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City Council Agenda

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

November 6, 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:**
"AZA Accreditation Presentation for the Topeka Zoo"
- 3. **ROLL CALL:**
- 4. **CONSENT AGENDA:**

A. **MINUTES** of the regular meeting of October 23, 2007

B. **APPLICATIONS:**

C. **Communication - Metropolitan Topeka Airport Authority Re-Appointment**

A **COMMUNICATION** recommending the re-appointment of Randy Mettner to the Metropolitan Topeka Airport Authority for a term that would expire on November 30, 2010.
(Council District No. 7)

This item was added at the meeting.

5. UNFINISHED BUSINESS:

A. **Ordinance - City of Topeka 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. Final Reading.

(Approval 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.)

6. NEW BUSINESS:

A. **Resolution - City of Topeka General Obligation Bonds, Series 2007-D**

 [ATTACHMENTS](#)

A **RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., prescribing the form and details of both the General Obligation Bonds, Series 2007-D of the City of Topeka, Kansas, in the aggregate principal amount of \$14,935,000, the issuance of which were authorized by the City pursuant to its Ordinance adopted and approved on November 6, 2007, and authorizing certain other documents and actions in connection with the issuance of the Bonds.

(The resolution prescribes the form and details of the City's Series 2007-D General Obligation Bonds, providing funds to finance the costs of previously authorized capital improvement projects.)

B. **Resolution - City of Topeka Temporary Notes, Series 2007-A**

 [ATTACHMENTS](#)

A **RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing and directing the issuance of temporary notes, Series 2007-A of the City of Topeka, Kansas, in the aggregate principal amount of \$9,200,000 for the purpose of providing funds to pay the cost of renewing a portion of the principal amount of the Series 2006-A temporary notes of the City, dated November 28, 2006, and for the purpose of providing funds to pay a portion

of the cost of certain improvements in the City.

(The resolution authorizes the issuance of the City's Series 2007-A Temporary Notes, providing funds to temporarily finance the costs of previously authorized capital improvement projects.)

C. Communication - Requesting Appeal of the State Historic Preservation Officer's Ruling of Adverse Affect - Jenny Torrence-Harris

 [ATTACHMENTS](#)

A COMMUNICATION requesting the City Council to appeal the State Historic Preservation Officer's denial of a 6-foot wood privacy fence along SW Taylor Street on property located at 720 SW 12th Street. (Council District No. 1) (Planning Department is recommending conditional approval.)

(Approval would overturn the State Historic Preservation Officer's denial of a 6-foot wood privacy fence along SW Taylor Street in the environs of Holliday Park National Historic District. To do so, the City Council must find there are no prudent or feasible alternatives to the proposal.)

D. Communication - Sale of Vacant Lot - 1900 Block of N. Kansas Avenue

 [ATTACHMENTS](#)

A COMMUNICATION approving the sale of a vacant lot located in the 1900 block of N. Kansas Avenue to David and Teresa Johnson and specifically authorizing the City Manager to execute the contract, deed and any other documents necessary to close the transaction. (Council District No. 2)

(Approval would allow the sale of a vacant lot in the 1900 block of N. Kansas Avenue.)

E. Communication - 2008 Alcohol and Drug Grant Recommendations

 [ATTACHMENTS](#)

A COMMUNICATION from City Manager Norton N. Bonaparte, Jr., outlining and seeking approval of the funding recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council for the 2008 grant awards from the Special Alcohol Program Fund.

(The communication outlines the annual recommendations of the Advisory Council and requests City Council approval of the grant awards.)

F. Resolution - Landon Trail Extension Grant

 [ATTACHMENTS](#)

A RESOLUTION to submit an application for use of Transportation Enhancement Funds set forth by the Federal Transportation Equity Act for the 21st Century for the Landon Trail Project from approximately SE 25th Street to SE 37th Street in the City of Topeka.

(Approval would authorize City staff to submit an application for federal funding for the Landon Trail Project. The federal award would be matched by \$100,000 from General Obligation Bonds approved in the 2007 Capital Improvement Budget.)

G. Resolution - Inpatient Access to Rehabilitation Care and Services

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Lana Kennedy concerning the impact of federal law on the access of Topeka citizens to inpatient rehabilitation care and services.

(The resolution expresses the City Council's support for proposed federal legislation that would protect patients access to inpatient rehabilitation care and services.)

H. Resolution - Capital Improvement Budget for 2008-2009

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas.

(The resolution would approve the two-year Capital Improvement Budget.)

I. Resolution - Capital Improvement Program 2008 - 2012

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting the 2008-2012 Capital Improvement Program for the City of Topeka, Kansas.

(The resolution approves the 2008-2012 Capital Improvement Program.)

J. Ordinance - Weekly Expenditures - October 8-14, 2007

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and

approving City expenditures for the period of October 8, 2007, through October 14, 2007, and enumerating said expenditures therein. First and Final Reading.

7. ZONING:

A. Resolution - Robert E. and Jeannene M. Freeman (CU07/5)

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 48-13.02(c)(4) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a pet crematorium on property currently zoned "O&I-2" Office and Institutional District and located at 1137 SW Gage Boulevard in the City of Topeka, Kansas. (CU07/5) (Council District No. 9) (Planning Commission recommended approval.) (Planning Department recommended approval.)

(Approval would allow a pet crematorium to be established on the property.)

8. FIRST READINGS:

A. Ordinance - Lateral Sanitary Sewer Improvement Project No. 40858-03 - Special Assessment

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of River Hill Subdivision with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40858-03, as defined and described in Resolution No. 7526, adopted and approved September 24, 2004. First Reading. (Council District No. 9)

(The public hearing will be held on November 13, 2007. The project will be paid 100% by the Improvement District. Approval would apportion and levy a special assessment for the improvement of Lateral Sanitary Sewer District No. 40858-03 located on the north side of 6th Avenue, west of Wanamaker Road in River Hill Residential Subdivision.)

B. Ordinance - Lateral Sanitary Sewer Improvement Project No. 40906 - Special Assessment

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Main and Lateral Sanitary Sewer Improvement Project No. 40906, as defined and described in Resolution No. 7334, adopted and approved April 22, 2003. First Reading. (Council District No. 4)

(The Public Hearing will be held November 13, 2007. The project will be paid 100% by the Improvement District. Approval would apportion and levy a special assessment for the improvement of Main and Lateral Sanitary Sewer District No. 40906 located along 45th Street from Maryland easterly to approximately a point 600 feet east of California in Southboro Subdivision No. 9.)

C. Ordinance - Sanitary Sewer Improvement Project No. 40915-02 - Special Assessment

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of a portion of Woodglen Subdivision with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40915-02, as defined and described in Resolution No. 7592, adopted and approved March 8, 2005. First Reading. (Council District No. 4)

(The Public Hearing will be held on November 13, 2007. The project will be paid 100% by the Improvement District. Approval would apportion and levy a special assessment for the improvement of Sanitary Sewer Improvement District No. 40915-02 located on SE Greenwood Court, SE Spruce Court, and SE Baldwin Street, all north of SE 22nd Terrace in Woodglen Subdivision.)

D. Ordinance - Trafficway Improvement Project No. 70198-01 - Condemnation Proceedings

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Improvement Project No. 70198-01, which provides for the construction of a roundabout at the intersection of SW Urish and SW 21st Street. First Reading. (Council District No. 8)

(Approval would initiate condemnation proceedings to acquire property interests for the improvement project.)

E. Ordinance - Traffic Signal Improvement Project No. 141280

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 141280, which provides for approximately 64 new traffic signal controllers, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading. *(All Council Districts)*

(Approval of \$204,800 would provide for approximately 64 new traffic signal controllers as part of an ongoing replacement program to replace all city-owned traffic signal controllers, upgrading them to current technology.)

F. Ordinance - Board of County Commissioners of Shawnee County (V07A/7)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of public alley right-of-way in the Original Town of Topeka and located north of 200 SE 7th Street and east of 600 SE Quincy Street, City of Topeka, Shawnee County, Kansas. First Reading. *(V07A/7) (Council District No. 1)*

(Approval would vacate two public alley rights-of-way and establish a necessary utility easement.)

G. Ordinance - CF and S Partnership and KU Endowment Association (Z07/22)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the south west corner of the intersection of SW Wanamaker Road and SW 30th Terrace from "O&I-2" Office and Institutional District TO "C-2" Commercial District. First Reading.*(Z07/22) (Council District No. 8)(Planning Commission recommended approval 7-1-1.) (Planning Department recommended disapproval.)*

(Approval would allow development of the property for neighborhood commercial use.)

H. Ordinance - QSR Real Estate, LLC (Z07/23)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the southeast corner of the intersection of SW 37th Street and SW Fairlawn Road from "R-1" Single-Family Dwelling District TO "O&I-1" Office and Institutional District. First Reading.*(Z07/23) (Council District No. 7)(Planning Commission recommended approval 9-0-0.) (Planning Department recommended approval.)*

(Approval would allow development of the property for office use.)

9. MISCELLANEOUS:

-

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

-

11. PUBLIC COMMENT:

-

12. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2007

 + Back  Print

DATE: November 6, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CIP PROJECT: No

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JOURNAL #:

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DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"AZA Accreditation Presentation for the Topeka Zoo"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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No Attachments Available



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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

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ATTACHMENTS:

No Attachments Available



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CIP PROJECT: No

ACTION OF COUNCIL:

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POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 7, 2007

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DATE:	November 6, 2007	
CONTACT PERSON:	Mayor Bill Buntten	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION recommending the re-appointment of Randy Mettner to the Metropolitan Topeka Airport Authority for a term that would expire on November 30, 2010. *(Council District No. 7)*

This item was added at the meeting.

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 24, 2007

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DATE: November 6, 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: 10/23/07 First Reading **JOURNAL #:** 07

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. Final Reading.

(Approval 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 #9

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



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 23, 2007

+ Back Print

DATE: November 6, 2007

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

SECOND PARTY/SUBJECT: Resolution prescribing the form and details of General Obligation Bonds, Series 2007-D **PROJECT #:**

CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

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DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., prescribing the form and details of both the General Obligation Bonds, Series 2007-D of the City of Topeka, Kansas, in the aggregate principal amount of \$14,935,000, the issuance of which were authorized by the City pursuant to its Ordinance adopted and approved on November 6, 2007, and authorizing certain other documents and actions in connection with the issuance of the Bonds.

(The resolution prescribes the form and details of the City's Series 2007-D General Obligation Bonds, providing funds to finance the costs of previously authorized capital improvement projects.)

POLICY ISSUE:

The Council's authorization is necessary for debt issuance, and to approve the terms and conditions of the general obligation bonds being issued.

STAFF RECOMMENDATION:

Adopt the Resolution as presented.

BACKGROUND:

These bonds will provide proceeds to pay costs of previously authorized capital projects.

BUDGETARY IMPACT:

The funds provided from issuance of the 2007-D bonds will be used to finance the costs of several capital projects, as set forth in the related Ordinance, including completed special assessment projects. Issuance of the bonds will increase the City's general obligation indebtedness by the principal amount of the bonds.

SOURCE OF FUNDING:

The principal and interest on the Bonds will be paid from property taxes appropriated for debt service.

Item #10

ATTACHMENTS:

[Resolution prescribing the form and details of G.O. Bonds, Series 2007-D](#)

121007 2

RESOLUTION

OF

CITY OF TOPEKA, KANSAS

ADOPTED

NOVEMBER 6, 2007

\$14,935,000
GENERAL OBLIGATION BONDS
SERIES 2007-D

RESOLUTION

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RESOLUTION NO. _____

A RESOLUTION INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. PRESCRIBING THE FORM AND DETAILS OF GENERAL OBLIGATION BONDS, SERIES 2007-D OF THE CITY OF TOPEKA, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$14,935,000 THE ISSUANCE OF WHICH WERE AUTHORIZED BY THE CITY PURSUANT TO ITS ORDINANCE NO. _____ ADOPTED AND APPROVED NOVEMBER 6, 2007; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

WHEREAS, the Governing Body of the City of Topeka, Kansas, (the "City") has caused certain internal improvements (the "Internal Improvements") to be made in the City under the authority of 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, Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City), and other provisions of the laws of the State of Kansas applicable thereto; and

WHEREAS, the City has by its Ordinance No. _____ adopted and approved November 6, 2007, (the "Ordinance") authorized the issuance of its General Obligation Bonds, Series 2007-D in the aggregate principal amount of \$14,935,000 (the "Bonds") under the authority of 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, Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and other provisions of the laws of the State of Kansas applicable thereto for the purpose of providing funds to pay the cost of making the Internal Improvements; and

WHEREAS, in accordance with the City's notice of the sale of the Bonds published in accordance with the requirements of law the Bonds have been sold to and purchased by _____, _____, _____ (the "Original Purchaser"); and

WHEREAS, in accordance with the terms and conditions of the Ordinance, the City hereby intends to both prescribe the form and details of the Bonds and authorize certain other documents and actions in connection with the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms identified elsewhere herein, the following words and terms as used in this Resolution shall have the following meanings:

"Arbitrage Instructions" means the Arbitrage Instructions attached to the City's Federal Tax Certificate dated as of the date of issuance and delivery of the Bonds, as the same may be amended or supplemented in accordance with the provisions thereof.

"Bond and Interest Fund" means the Bond and Interest Fund of the City for its general obligation bonds.

201 **"Bond Counsel"** means the firm of Nichols and Wolfe Chartered, or any other attorney
202 or firm of attorneys with a nationally recognized standing in the field of municipal bond financ-
203 ing as selected by the City.

204
205 **"Bond Payment Date"** means any date on which principal of or interest on any Bond is
206 payable.

207
208 **"Bond Register"** means the books for the registration, transfer and exchange of Bonds
209 kept at the office of the Bond Registrar.

210
211 **"Bond Registrar"** means the Treasurer of the State of Kansas, Topeka, Kansas, and any
212 successors and assigns thereto to the duties and responsibilities described in this Resolution and
213 in the related agreement between the City and the State Treasurer.

214
215 **"Bonds"** means the General Obligation Bonds, Series 2007-D, authorized and issued by
216 the City pursuant to the Ordinance.

217
218 **"Business Day"** means a day other than a Saturday, Sunday or holiday on which the
219 Paying Agent is scheduled in the normal course of its operations to be open to the public for
220 conduct of its operations.

221
222 **"Cede & Co."** means Cede & Co., as nominee name of The Depository Trust Company,
223 New York, New York and any successors or assigns thereto.

224
225 **"City"** means the City of Topeka, Kansas, the issuer of the Bonds.

226
227 **"Clerk"** means the duly appointed and/or elected Clerk of the City or, in the Clerk's
228 absence, the duly appointed Deputy Clerk or Acting Clerk of the City.

229
230 **"Code"** means the Internal Revenue Code of 1986, as amended.

231
232 **"Costs of Issuance"** means all costs of issuing the Bonds, including all publication,
233 printing, signing and mailing expenses in connection therewith, registration fees, financial
234 advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses
235 incurred in connection with compliance with the Code and with the Disclosure Certificate, all
236 expenses, if any, incurred in connection with receiving ratings on the Bonds.

237
238 **"Dated Date"** means November 28, 2007.

239
240 **"Defaulted Interest"** means interest on any Bond which is payable but not paid on any
241 Interest Payment Date.

