cost of Project

PROJECT: Lauren's Bay Estates -- Project No. 60632-01

Interest rate	5.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	5.000%

Principal (project cost)	<u>\$384,480</u>
Plus Temp Note Interest (unless included in Principal)	<u>\$39,800</u>
Subtotal	\$424,280
Plus Cost of Issuance	<u>\$6,180</u>
Total	\$430,460

Annual Debt Service	\$35,277
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$705,544
---	-----------

Difference Project Cost and Total Debt Service	\$321,064
--	-----------

GO Bonded Indebtedness as of January 2007	\$165,635,000
2006 Temporary Notes that Finance Future GO Bond projects	\$11,470,000
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$10,946,214
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	<u>\$2,552,885</u>
Total Indebtedness	<u>\$190,604,099</u>
Plus Project	\$191,034,559

RESOLUTION NO. 7454

A RESOLUTION introduced by Mayor James A. McClinton setting forth the City of Topeka's policy regarding the undertaking of street improvement projects and repealing City of Topeka Resolution No. 6846.

WHEREAS, the Council of the City of Topeka desires to adopt a policy regarding the undertaking of street improvement projects in order to provide guidance and direction; and

Attachment number 4
Page 1 of 5

WHEREAS, the Council of the City of Topeka has previously adopted City of Topeka Resolution No. 5784, Resolution No. 5940, Resolution No. 5986, and Resolution No. 6846 which address street improvement projects; and

WHEREAS, after additional study and consideration the Council of the City of Topeka desires to adopt a new policy with regard to street improvement projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that it hereby adopts the following described policy regarding the undertaking and financing of street improvement projects.

Section 1. Improvement districts: shall be considered and created pursuant to applicable authority for the purposes of improving or reimproving major traffic thoroughfares, collector streets, and residential streets. Any property may be included in an improvement district for one (1) generally north-south major traffic thoroughfare, one (1) generally east-west major traffic thoroughfare (both as more specifically discussed hereinafter), one (1) generally north-south collector street, and one (1) generally east-west collector street and generally one (1) residential street.

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

Attachment number 4
Page 2 of 5

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

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

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

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

Attachment number 4
Page 3 of 5

50
51 * Improvements financed by routine maintenance funds.

52
53 Section 3. Method of assessment: shall be considered and established
54 pursuant to applicable authority and in accordance with the benefits accruing to
55 properties by reason of the improvement. The costs of the street improvement may
56 be assessed equally per square foot against all lots and pieces of property within
57 the improvement district and shall be based on the following procedure:

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

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

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

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

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

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

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

Attachment number 4
Page 4 of 5

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

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

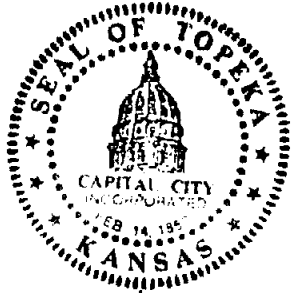
81 BE IT FURTHER RESOLVED that the adoption of the policy contained herein
82 by the City Council does not preclude the use of other assessment methods as may
83 be necessary based upon the unique or unusual circumstances of a proposed street
84 improvement or reimprovement project.

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

87

87
88
89
90
91
92
93
94
95
96
97

PASSED and APPROVED by City Council APR 06 2004



ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

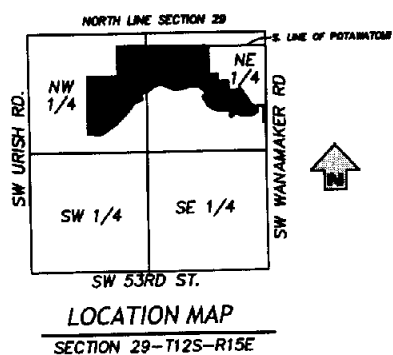
CITY OF TOPEKA, KANSAS

James A. McClinton
James A. McClinton, Mayor

Attachment number 4
Page 5 of 5

APPROVED AS TO FORM AND LEGALITY	
DATE <u>4/7/04</u>	BY <u>PL</u>

Attachment number 5
Page 1 of 1



NOT TO SCALE

4 LEVEL ENGINEERING, LLC.
Developing Great Ideas
11257 Strang Line Road | Lenexa, Kansas 66215 | 913.317.9500 | 913.317.9501 (F)

(Published in the Topeka Metro News _____)

RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60632-01 which provides for street construction at Lauren's Bay Estates as more specifically described herein.