242
243 **"Defeasance Obligations"** means any of the following obligations:

244
245 (a) United States Government Obligations that are not subject to redemption in
246 advance of their maturity dates; or

247
248 (b) obligations of any state or political subdivision of any state, the interest on which
249 is excluded from gross income for federal income tax purposes and which meet the following
250 conditions:

251
252 (1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee
253 for such obligations has been given irrevocable instructions concerning their calling and

redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust; and

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent.

"Disclosure Certificate" means the Continuing Disclosure Certificate attached to the City's Final Certificate as *Exhibit D* and included in the transcript of proceedings pertaining to the issuance of the Bonds.

"Event of Default" means any of the following occurrences or events:

(a) Payment of the principal or the Redemption Price of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise; or

(b) Payment of any installment of interest on any of the Bonds shall not be made on the Interest Payment Date when the same shall become due; or

(c) The City shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Resolution on the part of the City to be performed (other than relating to Rule 15c2-12 as defined in the Disclosure Certificate), and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the City by the Owner of any of the Bonds then Outstanding.

"Federal Tax Certificate" means the certificate so named and included in the transcript of proceedings pertaining to the issuance of the Bonds describing the investment and use of the proceeds of the Bonds.

"Fiscal Year" means the twelve month period ending on December 31.

"Funds and Accounts" means funds and accounts created or referred to in **Section 501** hereof.

"Interest Payment Date(s)" means the Stated Maturity of an installment of interest on any Bond which shall be February 15 and August 15 of each year, commencing February 15, 2008.

"Internal Improvements" mean certain internal improvements constructed in the City in accordance with the legal authority as described in the recitals to this Resolution and in the Ordinance.

307 **"Maturity"** when used with respect to any Bond means the date on which the principal
308 of such Bond becomes due and payable as therein and herein provided, whether at the Stated
309 Maturity thereof or upon on call for redemption or otherwise.
310

311 **"Mayor"** means the duly appointed and/or elected Mayor of the City or, in the Mayor's
312 absence, the duly appointed Deputy Mayor or Acting Mayor of the City.
313

314 **"Moody's"** means Moody's Investors Service, Inc., New York, New York, and any
315 successors or assigns to the Bond rating functions thereof which is deemed acceptable by the
316 City and Bond Counsel.
317

318 **"Original Purchaser"** means, with respect to the Bonds, _____
319 _____, _____.
320

321 **"Ordinance"** means Ordinance No. _____ adopted and approved November 6, 2007,
322 and published as required by law, pursuant to which the issuance of the Bonds has been
323 authorized.
324

325 **"Outstanding"** means, when used with reference to the Bonds, as of a particular date of
326 determination, all Bonds theretofore authenticated and delivered, except the following Bonds:
327

328 (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent
329 for cancellation;
330

331 (b) Bonds deemed to be paid in accordance with the provisions of **Section 701**
332 hereof; and
333

334 (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated
335 and delivered hereunder.
336

337 **"Owner"** when used with respect to any Bond means the Person in whose name such
338 Bond is registered on the Bond Register.
339

340 **"Participants"** means those financial institutions for whom the Securities Depository
341 effects book-entry transfers and pledges of securities deposited with the Securities Depository, as
342 such listing of Participants exists at the time of such reference.
343

344 **"Paying Agent"** means the State Treasurer, and any successors and assigns thereof to the
345 duties and responsibilities described in this Resolution and in the related agreement between the
346 City and the State Treasurer.
347

348 **"Permitted Investments"** means: (a) investments authorized by K.S.A. 12-1675 and
349 amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a,
350 and amendments thereto; (c) direct obligations of the United States Government or any agency
351 thereof; (d) the City's temporary notes issued pursuant to K.S.A. 10-123 and amendments
352 thereto; (e) interest-bearing time deposits in commercial banks located in the county or counties
353 in which the City is located; (f) obligations of the federal national mortgage association, federal
354 home loan banks or the federal home loan mortgage corporation; (g) repurchase agreements for
355 securities described in (c) or (f); (h) investment agreements with or other obligations of a finan-
356 cial institution the obligations of which at the time of investment are rated in either of the three
357 highest rating categories by Moody's, Inc. or Standard & Poor's; (i) investments in shares or units
358 of a money market fund or trust the portfolio of which is comprised entirely of securities
359 described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof
360 described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the

State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the States as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f). No Permitted Investment shall include any derivative investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

"Person" means any natural person, as well as any corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

"Purchase Price" means the purchase price of the Bonds as set forth in the *Bid Proposal for Purchase of the Bonds* as submitted by the Original Purchaser and accepted by the City, plus accrued interest to the date of delivery.

"Record Dates" means, for the interest payable on any Interest Payment Date, the first day (whether or not a Business Day) of each month of such Interest Payment Date.

"Redemption Date" means when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Resolution.

"Redemption Price" means when used with respect to any Bond to be redeemed the price at which such Bond is to be redeemed pursuant to the terms of this Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

"Replacement Bonds" means Bonds issued to the beneficial owners of the Bonds in accordance with **Section 211** hereof.

"Representation Letter" means the Blanket Issuer Letter of Representations from the City to the Securities Depository with respect to the Bonds, substantially in the form attached to this Resolution as *Exhibit B*.

"Resolution" means this resolution relating to the Bonds, and any Supplemental Resolution.

"Securities Depository" means, initially, The Depository Trust Company, New York, New York, and any successors and assigns.

"Series 2007-D Principal and Interest Account" means the Principal and Interest Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2007-D, created herein within the City's Bond and Interest Fund.

"Series 2007-D Project Account" means the Project Account for the Internal Improvements in the treasury of the City, created herein.

"Series 2007-D Rebate Fund" means the Rebate Fund for the City of Topeka, Kansas, General Obligation Bonds, Series 2007-D, created herein.

"Special Record Date" means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

414 **"Standard & Poor's"** means Standard & Poor's Ratings Services, a Division of The
415 McGraw Hill Companies, Inc., New York, New York and any successors or assigns to the Bond
416 rating functions thereof which is deemed acceptable by the City and Bond Counsel.

417
418 **"State"** means the State of Kansas.

419
420 **"State Treasurer"** means the duly elected Treasurer or, in the Treasurer's absence, the
421 duly appointed Deputy Treasurer or acting Treasurer of the State of Kansas and any successors
422 or assigns.

423
424 **"Stated Maturity"** means (i) with respect to any Bond principal payment, the date on
425 which payment of principal is due and payable on any Bond, as specified on that Bond and in
426 this Resolution, and (ii) with respect to any Interest Payment, each February 15 and August 15 of
427 the year in which any Bond is Outstanding, beginning February 15, 2008.

428
429 **"Term Bonds"** means the Bonds scheduled to mature in the year 20____.

430
431 **"Treasurer"** means the duly appointed and/or elected Treasurer of the City or, in the
432 Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the City.

433
434 **"United States Government Obligations"** means bonds, notes, certificates of
435 indebtedness, U.S. Treasury or other securities consisting of direct obligations of, or obligations
436 the principal of and interest on which are fully and unconditionally guaranteed as to full and
437 timely payment by, the United States of America, including evidences of a direct ownership
438 interest in the future interest or principal payment on obligations issued by the United States of
439 America (including the interest component of obligations of the Resolution Funding
440 Corporation).

441 442 ARTICLE II

443 444 AUTHORIZATION AND DETAILS OF THE BONDS

445
446 **Section 201. Authorization of the Bonds.** There shall be issued and hereby are
447 authorized and directed to be issued General Obligation Bonds, Series 2007-D, of the City in the
448 aggregate principal amount of \$14,935,000 for the purpose of providing funds to pay the costs of
449 the Internal Improvements as described in the Ordinance, in accordance with K.S.A. 12-110c,
450 K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., Article 1 of Chapter 10, Kansas Statutes
451 Annotated, all as amended, the home rule authority granted to the cities of the State of Kansas by
452 Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City
453 (Sections A12-1 of the Code of the City) and other provisions of the laws of the State of Kansas
454 applicable thereto.

455
456 **Section 202. Description of the Bonds.** The Bonds shall consist of fully registered
457 bonds in the denominations of \$5,000 or any integral multiple thereof and shall be numbered in
458 such manner as the Bond Registrar shall determine. All of the Bonds shall be dated November
459 28, 2007, shall become due in the amounts on the Stated Maturities (subject to redemption and
460 payment prior to their Stated Maturities as provided in Article III hereof), and shall bear interest
461 at the rates per annum as follows:

462
463 (REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

MATURITY
(August 15)

PRINCIPAL
AMOUNT

INTEREST
RATE

SERIAL BONDS

2008	\$350,000	_____ %
2009	535,000	_____
2010	555,000	_____
2011	570,000	_____
2012	595,000	_____
2013	615,000	_____
2014	635,000	_____
2015	665,000	_____
2016	685,000	_____
2017	710,000	_____
2018	745,000	_____
2019	770,000	_____
2020	805,000	_____
2021	835,000	_____
2022	875,000	_____
2023	910,000	_____
2024	955,000	_____
2025	995,000	_____
2026	1,040,000	_____
2027	1,090,000	_____

TERM BONDS

20_____ \$_____ %

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid, payable on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be typed or printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as *Exhibit A* or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The Treasurer of the State of Kansas, Topeka, Kansas, is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and as Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor and Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Bond Registrar and Paying Agent for the Bonds.

The City will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent or Bond Registrar by (1) filing with the Paying

Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (2) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, if any, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal corporate trust office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or (b) in the case of an interest payment to any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States) ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the City.

Section 205. Registration, Transfer and Exchange of Bonds. The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the

office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal corporate trust office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. The City shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The City and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Bond Registrar pursuant to **Section 303** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204** hereof.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 206. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the City by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Clerk and the seal of the City shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds

to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the City affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Bonds shall have endorsed thereon a *Certificate of Authentication* substantially in the form attached hereto as *Exhibit A* hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the *Certificate of Authentication* on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Resolution or be valid or obligatory for any purpose unless and until such *Certificate of Authentication* has been duly executed by the Bond Registrar. Such executed *Certificate of Authentication* upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Original Purchaser upon instructions of the City or its representative.

Section 207. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the City and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the City or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Bond Registrar) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Resolution equally and ratably with all other Outstanding Bonds.

Section 208. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the City.

Section 209. Preliminary and Final Official Statement. The *Preliminary Official Statement* dated October 29, 2007, is hereby ratified and approved. For the purpose of enabling the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities

and Exchange Commission, the City hereby deems the information regarding the City contained in the *Preliminary Official Statement* to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Original Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Original Purchaser to comply with the requirement of such Rule.

The final *Official Statement* is hereby authorized to be prepared by supplementing, amending and completing the *Preliminary Official Statement*, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor is hereby authorized to execute the final *Official Statement* as so supplemented, amended and completed, and the use and public distribution of the final *Official Statement* by the Original Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such *Official Statement* as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

The City agrees to provide to the Original Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the final *Official Statement* to enable the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 210. Sale of the Bonds. The sale of the Bonds to the Original Purchaser is hereby ratified and confirmed. Delivery of the Bonds shall be made to the Original Purchaser as soon as practicable after the passage of this Resolution, upon payment of the Purchase Price.

Section 211. Book-Entry Bonds; Securities Depository.

(a) The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing its respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in subsection (b) hereof. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, or (2) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name and authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the

City, with the consent of the Bond Registrar, may select a successor securities depository in accordance with **Section 211(c)** hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with **Section 211(c)** hereof, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds. The cost of printing, registration, authentication and delivery of Replacement Bonds shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Bond Registrar and the City receive written evidence with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to DTC by the Mayor of the City in the form attached hereto as Exhibit B with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, is hereby authorized, and execution of the Representation Letter by the Mayor shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by Registered Owners of the Bonds and beneficial Owners and payments on the Bonds. The Paying Agent shall have the same rights with respect to its actions thereunder as it has with respect to its actions under this Resolution.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Optional Redemption by City. The Bonds maturing prior to August 15, 2013, shall become due without the option of prior payment. The Bonds maturing on or after August 15, 2013, may be called for redemption and payment prior to maturity on August 15, 2012, and thereafter in whole or in part on any date (Bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the Paying Agent and Bond Registrar in such equitable manner as they shall designate), at the redemption price equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment.

(b) **Mandatory Redemption.** The Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in Article IV hereof which are to be deposited into the Principal and Interest Account shall be sufficient to redeem, and the City shall redeem on August 15 in each year, the following principal amounts of such Term Bonds:

Principal Amount	Year
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At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the City may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the City under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection (b)) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection (b). Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the City to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity in chronological order, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the City intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the City will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption payment.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then Outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of such \$5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent the \$5,000 unit or units of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the City desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by it of the City's written notice at least 45 days prior to the Redemption Date. If the Bonds are refunded more than 90 days in advance of such Redemption Date, any escrow agreement entered into by the City in connection with such refunding shall provide that such written instructions to the Paying Agent shall be given by the escrow agent on behalf of the City not more than 90 days prior to the Redemption Date. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** are met.

Unless waived by any Owner of Bonds to be redeemed, the Bond Registrar shall give written notice of the redemption of said Bonds on a specified date, the same being described by maturity, said notice to be mailed by United States first class mail addressed to the Owners of said Bonds to be redeemed and to the Original Purchaser of the Bonds, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. The City and Bond Registrar shall also give such additional notice as may be required by Kansas law or regulations of the Securities and Exchange Commission in effect as of the date of such notice.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have

895 been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as
896 provided herein and shall not be reissued.

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898 The Paying Agent is also directed to comply with any mandatory or voluntary standards
899 then in effect for processing redemptions of municipal securities established by the State or the
900 Securities Exchange Commission. Failure to comply with such standards shall not affect or
901 invalidate the redemption of any Bond.

902 ARTICLE IV

903 SECURITY FOR AND PAYMENT OF BONDS

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908 **Section 401. Security for the Bonds.** The Bonds shall be general obligations of the
909 City. The Bonds shall be payable as to both principal and interest in part from special
910 assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes
911 which may be levied without limitation upon all the taxable tangible property, real and personal,
912 within the territorial limits of the City. The balance of the principal of and interest on the Bonds
913 is payable from ad valorem taxes which may be levied without limitation as to rate or amount
914 upon all the taxable tangible property, real and personal, within the territorial limits of the City.
915 The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt
916 payment of the principal of and interest on the Bonds as the same become due.

917
918 **Section 402. Levy and Collection of Annual Tax.** The governing body of the City
919 shall annually make provision for the payment of principal of, redemption premium, if any, and
920 interest on the Bonds as the same become due by levying and collecting the necessary taxes upon
921 all of the taxable tangible property within the City in the manner provided by law.

922
923 The taxes referred to above shall be extended upon the tax rolls in each of the several
924 years, respectively, and shall be levied and collected at the same time and in the same manner as
925 the other ad valorem taxes of the City are levied and collected. The proceeds derived from said
926 taxes shall be deposited in the Series 2007-D Principal and Interest Account and, shall be kept
927 separate and apart from all other funds of the City and shall be used solely for the payment of the
928 principal of, redemption premium, if any, and interest on the Bonds as and when the same
929 become due, taking into account the fees and expenses of the Bond Registrar and Paying Agent.

930
931 If at any time said taxes are not collected in time to pay the principal of or interest on the
932 Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest
933 out of the general funds of the City and to reimburse said general funds for money so expended
934 when said taxes are collected.

935 ARTICLE V

936 ESTABLISHMENT OF FUNDS AND ACCOUNTS 937 DEPOSIT AND APPLICATION OF MONEYS

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939
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941 **Section 501. Establishment of Funds and Accounts.** Simultaneously with the issuance
942 of the Bonds, there shall be created within the treasury of the City the following funds and
943 accounts:

- 944
945 (a) In the treasury of the City, the "Series 2007-D Project Account";
946

(b) In the City's Bond and Interest Fund, the "Principal and Interest Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2007-D (the "Series 2007-D Principal and Interest Account"); and

(c) In the treasury of the City, the Rebate Fund for the City of Topeka, Kansas, General Obligation Bonds, Series 2007-D (the " Series 2007-D Rebate Fund").

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Resolution so long as the Bonds are Outstanding.

Section 502. Disposition of Bond Proceeds. The proceeds of the Bonds, upon issuance and delivery thereof, shall be deposited as follows:

(a) Proceeds of the Bonds in the amount of \$_____ shall be deposited in the Series 2007-D Project Account; and

(b) Proceeds of the Bonds in the amount of \$_____ shall be deposited with the Treasurer of the State of Kansas for the redemption of a portion of the City's Temporary Notes, Series 2006-A, on December 1, 2007.

Section 503. Disposition of Other Moneys.

(a) That concurrently with the issuance and delivery of the Bonds, the City shall deposit with the Treasurer of the State of Kansas \$_____, for the redemption of a portion of the City's Temporary Notes, Series 2006-A, on December 1, 2007.

Section 504. Withdrawals from the Series 2007-D Project Account. The Treasurer shall make withdrawals from the Series 2007-D Project Account solely for the purpose of paying costs and expenses of the Internal Improvements and paying the Costs of Issuance for the Bonds. Such withdrawals shall be made only on due authorization by the governing body of the City.

Section 505. Surplus in the Series 2007-D Project Account. All moneys remaining in the Series 2007-D Project Account after the completion of the Internal Improvements, as determined by the governing body of the City, shall be transferred immediately to the Series 2007-D Principal and Interest Account and applied to the next installment of principal due on the Bonds from which such surplus moneys remain.

Section 506. Application of Moneys in Series 2007-D Principal and Interest Account. All amounts paid and credited to the Series 2007-D Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Series 2007-D Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Series 2007-D Principal and Interest Account sums sufficient to pay principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal or Redemption Price, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Series 2007-D Principal and Interest Account after the retirement of the indebtedness for which the Bonds were issued shall be transferred and paid into the Bond and Interest Fund of the City.

Section 507. Application of Moneys in the Series 2007-D Rebate Fund.

(a) There shall be deposited in the Series 2007-D Rebate Fund such amounts as are required to be deposited therein pursuant to the Arbitrage Instructions. All money at any time deposited in the Series 2007-D Rebate Fund shall be held in trust, to the extent required to pay rebatable arbitrage to the United States of America, and neither the City nor the Owner of any Bond shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Series 2007-D Rebate Fund shall be governed by this Section and the Arbitrage Instructions.

(b) The City shall periodically determine the rebatable arbitrage, if any, under Section 148(f) of the Code in accordance with the Arbitrage Instructions, and the City shall make payments to the United States of America at the times and in the amounts determined under the Arbitrage Instructions. Any moneys remaining in the Series 2007-D Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any rebatable arbitrage, or provision made therefor, shall be deposited into the Series 2007-D Principal and Interest Account of the City.

(c) Notwithstanding any other provision of this Resolution, including in particular Article VII hereof, the obligation to pay rebatable arbitrage to the United States of America and to comply with all other requirements of this Section and the Arbitrage Instructions shall survive the defeasance or payment in full of the Bonds.

(d) The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

Section 508. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be invested in accordance with the requirements of K.S.A. 10-131, as amended. All such investments constituting deposits shall be continuously and adequately secured by the financial institutions holding such deposits as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the City so that there shall be no commingling of such funds with any other funds of the City.

Moneys held in the funds and accounts herein created or established in conjunction with the issuance of the Bonds may be invested by the City in Permitted Investments or in other investments allowed by Kansas law in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in said accounts or funds; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any Permitted Investment held in any fund or account (except amounts required to be deposited in the Series 2007-D Rebate Fund in accordance with the Arbitrage Instructions) shall accrue to and become a part of such fund or account; provided, however, that interest earned on investments of moneys held in the Series 2007-D Project Account may, at the direction of the governing body of the City, be paid and credited to the Series 2007-D Principal and Interest Account, and used to pay interest on the Bonds. In determining the amount held in any fund or account under the provisions of the Resolution, Permitted Investments shall be valued at their par value or at their then current redemption value, whichever is lower.

Section 509. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent, all liability of the City to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or on, or with respect to, said Bond. If such funds shall have remained unclaimed for five (5) years after such principal or interest has become due and payable, such funds shall be paid to the City; and all liability of the Paying Agent to the Owner thereof for the payment of such Bond shall forthwith cease, terminate and be completely discharged. The obligations of the Paying Agent under this Section to pay any such funds to the City shall be subject to any provisions of law applicable to the Paying Agent or to such funds providing other requirements for disposition of unclaimed property.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Resolution, including the covenants and agreements herein contained, shall constitute a contract between the City and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by its action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners of Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract

or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the City and the Owners of the Outstanding Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Resolution and the pledge of the City's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds are to be redeemed prior to their Stated Maturity, (1) the City has elected to redeem such Bonds, and (2) either notice of such redemption has been given, or the City has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Section 303** of this Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants.

(a) The City covenants and agrees that (1) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds and (2) it will not use or permit the use of any Bond proceeds or any other funds of the City in a manner which would adversely affect the exclusion from gross income of the interest on the bonds, and

(3) will not take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely effect the exclusion from gross income of the interest on the Bonds. The City will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The City covenants and agrees that (1) it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Bonds are issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, and will not take or omit to take any action, that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

(c) The City covenants and agrees that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond to be a "private activity bond" within the meaning of Section 141(a) of the Code.

Section 802. Rebate Covenant. The City covenants and agrees that it will pay, or provide for the payment of, from time to time all amounts required to be rebated to the United States pursuant to Section 148(f) of the Code and the Arbitrage Instructions. This covenant shall survive payment in full or defeasance of the Bonds. The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

Section 803. Survival of Covenants. The covenants contained in this Article shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to Article VII hereof or any other provision of this Resolution until the final maturity date of all Bonds Outstanding.

Section 804. Qualified Tax-exempt Obligations. The Bonds are not designated as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The City hereby covenants with the Original Purchaser and the Beneficial Owners (as defined in the Disclosure Certificate) to provide and disseminate such information as is required by Rule 15c2-12 (as defined in the Disclosure Certificate) and is further set forth in the Disclosure Certificate. Such covenant shall be for the benefit of and enforceable by the Original Purchaser and such Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the City fails to comply in a timely manner with its covenants contained in the preceding section, the Original Purchaser and/or any such Beneficial Owner may make demand for such compliance by written notice to the City. In the event the City does not remedy such noncompliance within 10 days of receipt of such written notice, the Original Purchaser or any such Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate

1217 legal or equitable remedy as the Original Purchaser and/or any such Beneficial Owner shall deem
1218 effectual to protect and enforce any of the duties of the City under such preceding section.

1219
1220 ARTICLE X

1221
1222 MISCELLANEOUS PROVISIONS

1223
1224 **Section 1001. Annual Audit.** Annually, promptly after the end of the Fiscal Year, the
1225 City will cause an audit to be made of its funds and accounts for the preceding Fiscal Year by a
1226 certified public accountant or firm of certified public accountants.

1227
1228 Within 30 days after the completion of each such audit, a copy thereof shall be filed in
1229 the office of the Clerk, and a duplicate copy of the audit shall be mailed to the Original Purchas-
1230 er. Such audit shall at all times during the usual business hours of the City be open to the
1231 examination and inspection by any taxpayer, any Owner of the Bonds or by anyone acting for or
1232 on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and
1233 mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or
1234 prospective Owner.

1235
1236 As soon as possible after the completion of the annual audit, the governing body of the
1237 City shall review such audit, and if the audit discloses that proper provision has not been made
1238 for all of the requirements of this Resolution, the City shall promptly cure such deficiency.

1239
1240 **Section 1002. Amendments.** The rights and duties of the City and the Owners, and the
1241 terms and provisions of the Bonds or of this Resolution, may be amended or modified at any
1242 time in any respect by resolution of the City with the written consent of the Owners of not less
1243 than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced
1244 by an instrument or instruments executed by such Owners and duly acknowledged or proved in
1245 the manner of a deed to be recorded, and such instrument or instruments shall be filed with the
1246 Clerk, but no such modification or alteration shall:

- 1247
1248 (a) extend the maturity of any payment of principal or interest due upon any Bond;
1249
1250 (b) effect a reduction in the amount which the City is required to pay as principal of
1251 or interest on any Bond;
1252
1253 (c) permit preference or priority of any Bond over any other Bond; or
1254
1255 (d) reduce the percentage in principal amount of Bonds required for the written
1256 consent to any modification or alteration of the provisions of this Resolution.

1257
1258 Any provision of the Bonds or of this Resolution may, however, be amended or modified
1259 by resolution duly adopted by the governing body of the City at any time in any legal respect
1260 with the written consent of the Owners of all of the Bonds at the time Outstanding.

1261
1262 With notice to or the consent of any Owners, the City may amend or supplement this
1263 Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity
1264 therein or in connection with any other change therein which is not materially adverse to the
1265 interests of the Owners.

1266
1267 Every amendment or modification of the provisions of the Bonds or of this Resolution, to
1268 which the written consent of the Owners is given, as above provided, shall be expressed in a
1269 resolution adopted by the governing body of the City amending or supplementing the provisions
1270 of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every

such amendatory or supplemental resolution, if any, and a certified copy of this Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond, or a prospective purchaser or owner of any Bond authorized by this Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Resolution will be sent by the Clerk to any such Owner or prospective Owner. A copy of every amendatory or supplemental resolution shall be sent to Moody's.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Bond Registrar and to the Paying Agent a copy of any amendment to the Bonds or this Resolution which affects the duties or obligations of the Bond Registrar or the Paying Agent under this Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Resolution, and shall be conclusive in favor of the City, the Bond Registrar and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to make acknowledgements within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Resolution, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's rights so to act with respect to such Bonds and that the pledgee is not the City.

Section 1004. Further Authority. The officers and officials of the City, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

1325 **Section 1005. Severability.** If any section or other part of this Resolution is for any
1326 reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of
1327 this Resolution.
1328

1329 **Section 1006. Governing Law.** This Resolution shall be governed exclusively by and
1330 construed in accordance with the applicable laws of the State.
1331

1332 **Section 1007. Effective Date.** This Resolution shall take effect and be in full force from
1333 and after its passage by the Council of the City.
1334

1335 (REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

PASSED and approved by the City of Topeka, Kansas, on November 6, 2007.

CITY OF TOPEKA, KANSAS

(SEAL)

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the Resolution of the Council of the City of Topeka, Kansas, adopted by the Council at a regularly scheduled meeting held on November 6, 2007, as the same appears of record in my office, and that the Resolution has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: November 6, 2007.

Brenda Younger, City Clerk

(SEAL)

EXHIBIT A
(FORM OF BOND)

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SHAWNEE
CITY OF TOPEKA
GENERAL OBLIGATION BOND
SERIES 2007-D

No. R-_____ \$ _____

Rate of Interest: _____ Maturity Date: August 15, 20__ Dated Date: November 28, 2007 CUSIP _____

Registered Owner:

PRINCIPAL AMOUNT _____

The City of Topeka, in the County of Shawnee, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above (the "Owner"), or registered assigns as hereinafter provided, on the maturity date identified above, the principal amount identified above, and in like manner to pay, as of the Record Dates as hereinafter provided, interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid prior to the registration date set forth below at the rate of interest per annum set forth above semiannually on February 15 and August 15 of each year (the "Interest Payment Dates") commencing February 15, 2008, until said principal amount is paid.

The principal of and redemption premium, if any, on this Bond shall be payable in lawful money of the United States of America at the office of the Treasurer of the State of Kansas, Topeka, Kansas, (the "Paying Agent" and "Bond Registrar") upon presentation of this Bond for payment and cancellation. The interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Paying Agent by mailing to the Owner thereof at the address appearing on the registration books of the City maintained by the Bond Registrar or at such other address as is furnished in writing by such registered owner to the Bond Registrar at the close of business on the 1st day of February or August of the applicable interest payment date (the "Record Dates"), or in the case of an interest payment to any Owner of **\$500,000** or more in aggregate principal amount of the Bonds, by electronic transfer to such Owner upon written notice given to the Paying Agent by such Owner not less than **15** days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States), ABA routing number and account number to which such Owner wishes to have such transfer directed. The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

THE TERMS AND PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

It is hereby certified and declared that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas, and that the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the said City of Topeka, in the State of Kansas, by its governing body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their manual signatures with its corporate seal to be affixed hereon, all as of the 28th day of November, 2007.

CITY OF TOPEKA, KANSAS

(manual)

Mayor

ATTEST: (manual)

City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Topeka, Kansas, General Obligation Bonds, Series 2007-D described in the within mentioned Resolution.

Registration Date: _____

OFFICE OF THE STATE TREASURER
Topeka, Kansas,
as Bond Registrar and Paying Agent

By _____

I.D.#: _____

FURTHER TERMS AND PROVISIONS

This Bond is one of a duly authorized series of Bonds of the City aggregating the principal amount of \$14,935,000 (the "Bonds") issued for the purposes set forth in Ordinance No. _____ of the City (the "Ordinance"). This Bond and the series of Bonds of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, K.S.A. 10-101 to 125, inclusive, as amended, K.S.A. 12-110c, K.S.A. 12-685 et seq. K.S.A. 12-6a01 et seq., Charter Ordinance No. 89 of the City, and all amendments thereof, acts supplemental thereto, the Ordinance, Resolution No. _____ of the City (the "Resolution") and all other provisions of the laws of the State of Kansas applicable thereto.

The Bonds are issuable in fully registered form in the denomination of \$5,000 each or authorized integral multiples thereof. This Bond may be exchanged at the principal office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms set forth in the authorizing Ordinance and the Resolution.

At the option of the City, the Bonds maturing on or after August 15, 2013, may be called for redemption and payment prior to maturity on August 15, 2012, and thereafter in whole or in part on any date (Bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the Paying Agent and Bond Registrar in such equitable manner as they shall designate), at the redemption price equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment.

[Each of the Bonds maturing on August 15, 20__, (the "Term Bonds") shall also be subject to mandatory redemption and payment prior to maturity on August 15, 20__, and August 15, 20__, pursuant to the redemption schedule set forth in the Resolution at the Redemption Price of 100% (expressed as a percentage of the principal amount) plus accrued interest thereon to the Redemption Date.]

Bonds will be redeemed in integral multiples of \$5,000. If less than all Bonds are called for redemption, the Bond Registrar will, in the case of Bonds in denominations greater than \$5,000, treat each \$5,000 of face value as though it were a separate Bond.