WHEREAS, the City Clerk has received a petition, pursuant to K.S.A. 12-6a01, *et seq.*, as amended, containing the signatures of the owners of 100% of the area in the improvement district hereinafter described; and

WHEREAS, seven (7) days have elapsed since the filing of said petition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that it finds Street Improvement Project No. 60632-01, hereinafter described, to be advisable and does hereby authorize and order said improvement to be made in accordance with its findings as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To construct pavement, curb and gutter, storm sewer and all other contingencies required for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

Lauren's Bay Estates

Block A, Lots 1-4
Block B, Lots 1-28
Block C, Lots 1-9
Block D, Lots 1-5
Block E, Lots 1-9
Block F, Lots 1-8
Block F, Lots 10-18
Block G, Lots 1-11
Block H, Lots 1-23
Block I, Lots 1-15

Block J, Lots 1-22
Block K, Lots 1-11
Block M, Lots 1-15
Block T, Lots 1-9

C. ESTIMATED OR PROBABLE COST:

\$5,937,400.00

D. PROPOSED METHOD OF ASSESSMENT:

On a unit basis for all lots or individual dwelling sites which are included in the described improvement district.

E. APPORTIONMENT OF COSTS:

Improvement District (\$92.75%)	\$5,506,940.00
General Obligation Bonds or any other legally available funds (7.25%)	<u>\$ 430,460.00</u>
TOTAL	\$5,937,400.00

THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 9, 2007

+ Back Print

DATE: October 23, 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 October 1, 2007, through October 7, 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 October 1, 2007, through October 7, 2007, in the amount of \$368,128.51.

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Weekly Expenditures for Week Ending October 7, 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 October 1, 2007, through October 7, 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 247 vendor checks written in this period	\$213,723.17
	Total vendor checks voided in this period (net)	(0.00)
	Total electronic transfers to vendors in this period	154,263.44
	Total net payroll to employees this period	141.90
	Total payroll related electronic transfers this period	<u>0.00</u>
	Total for expenditures in this period	<u>\$368,128.51</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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 10, 2007

+ Back Print

DATE: October 23, 2007

CONTACT PERSON: Pam Simecka or Jim Langford **DOCUMENT #:**

SECOND PARTY/SUBJECT: Authorization to Issue General Obligation Bonds **PROJECT #:**

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 012 Bond Ordinances

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$14,935,000 aggregate principal amount of General Obligation Bonds, Series 2007-D, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-110c, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., the Home Rule Authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the City, all as amended. First Reading.

(The ordinance would authorize the issuance of general obligation bonds and the proceeds would pay for a number of public infrastructure improvements that have already been approved by the Council that are completed or under construction.)

POLICY ISSUE:

The debt financing of public improvements, to distribute the costs of capital assets across multiple generations of taxpayers.

STAFF RECOMMENDATION:

Adopt the Ordinance as presented.

BACKGROUND:

Issuance of the 2007-D General Obligation Bonds will provide proceeds for 3 sanitary sewer projects, 9 street projects, 2 bridge projects, 2 public safety projects, 3 trafficway projects, 11 park improvement projects, 1 neighborhood improvement project, 1 water line project, a College Hill Project, and a motor park improvement project all as specified in the Ordinance.

BUDGETARY IMPACT:

The City's outstanding general obligation debt will increase by an estimated \$14,935,000.

SOURCE OF FUNDING:

Funds to pay the principal and interest of the Series 2007-D Bonds will come from two sources--a general property tax levy, and special assessments against property owners within the relevant improvement benefit districts for \$2,143,430.14 of costs.

Item #19

ATTACHMENTS:

[Ordinance](#)

101007 2

(Published in The Topeka Metro News on November 9, 2007.)

ORDINANCE NO. _____

AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF \$14,935,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2007-D, OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, K.S.A. 12-110c, K.S.A. 12-685 ET SEQ., K.S.A. 12-6a01 ET SEQ., THE HOME RULE AUTHORITY GRANTED TO THE CITIES OF THE STATE OF KANSAS BY SECTION 5 OF ARTICLE 12 OF THE KANSAS CONSTITUTION, AND CHARTER ORDINANCE NO. 89 OF THE CITY, ALL AS AMENDED.