In the event of any such redemption, the Paying Agent shall give notice of such call by mailing a copy of the redemption notice by first class mail, postage prepaid, not less than thirty (30) days prior to the date of such redemption to the Owner of each Bond to be redeemed at the address shown on the registration books maintained by the Bond Registrar. Failure to give such notice by mailing to the Owner of any Bond, or any defect therein, shall not affect the validity of any proceedings for the redemption of other Bonds. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Owner of such Bonds received the notice.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof, or redemption price hereof and interest due hereon and for all other purposes.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The City and the Paying Agent will recognize the Securities Depository nominee, while the registered owner of the Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or

liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the city, the Paying Agent and the Securities Depository.

This Bond is transferable by the Owner hereof in person or by his attorney duly authorized in writing at the principal office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Resolution, and upon surrender and cancellation of this Bond. The City shall pay out of the proceeds of the Bonds or from other funds all costs incurred in connection with the issuance, transfer, exchange, registration, redemption or payment of the Bonds except (a) the reasonable fees and expenses in connection with the replacement of a Bond or Bonds mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange, registration, redemption or payment of the Bonds. Upon such transfer a replacement Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefore.

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identifying No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____ standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned does (do) hereby irrevocably constitute and appoint _____ as attorney to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or Taxpayer
Identifying No.

Signature (Sign Here Exactly as
Name(s) Appear on Face of
Certificate)

Signature guaranty:

By _____

CERTIFICATE OF CITY CLERK

I, the undersigned, City Clerk of the City of Topeka, Kansas, do hereby certify that this Bond has been duly registered in my office according to law as of November 28, 2007.

WITNESS my hand and official seal.

(manual)

City Clerk

(SEAL)

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, LYNN JENKINS, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Bond has been filed in my office and that this Bond was registered in my office according to law this _____.

WITNESS my hand and official seal.

LYNN JENKINS

TREASURER OF THE STATE OF KANSAS

By _____

State Treasurer

(SEAL)

1616
1617
1618
1619

EXHIBIT B
(DTC LETTERS OF REPRESENTATION)



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 23, 2007

+ Back Print

DATE: November 6, 2007

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

SECOND PARTY/SUBJECT: Resolution authorizing the issuance Temporary Notes, Series 2007-A **PROJECT #:**

CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and directing the issuance of temporary notes, Series 2007-A of the City of Topeka, Kansas, in the aggregate principal amount of \$9,200,000 for the purpose of providing funds to pay the cost of renewing a portion of the principal amount of the Series 2006-A temporary notes of the City, dated November 28, 2006, and for the purpose of providing funds to pay a portion of the cost of certain improvements in the City.

(The resolution authorizes the issuance of the City's Series 2007-A Temporary Notes, providing funds to temporarily finance the costs of previously authorized capital improvement projects.)

POLICY ISSUE:

The Council's authorization is necessary for debt issuance, and to approve the terms and conditions of the temporary notes being issued.

STAFF RECOMMENDATION:

Adopt the Resolution as presented.

BACKGROUND:

The Council's authorization is necessary for debt issuance, and to approve the terms and conditions of the temporary notes being issued.

BUDGETARY IMPACT:

The funds provided from issuance of the 2007-A Notes will be used to temporarily finance the costs of several capital projects, including incomplete special assessment projects. The budgetary impact will not be realized until the principal and interest on the Notes are paid from proceeds of general obligation bonds expected to be issued in 2008.

SOURCE OF FUNDING:

Item #11

The principal and interest on the Notes will be paid from proceeds of general obligation bonds expected to be issued in 2008.

ATTACHMENTS:

[Resolution adopting 2007-2008 CIB](#)

121007 2

RESOLUTION NO. _____

**A RESOLUTION INTRODUCED BY CITY MANAGER
NORTON N. BONAPARTE, JR. AUTHORIZING AND
DIRECTING THE ISSUANCE OF TEMPORARY NOTES,
SERIES 2007-A OF THE CITY OF TOPEKA, KANSAS, IN
THE AGGREGATE PRINCIPAL AMOUNT OF \$9,200,000
FOR THE PURPOSE OF PROVIDING FUNDS TO PAY
THE COST OF RENEWING A PORTION OF THE
PRINCIPAL AMOUNT OF THE SERIES 2006-A
TEMPORARY NOTES OF SAID CITY, DATED
NOVEMBER 28, 2006, AND FOR THE PURPOSE OF
PROVIDING FUNDS TO PAY A PORTION OF THE COST
OF CERTAIN IMPROVEMENTS IN SAID CITY.**

WHEREAS, pursuant to K.S.A. 12-6a01 *et seq.*, 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”) (Section A12-1 of the Code of the City) and all other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had and other actions duly and legally taken, the City has approved the following internal improvements (the “Improvements”):

- (a) Water Main Improvement Project No. 28627-00;
- (b) Sanitary Sewer Improvement Project No. 40832-01;
- (c) Sanitary Sewer Improvement Project No. 40858-03;
- (d) Sanitary Sewer Improvement Project No. 40915-02;
- (e) Sanitary Sewer Improvement Project No. 40917-02;
- (f) Sanitary Sewer Improvement Project No. 40926-01;
- (g) Sanitary Sewer Improvement Project No. 40941-00;
- (h) Sanitary Sewer Improvement Project No. 40942-00;
- (i) Sanitary Sewer Improvement Project No. 40943-01;
- (j) Sanitary Sewer Improvement Project No. 40945-00;
- (k) Sanitary Sewer Improvement Project No. 40947-00;
- (l) Street Improvement Project No. 60500-02;

- (m) Street Improvement Project No. 60599-02;
- (n) Street Improvement Project No. 60607-00;
- (o) Street Improvement Project No. 60610-02;
- (p) Street Improvement Project No. 60623-01;
- (q) Street Improvement Project No. 60624-01;
- (r) Storm Sewer Improvement Project No. 60625-00;
- (s) Street Improvement Project No. 60626-00;
- (t) Trafficway Improvement Project No. 70190-01;
- (u) Trafficway Improvement Project No. 70196-02; and
- (v) Waterline Improvement Project No. 70142-03.

WHEREAS, the cost of making the Improvements are to be paid in whole or in part by the issuance of general obligation bonds of the City in the manner provided by law; and

WHEREAS, pursuant to Resolution No. 7883 of the City adopted November 7, 2006, the City has issued its Temporary Notes, Series 2006-A, dated November 28, 2006, aggregating the principal amount of \$11,470,000 and maturing on December 1, 2007, (the "Series 2006-A Notes") to provide funds to finance certain improvements in the City including Projects Nos. 40858-03, 40915-02, 40917-02, 40945-00, 60610-02, 60623-01, 60624-01, 60625-00, 60626-00, 70190-01, and 70196-02; as hereinbefore described (the "Projects"), and all aspects of said Projects will not be fully completed at the maturity of the Series 2006-A Notes; and

WHEREAS, it is necessary for the City to provide cash funds to renew a portion of the Series 2006-A Temporary Notes issued to provide financing for the Projects and to meet the City's obligations incurred in connection with the Improvements prior to the completion of said work and the issuance of the City's general obligation bonds, and it is desirable and in the interest of the City that such funds be raised by the issuance of temporary notes of the City, said notes to be issued by the City pursuant to the provisions of K.S.A. 10-123, as amended.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, AS FOLLOWS:

Section 1.(a) For the purpose of providing funds to renew a portion of the Series 2006-A Notes issued in connection with the Projects as hereinbefore described and to pay obligations incurred by the City in acquiring and constructing the Improvements, there shall be issued and are hereby authorized to be issued Temporary Notes, Series 2007-A, of the City, in the principal amount not to exceed \$9,200,000 (the "Notes"). The Notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. The Notes shall initially be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, (along with its successors and assigns, the "Securities Depository") to which payments of principal on the Notes will be made by the Treasurer of the State of Kansas (the "Note Registrar" and "Paying Agent") in lawful money of the United States of America upon presentation of the Notes for payment and cancellation. Individual purchases of Notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in Notes purchased. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among those financial institutions (the "Participants") for whom it effects book entry transfers and pledges of securities deposited with it from time to time and receive and transmit payment of principal of and interest on the Notes to the Participants until and unless the Note Registrar (hereinafter designated) authenticates and delivers Replacement Notes to the beneficial owners as described in subsection (b). The Notes shall be dated November 28, 2007, shall become due on November 1, 2008, and shall bear interest from said date at the rate of _____ percent (_____%) per annum. Interest on the Notes shall be payable at the maturity of the Notes on November 1, 2008, (the "Interest Payment Date") to the Registered Owner thereof appearing on the books of the Note Registrar as of the 15th day of the month next preceding the applicable interest payment date (the "Record Date").

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any

Notes being issued to any registered owner of any of the Notes ("Registered Owner") other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, or (2) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes which are outstanding and unpaid, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Notes being issued to any Registered Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, then the Note Registrar shall notify the Registered Owners of such determination or such notice and of the availability of certificates to beneficial owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver replacement Notes to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustment as it may find necessary or appropriate as to accrued interest; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City may, after consultation with the Note Registrar, select a successor securities depository in accordance with subsection (c) hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Note. Upon the issuance of any replacement Notes ("Replacement Notes"), all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the City is unable to locate a qualified successor of the Securities Depository in accordance with subsection (c) hereof, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to the beneficial owners thereof, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Notes. The cost of printing, registration, authentication and delivery of Replacement Notes shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository, provided the Note Registrar receives written evidence satisfactory to it with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Note Registrar upon its receipt of any of the Notes for cancellation shall cause the delivery of such Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to The Depository Trust Company, New York, New York, by the Mayor or Deputy Mayor in the form attached hereto as Exhibit A with such changes, omissions, insertions and revisions as the Mayor or Deputy Mayor shall deem advisable, is hereby authorized, and execution of the Representation Letter by the Mayor or Deputy Mayor shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by the owners (both the Registered Owner and beneficial owners) of the Notes and payments of the principal of and interest on the Notes.

Section 2. The Notes shall contain recitals and be in the form as prescribed by law. The Notes, shall in addition to all other requirements, shall be subject to the terms and conditions of the agreement entitled “Agreement Between Issuer and Agent” by and between the City and the Treasurer of the State of Kansas, as Note Registrar.

Section 3. The Notes shall be executed by the facsimile or manual signature of the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk and the seal of the City shall be printed or affixed thereon. After such execution and the registration of the Notes by the City Clerk and the Kansas State Treasurer, Topeka, Kansas, hereby designated as both the City’s Note

Registrar and Paying Agent in connection with the Notes, the Notes shall be countersigned by the City Clerk or Deputy City Clerk and delivered to the Original Purchaser thereof upon receipt of the purchase price thereof, said purchase price to be not less than the principal amount thereof plus accrued interest thereon to the date of delivery. The proceeds of the Notes shall be placed in the City Treasury and applied solely to pay the costs of renewing the Series 2006-A Notes previously issued to finance the Projects as hereinbefore described, the costs of the Improvements and the costs of issuing the Notes.

Section 4. The Notes to be issued shall be in substantially the following form:

UNLESS THIS CERTIFICATE IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TRUST COMPANY, A NEW YORK CORPORATION ("DTC"), TO ISSUER OR ITS AGENT FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY CERTIFICATE ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC), **ANY TRANSFER, PLEDGE, OR OTHER USE THEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL IN AS MUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.**

	Temporary Note No. R-1		
\$9,200,000			\$9,200,000
UNITED STATES OF AMERICA			
STATE OF KANSAS			
COUNTY OF SHAWNEE			
CITY OF TOPEKA			
SERIES 2007-A			
Rate of _____	Maturity _____	Dated _____	CUSIP NO. _____
Interest: _____%	Date: November 1, 2008	Date: November 28, 2007	
Registered Owner: Cede & Co.			
Principal Amount: Nine Million Two Hundred Thousand Dollars			

KNOW ALL MEN BY THESE PRESENTS:

That the City of Topeka, in the County of Shawnee, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above, or registered assigns as hereinafter provided, on the maturity date identified above, both the principal amount identified above and in like manner to pay interest on such principal amount from the date of this Note

until said principal amount is paid. The Notes will not be subject to redemption prior to maturity.

The principal of and interest on this Note shall be payable in lawful money of the United States of America by check or draft at the office of the Treasurer of the State of Kansas, Topeka, Kansas, (the "Note Registrar" and "Paying Agent"), upon presentation of this Note for payment and cancellation. The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Note and the issue of which it is a part as the same respectively become due.

THE TERMS AND PROVISIONS OF THIS NOTE ARE CONTINUED ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

It is hereby certified and declared that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Note have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas; that this Note is negotiable and constitutes a general obligation of the City; that this Note and any outstanding notes and bonds previously issued for the improvement described herein do not exceed the estimated cost and expense of said improvement; and that the total indebtedness of said City, including this series of Notes, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the said City of Topeka, in the State of Kansas, by its Governing Body, has caused this Temporary Note to be signed by its Mayor or Deputy Mayor and attested by its City Clerk, and has caused its corporate seal to be affixed hereto, all as of the 28th day of November, 2007.

ATTEST:

City Clerk

Mayor, City of Topeka, Shawnee County,
Kansas

(SEAL)

This Note shall not be negotiable unless and until countersigned below following registration by the Treasurer of the State of Kansas.

(SEAL) _____ City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of the City of Topeka, Kansas, Temporary Notes, Series 2007-A, described in the within mentioned Resolution.

Registration Date: _____.

OFFICE OF THE STATE TREASURER
Topeka, Kansas,
As Note Registrar and Paying Agent

I.D. No. _____ By _____

CITY CLERK'S CERTIFICATE

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I, the undersigned, City Clerk of the City of Topeka, Kansas, do hereby certify that the within Temporary Note of the City of Topeka, Kansas, was duly registered in my office according to law, and that the signatures thereto are genuine.

WITNESS My Hand and Official Seal as of this 28th day of November, 2007.

(SEAL)

City Clerk of the City of Topeka,
Shawnee County, Kansas

STATE TREASURER'S CERTIFICATE

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I, LYNN JENKINS, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Temporary Note has been filed in my office and that this Note has been registered in my office according to law this _____ day of November, 2007.

WITNESS My Hand and Official Seal.

LYNN JENKINS
Treasurer of the State of Kansas

BY: _____

(SEAL)

State Treasurer

NOTE ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

(Note Assignment)

(Social Security or Taxpayer Identifying No.)

the Temporary Note to which this assignment is affixed in the outstanding principal amount of \$_____ standing in the name of undersigned on the books of the Treasurer of the State of Kansas, Topeka, Kansas, the Note Registrar. The undersigned does (do) hereby irrevocably constitute and appoint _____ as attorney to transfer said Note on the books of the Note Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or Taxpayer Identifying No.

Signature (Sign Here Exactly as
Name(s) Appear on Face of Certificate)

Face of Certificate Signature Guaranteed By:

(Name of Eligible Guarantor Institution as
defined by SEC Rule 17Ad-15 (17CFR
240.17 Ad-15)

By: _____

FURTHER TERMS AND CONDITIONS

This Note is one of a duly authorized series of Temporary Notes aggregating the principal amount of \$9,200,000 (the "Notes") issued by the City to finance, on an interim basis, the construction of certain improvements, heretofore duly authorized by the City, which are to be paid for either in whole or in part by the issuance of bonds of the City. This Note and the series of which it is a part are issued by the City to pay the cost of such improvements until money for such purpose and for the payment of this Note with accrued interest, if any, thereon can be raised by the City by the sale and issuance of its general obligation bonds. This Note and the series of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of Resolution No. _____ of the City (the "Resolution"), the Constitution and Laws of the State of Kansas, including Article 12, Section 5 of the Constitution to the State of Kansas, K.S.A. 10-101 to 125, inclusive, K.S.A. 12-6a01 *et seq.*, as amended, and Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and all acts amendatory thereof and supplemental thereto.

The Notes are being issued by means of a book-entry system with no physical distribution of certificates to be made except as provided in the Resolution. One Note certificate with respect to each date on which the Notes are stated to mature, registered in the nominee name of the securities depository named in the Resolution, together with its successors and assigns (the "Securities Depository"), is being issued. The book-entry system will evidence positions held in the Notes by the Securities Depository's participants, beneficial ownership of the Notes in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its

participants pursuant to the rules and procedures established by the Securities Depository and its participants. The City will recognize the Securities Depository nominee, while the registered owner of this Note, as the owner of this Note for all purposes, including (i) payments of principal of and interest on this Note, (ii) notices and (iii) voting. Transfers of principal and interest payments to participants of the Securities Depository, and transfers of principal and interest payments to beneficial owners of the Notes by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the registered owner of this Note, notwithstanding the provision hereinabove contained, payments of principal of and interest on this Note shall be made in accordance with existing arrangements among the City, its Paying Agent and the Securities Depository.

EXCEPT AS OTHERWISE PROVIDED IN THE RESOLUTION, THIS NOTE MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. The City may deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of the principal hereof and interest due hereon and for all other purposes. This Note is transferable by the registered owner hereof in person or by his attorney duly authorized in writing at the office of the Note Registrar upon receipt by the Note Registrar of a duplicate original counterpart of the document by which the assignment or reassignment is made, disclosing the name and address of each such assignee. Upon receipt of such notice of assignment, the Paying Agent agrees to make all payments to the assignee designated in the assignment. The City shall pay out of the proceeds of the Notes, or from other lawfully available funds, all costs incurred in connection with the issuance, transfer, exchange, redemption or payment of the Notes except (a) fees and expenses in connection with the replacement of any of the Notes mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange or payment of the Notes.

Section 5. That the Notes shall be issued and sold to _____, _____, _____, in accordance with both the Note Bid Form (the "Note Bid Form") between such Original Purchaser and the City, the execution of which Note Bid Form is authorized hereby and by the other terms and conditions of this Resolution.

Section 6. That the City covenants and certifies to and for the benefit of the Owners of the Notes from time to time outstanding that so long as any of the Notes remain outstanding, moneys on deposit in any fund or account in connection with the Notes, whether or not such moneys were derived from the proceeds of the sale of the Notes or from any other sources, will not be used in a manner which will cause the Notes to be classified as "arbitrage bonds" within

the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”). Pursuant to such covenant, the City shall, to the extent permitted by law, comply throughout the term of the issue of the Notes and thereafter with the requirements of Section 148 of the Code including, but not limited to, the rebate of certain amounts, if any, to the United States.

Section 7. That the City covenants to take all action necessary in order to maintain the exclusion under Section 103 of the Code of the interest on the Notes from gross income for federal income tax purposes.

Section 8. That the forms of the *Preliminary Official Statement* and the *Official Statement*, both of which will be dated as of the date set forth thereon, all in the form presented at the meeting at which this Resolution is adopted, are hereby approved, ratified and confirmed, and the execution, circulation and distribution thereof are hereby approved, ratified and confirmed for and on behalf of the City, in substantially the form presented at this meeting.

Section 9. That the City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate attached to the Final Certificate of the City included in the transcript of proceedings regarding the Notes. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default of the City's obligations either under this Resolution or in connection with the Notes; provided, however, any owner of the Notes may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

ADOPTED by the Council of the City of Topeka, Kansas, this 6th day of November,
2007.

CITY OF TOPEKA, KANSAS

(SEAL)

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

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 Resolution No. _____
adopted and approved by the City Council on November 6, 2007.

(SEAL)

Brenda Younger, City Clerk

EXHIBIT A

LETTER OF REPRESENTATIONS

(ATTACHED)



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:	November 6, 2007	DOCUMENT #:	CLGR07/05
CONTACT PERSON:	Timothy Paris/David Thurbon	PROJECT #:	
SECOND PARTY/SUBJECT:	Jenny Torrence-Harris		
CATEGORY/SUBCATEGORY	001 Appeals / 003 Other		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A COMMUNICATION requesting the City Council to appeal the State Historic Preservation Officer's denial of a 6-foot wood privacy fence along SW Taylor Street on property located at 720 SW 12th Street. (Council District No. 1) (Planning Department is recommending conditional approval.)

(Approval would overturn the State Historic Preservation Officer's denial of a 6-foot wood privacy fence along SW Taylor Street in the environs of Holliday Park National Historic District. To do so, the City Council must find there are no prudent or feasible alternatives to the proposal.)

POLICY ISSUE:

According to State Historic Preservation Statute, the City Council must find that no prudent or feasible alternatives exist to maintaining the fence at its current height or in its present location.

Staff proposes two feasible alternatives do exist:

1. Reducing the height of the fence to 3 1/2 to 4 feet, which will reduce the scale of the fence to a height compatible with the existing and historical pattern for fences along residential streets within the Historic District and its environs; or
2. Relocating the fence at its present height to a line parallel with the existing setback of the house along SW Taylor Street.

STAFF RECOMMENDATION:

Staff supports the conclusions and determinations of the SHPO, and further recommends that the height of the fence be reduced to 3 1/2 to 4 feet, or alternatively, that the fence be relocated to a line parallel with the west face of the house along SW Taylor Street.

BACKGROUND:

The property in question lies within the 500-foot historical environs of the Holliday Park National Historic District. SHPO has determined that fences along residential streets within the District and its environs are typified by picket-type fences of 3 1/2-4 feet in height, and that a 6-foot privacy fence along a residential street damages or destroys the historical integrity of

Item #12

the environs of the District and the District itself. SHPO is recommending the fence be reduced in height to 3 1/2 to 4-feet along SW 12th Street and SW Taylor Street.

As currently built, the fence is in violation of the City's zoning regulations only along SW 12th Street since it is taller than 4 feet beyond the front face of the house. The owner is willing to comply by either moving the fence or reducing the height of the fence along SW 12th. The yard along SW Taylor Street is considered a side-yard for purposes of determining fence height on corner lots and is allowed to exceed 4 feet according to the City's zoning regulations.

Therefore, the owner's appeal only concerns the SHPO's recommendation along SW Taylor Street. Staff concurs with SHPO's recommendation as there appears to be two feasible alternatives - moving the 6-foot fence back in line with the front face of the adjacent house on SW Taylor OR reducing the height of the fence to 4 feet along SW Taylor - to preserving the historical integrity of the Holliday Park National Historic District.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[SHPO Letter of Adverse Impact](#)

[Letter to Jenny Torrence](#)

[photo 1](#)

[photo 2](#)

[photo 3](#)

[photo 4](#)

[photo 5](#)

[aerial map](#)

[Historical Environs Map](#)

KANSAS

KSR&C No. 07-09-110

Kansas State Historical Society
Jennie Chinn, *Executive Director*

KATHLEEN SEBELIUS, GOVERNOR

September 14, 2007

Tim Paris
Topeka Planning Department
620 SE Madison Street, 3rd Floor
Topeka, KS 66607

RE: Add a 4'-0" and a 6'-0" fence to 720 SW 12 Street, Within the Environs of the Holiday Park Historic District I in Topeka- Shawnee County

Dear Mr. Paris:

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 #6: New additions, exterior alterations, infill construction, or related new construction should not destroy character-defining features or spatial relationships that characterize the environs of a property. The new work shall be compatible with the historic materials, character-defining features, size, scale and proportion, and massing of the environs.

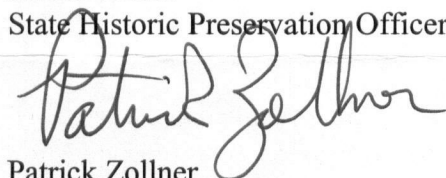
The house at 720 SW 12th Street is within the environs of the Holliday Park Historic District I, a district that features many houses with 3'-6" picket fences. 720 SW 12th is also on a corner lot that faces 12th and Taylor. Typically 6'-0" fences are used for the back of the property boundaries. This fence however, is proposed to run along both 12th and Taylor. A fence of such a height is out of scale with the surrounding historic district. The SHPO has determined that the addition of the 6'-0" fence will encroach upon, damage, and destroy the environs of the Historic District. We recommend reducing the height of the fence to a compatible scale.

The statute states that the project cannot proceed until the local governing body has determined, based on a

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



CITY OF TOPEKA

PLANNING DEPARTMENT
David Thurbon, Director
620 SE Madison Street, 3rd Floor
Topeka, Kansas 66607-1118
Tel.: (785) 368-3728

Fax: (785) 368-2535
www.topeka.org

September 21, 2007

Mr. Sean Harris and Jennifer Torrence
720 SW 12th Street
Topeka, Kansas 66612

RE: Fence – 720 SW 12th Street

Dear Mr. & Mrs. Torrence:

On September 14, 2007, the State of Kansas Historic Preservation Office (SHPO) determined that the fence currently erected along both street frontages of your property do encroach upon, damage, or destroy the historical integrity of the Holliday Park National Historic District. As a remedy, SHPO has recommended reducing the height of the fence to 3 ½ -4 feet along both street frontages in order to maintain the appropriate size and scale for fences along street frontages within the district and it's environs. According to State statute, any permit failing to meet appropriate historical guidelines can only be issued upon successful appeal to the Topeka City Council. According to State law, the Council must find that there are no feasible alternatives to the proposal before them.

In order to proceed to the City Council for this appeal, we must receive from you a letter stating your desire to appeal the determination of the State, along with documentation that all efforts have been expended to determine a feasible alternative to the proposed plan, and a statement describing to the Council why these alternatives are not feasible considerations.

Once we have received this information from you, the request will be placed on the earliest possible City Council agenda for their consideration.

Since there is an outstanding violation concerning this issue, please call either myself or Ty Overstreet to coordinate the resolution to this violation.

Sincerely,

Timothy Paris
Planner II

Attachment: SHPO Letter, 9-14-07



AUG 28 2007



AUG 28 2007



AUG 28 2007



AUG 28 2007

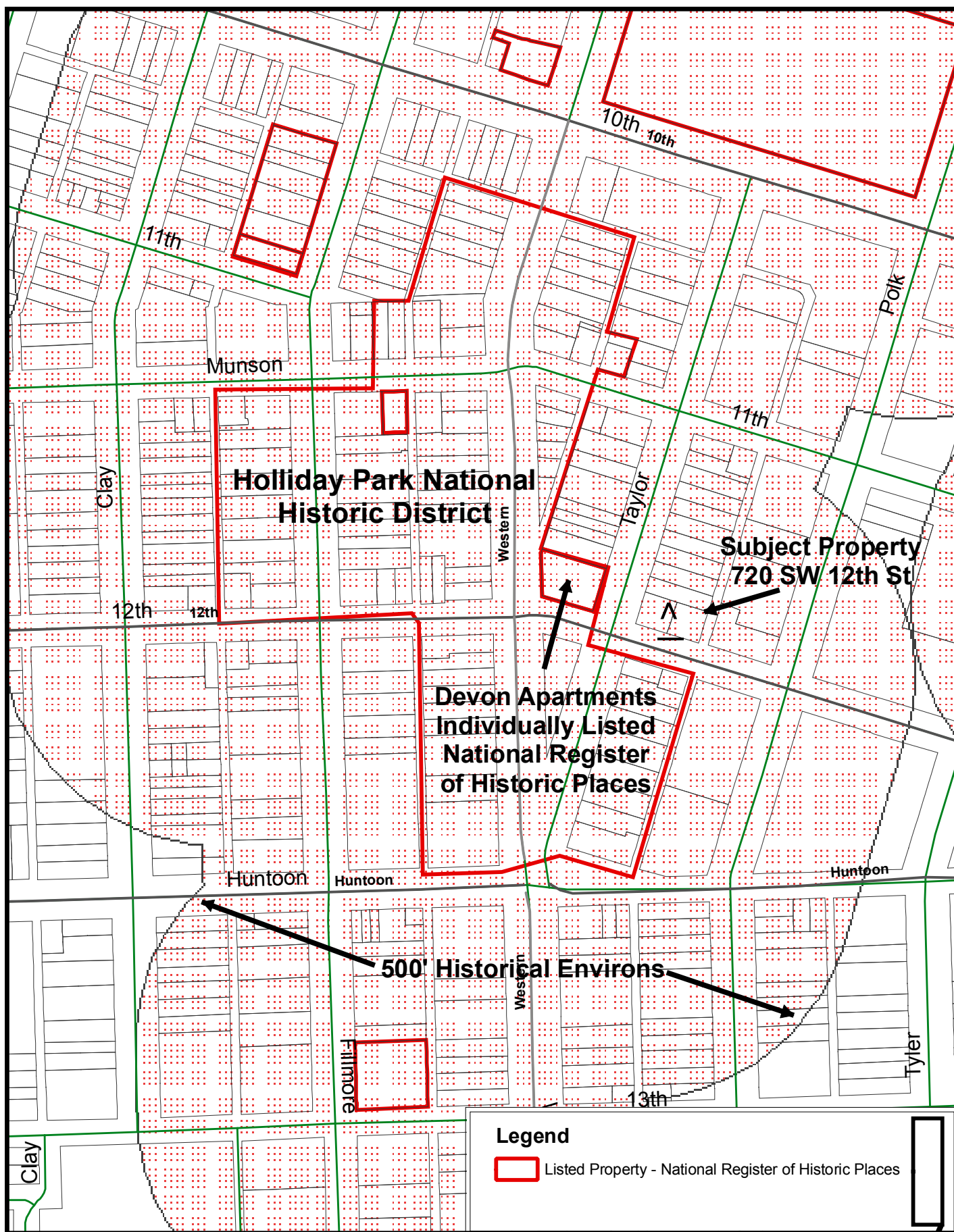


AUG 28 2007



CLGR07/05 by Jenny Torrence-Harris
720 SW 12th Street

Topeka Planning Department
2007





A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 16, 2007

+ Back Print

DATE: November 6, 2007

CONTACT PERSON: Rusty Rakestraw **DOCUMENT #:**

SECOND PARTY/SUBJECT: Disposal of Real Estate-
vacant lot, 1900 Block N.
Kansas Avenue **PROJECT #:** N/A

CATEGORY/SUBCATEGORY: 006 Communication / 005 Other

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION approving the sale of a vacant lot located in the 1900 block of N. Kansas Avenue to David and Teresa Johnson and specifically authorizing the City Manager to execute the contract, deed and any other documents necessary to close the transaction. *(Council District No. 2)*

(Approval would allow the sale of a vacant lot in the 1900 block of N. Kansas Avenue.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Communication.

BACKGROUND:

At the September 4, 2007 City Council meeting the Council authorized the disposal of a vacant lot in the 1900 block of N. Kansas Avenue by competitive bidding. An Invitation for Bids was issued, closing on October 10, 2007. Two bids were received: Mr. and Mrs. Johnson at \$830.00 and Patricia Best at \$800.00.