WHEREAS, pursuant to K.S.A. 12-110c, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., all as amended, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter Ordinance No. 89 of the City of Topeka, Kansas, (the “City”) and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City has caused the following improvements (the “Internal Improvements”) to be made in the City, to-wit:

- (a) Water Line Improvement Project No. 28571-00;
- (b) Sanitary Sewer Improvement Project No. 40025-06;
- (c) Sanitary Sewer Improvement Project No. 40925-00;
- (d) Sanitary Sewer Improvement Project No. 40932-00;
- (e) Street Improvement Project No. 60525-01;
- (f) Street Improvement Project No. 60598-01;
- (g) Street Improvement Project No. 60598-02;
- (h) Street Improvement Project No. 60611-02;
- (i) Street Improvement Project No. 60611-03;
- (j) Street Improvement Project No. 60614-01;
- (k) Bridge Improvement Project No. 12060-00;
- (l) Bridge Improvement Project No. 12060-01;
- (m) Public Safety Improvement Project No. 13153-00;
- (n) Public Safety Improvement Project No. 17033-07;
- (o) Trafficway Improvement Project No. 14116-00;
- (p) Trafficway Improvement Project No. 14116-01;
- (q) Trafficway Improvement Project No. 14118-00;
- (r) Park Improvement Project No. 30127-12;
- (s) Park Improvement Project No. 30239-01;
- (t) Park Improvement Project No. 30264-00;
- (u) Park Improvement Project No. 30269-00;

- (v) Park Improvement Project No. 30270-00;
- (w) Park Improvement Project No. 30271-00;
- (x) Park Improvement Project No. 30274-00;
- (y) Park Improvement Project No. 30275-00;
- (z) Park Improvement Project No. 30276-00;
- (aa) Street Improvement Project No. 70197-01;
- (bb) Street Improvement Project No. 70183-00;
- (cc) Park Improvement Project No. 30245-00;
- (dd) Park Improvement Project No. 30260-00;
- (ee) Neighborhood Improvement Project No. 60627-00;
- (ff) Street Improvement Project No. 84340-00;
- (gg) College Hill Improvement Project No. 26054-00; and
- (hh) Park Improvement Project No. 60580-03.

WHEREAS, all legal requirements pertaining to the Internal Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Internal Improvements, including the payment of a portion of the City's outstanding Series 2006-A Temporary Note dated November 28, 2006, which is due and payable December 1, 2007, and related expenses are at least \$18,216,629.53 (the "Internal Improvement Costs"), of which approximately \$3,248,559.78 will be paid from other funds lawfully available to the City, with \$2,143,430.14 of said Internal Improvement Costs to be paid by the owners of the property within the City benefited by the Internal Improvements (\$33,069.75 of which has been paid into the City Treasury on account of the Internal Improvements) leaving \$14,935,000.00 to be paid for by the issuance of general obligation bonds; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Bonds, Series 2007-D in the aggregate principal amount of Fourteen Million Nine Hundred Thirty-five Thousand Dollars (\$14,935,000) for the purpose of paying the cost of the Internal Improvements.

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

Section 1. That there is hereby authorized and directed to be issued General Obligation Bonds, Series 2007-D of the City in the aggregate principal amount of Fourteen Million Nine Hundred Thirty-five Thousand Dollars (\$14,935,000) (the "Bonds") for the purpose of paying the Internal Improvement Costs as provided by the home rule authority granted to the cities of the State of Kansas under Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City, (Section A12-1 of the Code of the City) K.S.A. 12-110c, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq. and Article 1 of Chapter 10, Kansas States Annotated, all as amended and other provisions of the laws of the State of Kansas applicable thereto. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the "Resolution").

Section 2. That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same shall become due by levying a tax upon all the taxable property of the City.

Section 3. That the City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 4. That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

Section 6. That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

Passed and approved by the Council of the City of Topeka, Kansas, this 6th day of November, 2007.

CITY OF TOPEKA, KANSAS

William W. Buntten, Mayor

ATTEST:

Brenda Younger, City Clerk

(SEAL)

I, BRENDA YOUNGER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. _____ adopted and approved by the City Council on November 6, 2007.

(SEAL)

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE: October 23, 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...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE: October 23, 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...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE: October 23, 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...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE: October 23, 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