BUDGETARY IMPACT:

\$830.00 to City.

SOURCE OF FUNDING:

High bidder

ATTACHMENTS:

[Quit Claim Deed](#)

[Purchase Agreement](#)

Item #13

Mail Tax Statement to:
4021 SW 10th, #159
Topeka, KS 66604

Property Address:
vacant

CORPORATION QUIT CLAIM DEED

THE GRANTOR, The City of Topeka, a Municipal Corporation

duly incorporated and existing under the laws of the State of Kansas, and having its principal place of business in the State of Kansas,

Hereby conveys and quitclaims to **David Johnson and Teresa Johnson, husband and wife, as joint tenants with full right of survivorship and not as tenants in common**

Attachment number 1
Page 1 of 1

all the following REAL ESTATE in the County of SHAWNEE and the State of KANSAS, to-wit:

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

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this _____ day of _____, 2007.

THE CITY OF TOPEKA, a municipal corporation

By: _____
Norton N. Bonaparte, Jr., City Manager
ATTEST:

Brenda Younger, City Clerk

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 2007, before me, the undersigned, a notary public in and for the County and State aforesaid, came Norton N. Bonaparte, Jr., City Manager of the City of Topeka, a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas, and Brenda Younger, City Clerk of said corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument of writing on behalf of said corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said corporation.

Notary Public

My Commission Expires:

City of Topeka Contract No. _____
REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 2007 by and between the City of Topeka, a municipal corporation (hereinafter "Seller") and David and Teresa Johnson, 415 NW Menninger Road, Topeka, Kansas (hereinafter "Buyer").

1. **Sale of Property.** Subject to the terms and conditions herein set forth, Seller hereby agrees to sell and convey to Buyer by a corporation quit claim deed, and Buyer hereby agrees to purchase, that certain real estate legally described as:

Attachment number 2
Page 1 of 2

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

(hereinafter the "Real Estate"). The Real Estate shall include all attached improvements permanently affixed to the premises, or any improvements thereon, with the following exceptions: none other

2. **Purchase Price.** The purchase price for the Real Estate shall be the sum of Eight Hundred Thirty and No/100 Dollars (\$830.00) (hereinafter "Purchase Price").

3. **Time of Purchase.** The time for closing of the purchase of the Real Estate shall be within thirty (30) days of the date upon which all of the conditions are satisfied or waived in writing by the party for whose benefit the condition is provided, but not later than November 30, 2007.

4. **Title and Conveyance.** Buyer may at its sole option and expense obtain title insurance for the Real Estate. If Buyer elects to obtain title insurance coverage, Buyer shall obtain a title insurance commitment (the "Commitment") to insure the Real Estate in the amount of the Purchase Price. If in Buyer's opinion, the Commitment demonstrates that Seller's title to the Real Estate is not marketable, Buyer shall notify Seller in writing, specifying its objections. Seller shall use its best efforts, within a reasonable time (not to exceed ten (10) days) after receipt of such objections and a copy of the Commitment from Buyer in which to correct such title objections and the closing date shall be extended for up to such period of time. In the event the title objections are not corrected by Seller to the satisfaction of Buyer within the aforesaid period of time, Buyer may terminate this Agreement upon written notice to Seller or elect to close notwithstanding such title objections.

Buyer has elected not to obtain a Commitment to insure the Real Estate.

5. **City Council Approval.** It is understood and agreed between the Buyer and Seller that this Agreement must be approved by the City Council. If the City Council does not approve the Agreement, the Seller shall not be obligated to complete the sale.

6. **Closing and Possession.** It is understood and agreed between the parties hereto that time is of the essence of this Agreement. The closing for the transaction described herein shall occur on or before the date specified in Paragraph 3 hereof, as such date may be extended as provided herein. The closing shall occur at the offices of the City Engineer, 620 SE Madison, Topeka, Kansas. Possession shall be delivered to Buyer at closing.

7. **Default.** If Buyer fails to close the purchase of the Real Estate, Seller may, at its sole option, either terminate this Agreement or exercise any rights and remedies available to it at law or in equity, including but not limited to, specific performance. If Seller fails to close the purchase of the Real Estate, Buyer may, at its sole option, either terminate this Agreement and/or exercise any rights and remedies available to it, at law or in equity, including but not limited to specific performance. Page 2 of 2
Number 2

8. **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

9. **Construction of Agreement.** This Agreement is intended to be interpreted and construed under and by virtue of the laws of the State of Kansas.

IN WITNESS WHEREOF, this Agreement has been executed as of the date first above written.

"Seller"

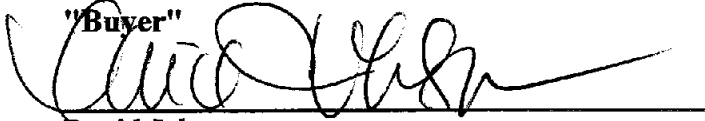
CITY OF TOPEKA, a municipal
corporation

By: _____
Norton N. Bonaparte, Jr., City Manager

ATTEST:

Brenda Younger, City Clerk

"Buyer"



David Johnson



Teresa Johnson



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 22, 2007

+ Back Print

DATE: November 6, 2007
CONTACT PERSON: Jim Langford
SECOND PARTY/SUBJECT: HND
CATEGORY/SUBCATEGORY: 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION from City Manager Norton N. Bonaparte, Jr., outlining and seeking approval of the funding recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council for the 2008 grant awards from the Special Alcohol Program Fund.

(The communication outlines the annual recommendations of the Advisory Council and requests City Council approval of the grant awards.)

POLICY ISSUE:

Whether to award the grants based upon the recommendations of the Advisory Council.

STAFF RECOMMENDATION:

Approve the recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council.

BACKGROUND:

The Advisory Council has completed its annual review of proposals for funding from the Special Alcohol Program Fund. The recommendations for 2008 are contained in the attached memorandum. Kansas cities receive 70.0 percent of the revenue generated by the state liquor drink excise tax, which is 10.0 percent of the gross receipts for the sale of alcoholic liquor. The revenue is divided equally between the General Fund, the Parks and Recreation Fund, and the Special Alcohol Program Fund.

BUDGETARY IMPACT:

The Advisory Council recommends grants totaling \$433,258 for 2008. The recommendation is within the \$730,000 expenditure limitation for the fund.

SOURCE OF FUNDING:

Special Alcohol Program Fund.

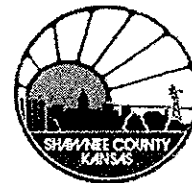
ATTACHMENTS:

[Letter and Recommendations of the Advisory Council](#)

Item #14



Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council



501 SE Jefferson, Suite 30
Phone (785) 233-1365

Topeka, KS 66607-1135
Fax (785) 233-1905

October 1, 2007

The Honorable Norton N. Bonaparte, Jr., City Manager
The Honorable William W. Bunten, Mayor
and the Topeka City Council
City Hall
215 SE 7th Avenue
Topeka, Kansas 66603

Dear Mayor Bunten, Mr. Bonaparte and Members of The Topeka City Council:

The Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council has completed its recommendations for the allocation of monies from the City's Special Alcohol-Drug Programs (SADP) Fund for 2008. Our Funding Recommendations report accompanies this letter. As noted in the report, we recommend \$433,258 in expenditures to provide alcohol-drug abuse programs in the community.

The Alcohol-Drug Abuse Advisory Council has determined that all programs recommended for SADP funding have a primary purpose of alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers. In our opinion, all programs recommended for funding meet the criteria of KSA 79-41a04 which identifies permissible uses of SADP funds.

In addition to addressing the statutory requirements of 79-41a04, these programs address the priorities adopted by the Alcohol-Drug Abuse Advisory Council. These priorities are listed in the Funding Recommendations report.

We would welcome any opportunity to meet with you and further discuss community needs and priorities.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Hinton".

Larry Hinton, Chair
The Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council

cc - Jim Langford, City Director of Budget and Financial Services

Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council
Sept 27, 2007

2008 Funding Recommendations
Special Alcohol-Drug Programs Funds
City of Topeka and Shawnee County

Grant Review Committee

Jim Olson, chair
Ron Eisenbarth
Larry Hinton

Program Funding

	<u>City of Topeka</u> <u>Shawnee County</u>	
Shawnee Regional Prevention and Recovery		
Community Prevention	\$109,607	
Youth Evaluation	\$ 36,643	\$ 16,500
Topeka Youth Project		
Jobs for Young Adults	\$ 35,488	
Valeo Recovery Center		
Soc Detox	\$215,035	\$ 41,657
Reintegration	\$ 36,485	\$ 3,893
Total	\$433,258	\$ 62,050

Priorities

City & County Special Alcohol-Drug Programs Funds - 2008

KSA 79-41a04 specifies that these funds may only be used for purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.

Funding policies adopted by the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council.

Shawnee County tax dollars should be used to fund those programs primarily serving Shawnee County residents. Programs should be sure to track and specifically present information about services to Shawnee County residents. Larger multi-program agencies should use the budget forms to identify units of service and outcomes for Shawnee County residents.

County alcohol-drug funds should be used for both prevention and treatment services.

Programs funded by City and County alcohol-drug funds should be (a) science based; (b) data driven; and (c) outcome focused.

The Alcohol-Drug Abuse Advisory Council has identified a need to broaden the focus of services to better serve the needs of adolescents, women and the elderly. While the need to improve services to these sub-populations is recognized, the Council does not encourage the development of population-specific services. Instead, programs should serve the entire population and develop greater cultural competency to meet the needs of specific clients.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 11, 2007

+ Back Print

DATE:	November 6, 2007	
CONTACT PERSON:	Bill Riphahn	DOCUMENT #:
SECOND PARTY/SUBJECT:	Kansas Department of Transportation	PROJECT #:
CATEGORY/SUBCATEGORY	010 Grants / 006 Other	
CIP PROJECT:	Yes	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION to submit an application for use of Transportation Enhancement Funds set forth by the Federal Transportation Equity Act for the 21st Century for the Landon Trail Project from approximately SE 25th Street to SE 37th Street in the City of Topeka.

(Approval would authorize City staff to submit an application for federal funding for the Landon Trail Project. The federal award would be matched by \$100,000 from General Obligation Bonds approved in the 2007 Capital Improvement Budget.)

POLICY ISSUE:

Adoption of a project that was approved in the 2007 CIB.

STAFF RECOMMENDATION:

Approve the Resolution for a grant application.

BACKGROUND:

Adopted as part of the 2007 CIB.

BUDGETARY IMPACT:

The federal award would be matched by \$100,000 from General Obligation bonds approved in the 2007 Capital Improvement Budget.

SOURCE OF FUNDING:

Federal monies and General Obligation Bond financing.

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 the extension of the Landon Trail Project in the City of Topeka and authorizing City Manager 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 City Council has recommended that an application be submitted to the State of Kansas for the Landon Trail Project.

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

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

33 Section 2. That the City Council hereby assures the Kansas Department of
34 Transportation that sufficient funding for the construction of the Landon Trail Project is
35 available.

36 Section 3. That the City Council hereby assures the Kansas Department of
37 Transportation that sufficient funding for the operation and maintenance of the Landon
38 Trail Project will be available for the life of the project.

39 Section 4. That the City Council hereby assures the Kansas Department of
40 Transportation that the City of Topeka will have title or permanent easement to the Landon
41 Trail Project by the time of project letting.

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

48 Section 6. That the City Council hereby assures the Kansas Department of
49 Transportation that the City Council is willing and able to administer the designing, letting
50 and construction of the Landon Trail Project, if the Landon Trail Project is selected for
51 funding.

52 PASSED and APPROVED by City Council _____.

53 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

59 ATTEST:

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Brenda Younger, City Clerk



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 2, 2007

+ Back Print

DATE: November 6, 2007
CONTACT PERSON: Lana Kennedy DOCUMENT #:
SECOND PARTY/SUBJECT: Patient access PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Lana Kennedy concerning the impact of federal law on the access of Topeka citizens to inpatient rehabilitation care and services.

(The resolution expresses the City Council's support for proposed federal legislation that would protect patients access to inpatient rehabilitation care and services.)

POLICY ISSUE:

Whether the City Council supports federal legislation that would protect patient access to inpatient care and services.

STAFF RECOMMENDATION:

BACKGROUND:

See attached background information FAQ.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Inpatient Access Resolution](#)

[Patient Access Rule background](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Lana Kennedy concerning impact of federal law on the access of Topeka citizens to inpatient rehabilitation care and services.

Whereas, inpatient rehabilitation is an important intervention of care for many patients in Topeka, Kan., who require intensive rehabilitation care and services, and

Whereas, Topeka's rehabilitation hospitals and units are important members of the healthcare provider community in Kansas, and their existence benefits the communities they serve, and

Whereas, there is a federal regulation, commonly known as the "75 Percent Rule" that rehabilitation hospitals and units must adhere to and that requires them to treat specified numbers of patients having specific medical conditions or diagnoses, and

Whereas, the impact of the "75 Percent Rule" upon patients and providers is significant and substantially deeper than initially projected by the Federal Government

Whereas, legislation has been introduced in both chambers of the United States Congress, H.R. 1459/S. 543, which would alleviate the impact of this Rule and would help protect patients' access to inpatient rehabilitation care and services

Now, Therefore, Be it Resolved by the Council of the City of Topeka, Kansas that the Topeka City Council views H.R. 1459/S. 543 as sound public policy that would be good for the citizens of Topeka, desires to see its enactment into law, and encourages the Kansas Congressional Delegation to work to ensure such enactment.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

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ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk

FREQUENTLY ASKED QUESTIONS

About the 75 Percent Rule and H.R. 1459/S. 543: the “Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007”

What is the 75 Percent Rule?

It is an outdated Medicare regulation that prevents access to critically important healthcare for thousands of patients who need intensive rehabilitation that can *only* be provided in an inpatient rehabilitation hospital or unit. It was intended to determine whether a rehabilitation hospital or unit qualifies to be paid differently than a regular hospital. It is supposed to have nothing to do with whether individual patients qualify for inpatient rehabilitation. **BUT**, some in Washington are using this regulation to enforce limits on the number and types of ALL patients (Medicare and non-Medicare) who can be treated in these hospitals and units.

What specific change in policy is affecting patient access?

Since 2004, some in Washington have been trying to change the manner in which doctors decide whether a patient receives inpatient rehabilitation or a less intense level of care by revising the so-called “75 Percent Rule” by imposing tighter restrictions on criteria that determine who qualifies for inpatient rehabilitation care and services.

How is the 75 Percent Rule impacting patients?

- When fully implemented in July 2008, 75 percent of an inpatient rehabilitation hospital's or unit's patients will have to fall into a narrow and arbitrary category of ailments. This list of “approved” ailments under the Rule is short — *only 13* out of many medical conditions that require intensive rehabilitative care.
- Patients — regardless of their unique and pressing needs — are being turned away NOW from the hospitals that provide them with the most appropriate rehabilitative care. Independent studies have shown that the Rule is acting as a substantial barrier to inpatient rehabilitative care for Medicare beneficiaries. In late 2006, the number of Medicare patients who were treated in a rehabilitation hospital or unit plummeted to their lowest level in five years.
- Few patients are treated in inpatient rehabilitation hospitals and units. For those who *are*, the care they receive is often the difference between going home with lost function or mobility restored, or being sent to a nursing home and receiving care in a less intensive environment.
- There is a big difference between an inpatient rehabilitation hospital and a nursing home, yet the 75 Percent Rule creates a barrier to inpatient rehabilitation hospital admission and pushes patients to nursing homes.

How many people has this rule negatively affected?

- The 75 Percent Rule is hurting many more people than the government originally predicted. In the first year alone, at just the 50 percent threshold, the Rule resulted in more than **40,000** patients who did not receive inpatient rehabilitation care.
- Data now shows that as many as **88,000** patients did not receive inpatient rehabilitation services in the first two years since the Rule took effect.

What are inpatient rehabilitation services?

Inpatient rehabilitation hospitals and units provide intensive rehabilitation therapies and medical management services for patients of all ages with severe injuries, disabilities, and chronic conditions. These services are provided by a multi-disciplinary team and include physical, occupational, and speech therapies, respiratory and recreational therapies, orthotic and prosthetic services (such as artificial limbs and orthopedic braces), and social work services.

Who needs intense inpatient rehabilitation services?

Patients needing inpatient rehabilitation have significant rehabilitation needs coupled with serious or complex conditions requiring close medical supervision and management. Typical patients served in the inpatient rehabilitation setting include people with spinal cord injuries, brain injuries, and amputations, but also include a whole host of patients who have a wide range of medical conditions and complications.

What happens today when you need intense inpatient rehabilitation services?

Historically, doctors could refer patients to inpatient rehabilitation hospitals and units when they and the rehabilitation team determined the referral was medically necessary and appropriate. However, policy changes by some in Washington have created what amounts to a quota system where arbitrary decisions are being made that deny an appropriate level of care to some patients based on their medical diagnosis rather than on the basis of their individual need for intensive rehabilitation.

I am not a Medicare recipient. Why should I care about this?

The 75 Percent Rule applies to all patients treated by rehabilitation hospitals and units, not just Medicare recipients; hospitals are forced to “manage to their number” among all patients, **NOT just** Medicare beneficiaries. Thus, non-Medicare patients can be impacted by it just as easily as Medicare recipients.

🔴 **What are ailments outlined by the 75 Percent Rule?**

- Stroke
- Spinal cord injury
- Congenital deformity
- Amputation
- Major multiple trauma
- Hip fracture
- Brain injury
- Burns
- Polyarthritis (including rheumatoid arthritis)
- Neurological disorders, including:
- Multiple Sclerosis
- Motor Neuron Disease
- Polyneuropathy
- Muscular Dystrophy
- Parkinson's Disease

🔴 **What is the comorbidity provision?**

Right now, the “comorbidity” provision is the **ONE** provision under the 75 Percent Rule that allows patients wider access to inpatient rehabilitative care. It allows a patient's secondary ailment to “count” as an approved ailment under the Rule, as long as it is one of the Rule's 13 ailments.

🔴 **Why should I be concerned about the comorbidity provision?**

- The comorbidity provision will no longer be in effect once the Rule is fully implemented in 2008.
- This provision is essential to protect at least some patients who have multiple medical problems from being denied access to intensive rehabilitative care in a rehabilitation hospital or unit by the 75 Percent Rule.

🔴 **Didn't Congress already solve the 75 Percent Rule problem?**

No. While the Deficit Reduction Act included a provision that maintained the Rule's threshold percentage at 60 percent for one additional year, this temporary relief expires later this summer. **If Congress takes no action before July 1, 2007, the law requires the Rule's threshold percentage to increase to 65 percent, which would impose greater barriers to access to inpatient rehabilitation care and services for many patients who need it.**

🔴 **How is the 75 Percent Rule impacting inpatient rehabilitation hospitals and the communities they serve?**

- Physicians and inpatient rehabilitation hospitals are facing a terrible dilemma: Either block admissions of patients who don't have the “right” diagnoses or risk having the hospital or unit closed down for not complying with the Rule.
- In many communities, these hospitals are large employers; jobs are being impacted and small businesses that supply or service these hospitals are being impacted, endangering the economic vitality of these communities.
- The loss of services at or closure of these inpatient rehabilitation hospitals or units means many families patients will be forced to drive their loved one long distances to access the rehabilitation care they need, if it is available at all.

🔴 **What is the right solution to address the problems created by the 75 Percent Rule?**

The Rule should be appropriately refashioned to maintain and preserve access to **safe** and **effective** inpatient rehabilitative healthcare that allows patients to regain or maintain their maximum level of independence in their daily lives. More focus should be placed upon the medical and rehabilitative needs of patients, with less focus on their medical diagnoses or conditions alone. Evidence produced by clinical-based studies and research should be pursued and used to appropriately refine the Rule.

🔴 **What is Congress doing to address the problems created by the 75 Percent Rule?**

Legislation introduced in both the U.S. House and Senate will help promote quality of life for people who have serious rehabilitative needs by preserving access to **safe** and **effective** rehabilitative care in America's rehabilitative hospitals and units. The bill protects from further erosion of patient access by maintaining the current threshold at 60 percent. **BUT**, unless Congress acts fast, the Rule's compliance threshold jumps to 65 percent starting July 1, 2007, and then to the full 75 percent in 2008 — so we must act **NOW** to let Congress know that this legislation must be enacted into law this year!

🔴 **What are the benefits to this legislation?**

- Under the changes proposed by H.R. 1459 and S. 543, the “Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007,” inpatient rehabilitation hospitals and units won't have to close more beds or decrease staff or services and can focus on providing high quality inpatient rehabilitative care to patients who need it.
- Additionally, the legislation would ensure that patients with secondary medical ailments will continue to have access to inpatient rehabilitative care; otherwise, these patients could be denied access to necessary rehabilitative care.

🔴 **What can I do to insist that the problems created by the 75 Percent Rule are addressed?**

You can write your U.S. Congressman and Senators **today** and tell them you support H.R. 1459 and S. 543, the “Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007.”



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 22, 2007

+ Back Print

DATE: November 6, 2007
CONTACT PERSON: Jim Langford **DOCUMENT #:**
SECOND PARTY/SUBJECT: Capital Improvement Budget **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas.

(The resolution would approve the two-year Capital Improvement Budget.)

POLICY ISSUE:

The policy question is to determine which projects and financing should be included in the two-year capital improvement budget.

STAFF RECOMMENDATION:

Approve the resolution.

BACKGROUND:

Under the City's Capital Improvement Policy, a two-year capital improvement budget (CIB) is adopted for the next two years, in this case 2008 and 2009. Projects contained in the CIB may be brought forth as capital projects for the City Council's consideration and approval. The CIB represents the first two years of the five-year capital improvement program (CIP).

BUDGETARY IMPACT:

Passing the CIB alone has no budgetary impact. As projects are approved by the City Council, there is financial impact from payment from operating budgets or from debt service.

SOURCE OF FUNDING:

Projects in the CIB are funded by a variety of sources, including utility operating funds, the General Improvement Fund, federal funds, transfers from the General Fund, revenue bonds, general obligation (GO) bonds, and other sources. Debt service for the revenue bonds is generally paid from the utility funds, while GO debt is serviced from the Bond and Interest Fund.

Item #17

ATTACHMENTS:

[2008-2009 Capital Budget Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas.

WHEREAS, a 2008-2009 Capital Improvement Budget has been prepared and recommended to the City Manager; and

WHEREAS, the City Manager has considered the 2008-2009 Capital Improvement Budget and recommends approval to the City Council.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby approves and adopts the 2008-2009 Capital Improvement Budget consisting of the following improvement projects and funding source as contained in Attachment "A," attached hereto.

The City Council shall not authorize any other capital improvement projects for the 2008-2009 period without rescinding this Resolution and adopting a new resolution. All proposed changes shall be accompanied by a fiscal analysis demonstrating the financial implications and the ability of the City to fund such projects.

Implementation of the projects contained in the 2008-2009 Capital Improvement Budget shall be approved by applicable ordinance or resolution as required by law. This Resolution shall be rescinded and a new resolution adopted when the project budget exceeds the amount identified.

THEREFORE, BE IT RESOLVED, this Resolution shall become effective upon passage and approval by the City Council.

25 ADOPTED and APPROVED by the City Council _____.

26 CITY OF TOPEKA, KANSAS

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29 _____
30 William W. Bunten, Mayor

31 ATTEST:

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33 _____
34 Brenda Younger, City Clerk

2008 - 2012 Capital Improvement Program	City Manager 2008	City Manager 2009
Pub Wrks/Water Pollution Control Fund		
Rehab Oakland Plant Phase 2	7,243,243	-
Deer Creek Force Main	4,581,500	-
50th & Kendall Pump Station	-	-
N Topeka Distributed Control Sys.	1,000,000	-
Inflow/Infiltration correction Prg.	700,000	700,000
SKRPS Project	500,000	4,500,000
Southwest Interceptor	150,000	1,350,000
Sewer Service Extension	-	-
Grant/Jefferson Pump Station Rehab	-	800,000
Rehab/Replace Adams Interceptor	-	-
Rehab/Replace Pump Stations	-	-
N Topeka Pump Station	1,000,000	-
New & Rehab Sanitary Sewer	-	-
Heartland Park Service Extension	-	-
Subtotal Water Pollution Control	15,174,743	7,350,000
Public Works/Stormwater Fund		
Septic Tank Elimination Program	1,000,000	1,000,000
Hwy 24 Storm Project	500,000	500,000
Source Water Protection "Wanamaker Wetlands"	300,000	300,000
Furman Road Wetland	500,000	-
Retrofit/New Storm Sewer System	1,000,000	1,000,000
Levee Work	200,000	200,000
Subtotal Stormwater	3,500,000	3,000,000
Public Works/Water Fund		
Heartland Park Water Line Extension	-	-
College Hill Redevelopment	-	-
Main Replacement Program	-	-
California - 21st to 34th, Part A in 2007 is for California from 29th to 34th	-	-
Routine Mains, Valves, Etc.	-	-
Chemical Feed System at the WTP 07	-	-
Water Treatment Plant Rehabilitation	2,500,000	2,500,000
Indian Hills Rd-33d to 41st, E to Sherwood Tower	1,325,000	-
Portage Route - Water Treatment Plant	300,000	-
Skyline Dr-37th & Fairlawn to 41st and Wanamaker	120,000	980,000
California from 33rd to 41st Street	105,000	860,000
Reo -Kansas Ave to Topeka Blvd	67,000	483,000
17th & Belle Pressure Improvement	28,000	222,000
Burlingame, 49th to 57th, E to Tpk Blvd	-	580,000
Croco Rd 36th to North of 45th	-	110,000
Berryton Rd 50th to 53rd	-	-
34th & California to 29th & Golden	-	-
29th Street - Golden to Granger	-	-
Fairlawn, Skyline Dr to 53d, E to Burl.	-	-
45th St from Fairlawn to Gage	-	-
12th St from Monroe to California	-	-

2008 - 2012 Capital Improvement Program	City Manager 2008	City Manager 2009
Croco Rd from 29 to 36	-	-
Fairlawn Booster St-New East Pump	-	-
W. Elevated Tank on Indian Hills Rd	-	-
Disinfection Modification at WTP	-	-
California-12th to 6th to Market	-	-
41st & Cal E. to W. Edge and so. to 45th	-	-
Kirkclawn Booster St-Modify Pump Units	-	-
Warehouse - Water Treatment Plt	-	-
Chemical Feed System at the WTP 08	-	-
MacVicar 29th to 37th & Burlingame	-	-
Rochester Campdoras to 43 to N 46th	-	-
Crane Topeka Bridge E to Jefferson	-	-
6th from Market to Norwood	-	-
Fairlawn 45 to 53 East to Burlingame	-	-
HWY 75 from Westgate Bridge to Furman and HWY24	-	-
5th & Norwood Booster Station	-	-
S. Elevated Tank-65th and Morrill Rd	-	-
Morrill Rd from New Tower to 69th	-	-
Hiway 75-57th St S. to New Tank	-	-
Kansas Ave-Gordon to Soldier	-	-
Subtotal Water	4,445,000	5,735,000

Sub-Total Enterprise Fund	23,119,743	16,085,000
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General Improvement Fund

Housing & Neighborhood Dev.

Affordable Housing Projects	200,000	200,000
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Police Department

Fleet Replacement Vehicles	-	650,000
Radios: Base, Mobile, and Portable	-	-

Fire Department

Lease Pmt. on Breathing Apparati	100,000	100,000
Fleet Replacement Vehicles	353,850	750,000
Digital Mobile and Portable Radios	-	-

Zoo

Zoo Infrastructure	-	50,000
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City Wide Projects (except utilities)

ERP Purchase Payment	-	643,000
Rehabilitation and Repair for City Facilities	-	300,000
PW-Sidewalk Repair 50-50	25,000	35,000
City Wide Security	-	-
All Other Projects and Expenses	446,150	-

Sub-Total General Improvement Fund	1,125,000	2,728,000
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**2008 - 2012 Capital
Improvement Program**

City Manager
2008

City Manager
2009

Other Revenue Funded

Public Works/Transportation

Elevation Parkway--Phase I	5,800,000	-
Elevation Parkway--Phase II	-	5,200,000

Heartland Park

Replace concrete on drag strip	-	-
Modification to road course	-	-

Zoo

African Canid Exhibit	-	-
African Primate/Bird Exhibit	-	-
Animal Kingdom/Hertpetarium	1,000,000	-
Creatures of the Night	-	675,000

Sub-Total Other Revenue	6,800,000	5,875,000
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2008 - 2012 Capital
Improvement Program

City Manager	City Manager
2008	2009

GO Bonded Projects**Fire Department**

Refurbish Stations 1, 6 and 7	318,240	-
Build Fire Station #13 (6th & Fairlawn)	2,500,000	-
Refurbish Station #11*	-	-
Refurbish Stations 3, 9 and 11	-	265,200
Refurbish Station #2*	-	-
Build Fire Station --South	-	-
Subtotal	2,818,240	265,200

Police Department

	-	-
Subtotal	-	-

Neighborhoods/Citywide

Neighborhood Infrastructure	1,400,000	1,400,000
Heartland Park Phase II	-	-
Washburn-Lane TIF District	-	-
College Hill Parking Lot	-	-
City Wide Facilities ADA	519,000	-
Washburn Lane Parkway	-	100,000
Citywide Neighborhood Infrastructure	-	-
Wayfinding Signs	-	-
Subtotal	1,919,000	1,500,000

Signals

STP Safety Projects	78,000	120,000
Signals Replacement	620,000	640,000
Traffic Controller Upgrade	102,400	102,400
Subtotal	800,400	862,400

Streets

California: 29th to 33rd	-	-
Lower Silver Lake Rd over UP Railroad	-	-
ADA Street Curb Repair	500,000	500,000
6th St. Golden to Maket	-	-
Ped. Walkway on Calif. @ Bridge	-	-
SW 10th Sidewalk-Meadow to Civitan	250,000	-
SW 29th Street and Fairlawn Rd	150,000	500,000
California: 33rd to 37th	150,000	2,108,400
California: 37th to 41st	-	-
US HWY 24 and Topeka Blvd	-	-
California: 41st to 45th	-	240,000
Wanamaker Rd: 29th to 33rd	-	-
Wanamaker Rd: 33rd to 37th	-	-
SW 6th Street - Gage to Westchester	-	-
Subtotal	1,050,000	3,348,400

2008 - 2012 Capital Improvement Program	City Manager 2008	City Manager 2009
Bridges		
Topeka Blvd. Over Soldier Cutoff	157,040	-
E 10th St. Bridge over Deer Creek	35,000	186,000
Bridge SW 49th W or Topeka Blvd	-	84,000
Bridge Overlay on SE 21st Street	-	-
Subtotal	192,040	270,000
Parks & Recreation		
Trail Development	100,000	100,000
Playground Equipment	-	100,000
Central Park Center ADA Renovation	-	-
Golf Course Pump Station (NEW)	125,000	-
Gage Park Playland Renovation	315,000	-
Water Spray Park - Jackson Park	250,000	-
Outdoor Sport Court Resurfacing	-	-
Ballfield Lighting (Phase 2)	-	444,000
CC Window and Door Replacement	-	269,200
Bandshell Replacement	-	125,000
Helen Hocker Theater Office & Classroom (NEW)	-	-
Gage Park ADA Walkways	-	-
Oakland Center Gym Floor Replace.	-	-
Parks System Security Lightning	-	-
Gage Park Victorian Lighting (Phase 1)	-	-
Park Restrooms - B Shunga, M Palm	-	-
Gage Park Snyders' Cabin Shelter	-	-
Gage Park Accessible Ball Field (NEW)	-	-
Garfield Center Gym Floor Replace	-	-
Park Maintenance Building	-	-
Water Spray Park – Crestview Park	-	-
Kossover Tennis Center Courts Resurfacing (NEW)	-	-
Westlake Shelterhouse Renovation	-	-
Little Russia Park (Phase 1)	-	-
Subtotal	790,000	1,038,200
Zoo		
Australian Down Under Adventure	-	-
Indoor Lowland Gorilla Exhibit	-	-
Upgrade HVAC Tropical Rain Forest	150,000	-
Tropical Rain Forest Roof	-	-
Animals and Man Roof Replacement	-	-
Animal Quarantine Facility Phase II	-	-
Subtotal	150,000	-
Subtotal GO Bond Projects	7,719,680	7,284,200
Contingency	-	-
TOTAL GO Bond PROJECTS	7,719,680	7,284,200
Total Annual Target	10,275,000	10,275,000
Difference Target to Subtotal	2,555,320	2,990,800
Running Total	(4,203,245)	(1,212,445)
Total CIP	38,764,423	31,972,200



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 22, 2007

+ Back Print

DATE: November 6, 2007
CONTACT PERSON: Jim Langford DOCUMENT #:
SECOND PARTY/SUBJECT: Capital Improvement Program PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting the 2008-2012 Capital Improvement Program for the City of Topeka, Kansas.

(The resolution approves the 2008-2012 Capital Improvement Program.)

POLICY ISSUE:

To determine which projects should be included in the 2008-2012 Capital Improvement Plan.

STAFF RECOMMENDATION:

Approve the resolution.

BACKGROUND:

The City passes a five-year CIP annually in accordance with the Capital Improvement Policy.

BUDGETARY IMPACT:

Approval of the CIP alone has no budgetary impact. The CIP is a long-term plan that represents City priorities for outyear capital projects. The first two years of the CIP represent the Capital Improvement Budget (CIB). Individual projects in the CIB can be brought before the City Council for approval of a project budget and ordinance or resolution.

SOURCE OF FUNDING:

Projects are funded by a variety of sources, including utility operating funds, the General Improvement Fund, federal funds, transfers from the General Fund, revenue bonds, general obligation (GO) bonds, and other sources. Debt service for the revenue bonds is generally paid from the utility funds, while GO debt is serviced from the Bond and Interest Fund.

ATTACHMENTS:

[Resolution adopting 2008-12 CIP](#)

[2008-2012 CIP](#)

Item #18

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting the 2008-2012 Capital Improvement Program for the City of Topeka, Kansas.

WHEREAS, the 2008-2012 Capital Improvement Program has been prepared by staff; and

WHEREAS, the City Manager has considered and recommends said Program.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Topeka, Kansas, approves and adopts the 2008-2012 Capital Improvement Program, as contained in Attachment "A," for the purpose of preliminary planning, long-range financial implications and analysis leading to the prioritization of projects to be included in the respective Capital Budget for the succeeding years.

BE IT FURTHER RESOLVED, that prior to the initiation and commencement of preliminary plans, acquisition of land or right-of-way, or other activities requiring the use of resources for any proposed project herein, the City Manager and, if appropriate, City Council shall approve and authorize the same.

ADOPTED and APPROVED by City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

2008 - 2012 Capital
Improvement ProgramCity Manager
2008City Manager
2009City Manager
2010City Manager
2011City Manager
2012**Enterprise Funded Projects****Pub Wrks/Water Pollution Control Fund**

Rehab Oakland Plant Phase 2	7,243,243	-	-	-	-
Deer Creek Force Main	4,581,500	-	-	-	-
50th & Kendall Pump Station	-	-	-	-	-
N Topeka Distributed Control Sys.	1,000,000	-	-	-	-
Inflow/Infiltration correction Prg.	700,000	700,000	700,000	700,000	700,000
SKRPS Project	500,000	4,500,000	-	-	-
Southwest Interceptor	150,000	1,350,000	-	-	-
Sewer Service Extension	-	-	1,000,000	1,000,000	1,000,000
Grant/Jefferson Pump Station Rehab	-	800,000	1,800,000	10,000,000	-
Rehab/Replace Adams Interceptor	-	-	300,000	4,000,000	4,000,000
Rehab/Replace Pump Stations	-	-	-	1,000,000	1,000,000
N Topeka Pump Station	1,000,000	-	-	-	5,000,000
New & Rehab Sanitary Sewer	-	-	-	-	-
Heartland Park Service Extension	-	-	-	-	1,800,000
Subtotal Water Pollution Control	15,174,743	7,350,000	3,800,000	16,700,000	13,500,000

Public Works/Stormwater Fund

Septic Tank Elimination Program	1,000,000	1,000,000	600,000	-	-
Hwy 24 Storm Project	500,000	500,000	-	-	-
Source Water Protection "Wanamaker Wetlands"	300,000	300,000	400,000	-	-
Furman Road Wetland	500,000	-	-	-	-
Retrofit/New Storm Sewer System	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Levee Work	200,000	200,000	700,000	1,650,000	3,300,000
Subtotal Stormwater	3,500,000	3,000,000	2,700,000	2,650,000	4,300,000

Public Works/Water Fund

Heartland Park Water Line Extension	-	-	-	-	-
College Hill Redevelopment	-	-	-	-	-
Main Replacement Program	-	-	-	-	-
California - 21st to 34th, Part A in 2007 is for California from 29th to 34th	-	-	-	-	-
Routine Mains, Valves, Etc.	-	-	-	-	-
Chemical Feed System at the WTP 07	-	-	-	-	-
Water Treatment Plant Rehabilitation	2,500,000	2,500,000	-	-	-
Indian Hills Rd-33d to 41st, E to Sherwood Tower	1,325,000	-	-	-	-
Portage Route - Water Treatment Plant	300,000	-	-	-	-
Skyline Dr-37th & Fairlawn to 41st and Wanamaker	120,000	980,000	-	-	-
California from 33rd to 41st Street	105,000	860,000	-	-	-
Reo -Kansas Ave to Topeka Blvd	67,000	483,000	-	-	-
17th & Belle Pressure Improvement	28,000	222,000	-	-	-
Burlingame, 49th to 57th, E to Tpk Blvd	-	580,000	1,500,000	1,913,000	-
Croco Rd 36th to North of 45th	-	110,000	1,057,000	-	-
Berryton Rd 50th to 53rd	-	-	218,000	-	-
34th & California to 29th & Golden	-	-	275,000	-	-
29th Street - Golden to Granger	-	-	275,000	-	-
Fairlawn, Skyline Dr to 53d, E to Burl.	-	-	80,000	590,000	-

2008 - 2012 Capital Improvement Program	City Manager 2008	City Manager 2009	City Manager 2010	City Manager 2011	City Manager 2012
45th St from Fairlawn to Gage	-	-	-	590,000	-
12th St from Monroe to California	-	-	215,000	2,025,000	-
Croco Rd from 29 to 36	-	-	-	1,167,000	-
Fairlawn Booster St-New East Pump	-	-	-	407,000	-
W. Elevated Tank on Indian Hills Rd	-	-	-	435,000	5,110,000
Disinfection Modification at WTP	-	-	-	-	2,988,200
California-12th to 6th to Market	-	-	-	140,000	1,049,000
41st & Cal E. to W. Edge and so. to 45th	-	-	-	-	1,064,000
Kirkclawn Booster St-Modify Pump Units	-	-	-	-	320,000
Warehouse - Water Treatment Plt	-	-	-	-	1,180,000
Chemical Feed System at the WTP 08	-	-	-	-	-
MacVicar 29th to 37th & Burlingame	-	-	-	-	-
Rochester Campdoras to 43 to N 46th	-	-	-	-	-
Crane Topeka Bridge E to Jefferson	-	-	-	-	-
6th from Market to Norwood	-	-	-	-	-
Fairlawn 45 to 53 East to Burlingame	-	-	-	-	-
HWY 75 from Westgate Bridge to Furman and HWY24	-	-	-	-	-
5th & Norwood Booster Station	-	-	-	-	-
S. Elevated Tank-65th and Morrill Rd	-	-	-	-	-
Morrill Rd from New Tower to 69th	-	-	-	-	-
Hiway 75-57th St S. to New Tank	-	-	-	-	-
Kansas Ave-Gordon to Soldier	-	-	-	-	-
Subtotal Water	4,445,000	5,735,000	3,620,000	7,267,000	11,711,200

Sub-Total Enterprise Fund	23,119,743	16,085,000	10,120,000	26,617,000	29,511,200
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General Improvement Fund

Housing & Neighborhood Dev.

Affordable Housing Projects	200,000	200,000	200,000	200,000	200,000
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Police Department

Fleet Replacement Vehicles	-	650,000	650,000	650,000	650,000
Radios: Base, Mobile, and Portable	-	-	2,350,000	-	-

Fire Department

Lease Pmt. on Breathing Apparati	100,000	100,000	100,000	-	-
Fleet Replacement Vehicles	353,850	750,000	750,000	790,000	820,000
Digital Mobile and Portable Radios	-	-	710,000	-	-

Zoo

Zoo Infrastructure	-	50,000	50,000	50,000	50,000
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City Wide Projects (except utilities)

ERP Purchase Payment	-	643,000	643,000	643,000	643,000
Rehabilitation and Repair for City Facilities	-	300,000	350,000	500,000	500,000
PW-Sidewalk Repair 50-50	25,000	35,000	35,000	35,000	35,000
City Wide Security	-	-	-	-	-
All Other Projects and Expenses	446,150	-	-	-	-

Sub-Total General Improvement Fund	1,125,000	2,728,000	5,838,000	2,868,000	2,898,000
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**2008 - 2012 Capital
Improvement Program**

City Manager
2008

City Manager
2009

City Manager
2010

City Manager
2011

City Manager
2012

Other Revenue Funded

Public Works/Transportation

Elevation Parkway--Phase I

5,800,000

-

-

-

-

Elevation Parkway--Phase II

-

5,200,000

-

-

-

Heartland Park

Replace concrete on drag strip

-

-

-

-

-

Modification to road course

-

-

-

-

-

Zoo

African Canid Exhibit

-

-

-

-

-

African Primate/Bird Exhibit

-

-

-

-

-

Animal Kingdom/Hertpetarium

1,000,000

-

-

-

-

Creatures of the Night

-

675,000

-

-

-

Sub-Total Other Revenue

6,800,000

5,875,000

-

-

-

2008 - 2012 Capital
Improvement ProgramCity Manager
2008City Manager
2009City Manager
2010City Manager
2011City Manager
2012**GO Bonded Projects****Fire Department**

Refurbish Stations 1, 6 and 7	318,240	-	-	-	-
Build Fire Station #13 (6th & Fairlawn)	2,500,000	-	-	-	-
Refurbish Station #11*	-	-	-	-	-
Refurbish Stations 3, 9 and 11	-	265,200	-	-	-
Refurbish Station #2*	-	-	-	-	-
Build Fire Station --South	-	-	-	-	150,000
Subtotal	2,818,240	265,200	-	-	150,000

Police Department

	-	-	-	-	-
Subtotal	-	-	-	-	-

Neighborhoods/Citywide

Neighborhood Infrastructure	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000
Heartland Park Phase II	-	-	-	-	-
Washburn-Lane TIF District	-	-	-	-	-
College Hill Parking Lot	-	-	-	-	-
City Wide Facilities ADA	519,000	-	-	-	-
Washburn Lane Parkway	-	100,000	-	-	-
Citywide Neighborhood Infrastructure	-	-	598,000	590,000	595,000
Wayfinding Signs	-	-	-	-	-
Subtotal	1,919,000	1,500,000	1,998,000	1,990,000	1,995,000

Signals

STP Safety Projects	78,000	120,000	120,000	185,000	185,000
Signals Replacement	620,000	640,000	640,000	640,000	640,000
Traffic Controller Upgrade	102,400	102,400	102,400	-	-
Subtotal	800,400	862,400	862,400	825,000	825,000

Streets

California: 29th to 33rd	-	-	-	-	-
Lower Silver Lake Rd over UP Railroad	-	-	-	-	-
ADA Street Curb Repair	500,000	500,000	500,000	500,000	360,000
6th St. Golden to Maket	-	-	-	-	-
Ped. Walkway on Calif. @ Bridge	-	-	-	-	-
SW 10th Sidewalk-Meadow to Civitan	250,000	-	-	-	-
SW 29th Street and Fairlawn Rd	150,000	500,000	-	-	-
California: 33rd to 37th	150,000	2,108,400	-	-	-
California: 37th to 41st	-	-	2,104,000	-	-
US HWY 24 and Topeka Blvd	-	-	1,500,000	-	-
California: 41st to 45th	-	240,000	120,000	2,840,000	-
Wanamaker Rd: 29th to 33rd	-	-	250,000	100,000	3,050,000
Wanamaker Rd: 33rd to 37th	-	-	-	250,000	100,000
SW 6th Street - Gage to Westchester	-	-	-	-	300,000
Subtotal	1,050,000	3,348,400	4,474,000	3,690,000	3,810,000

**2008 - 2012 Capital
Improvement Program****City Manager
2008****City Manager
2009****City Manager
2010****City Manager
2011****City Manager
2012****Bridges**

Topeka Blvd. Over Soldier Cutoff	157,040	-	-	-	-
E 10th St. Bridge over Deer Creek	35,000	186,000	-	-	-
Bridge SW 49th W or Topeka Blvd	-	84,000	70,000	286,000	-
Bridge Overlay on SE 21st Street	-	-	-	-	300,000
Subtotal	192,040	270,000	70,000	286,000	300,000

Parks & Recreation

Trail Development	100,000	100,000	100,000	100,000	100,000
Playground Equipment	-	100,000	100,000	100,000	100,000
Central Park Center ADA Renovation	-	-	-	-	-
Golf Course Pump Station (NEW)	125,000	-	-	-	-
Gage Park Playland Renovation	315,000	-	-	-	-
Water Spray Park - Jackson Park	250,000	-	-	-	-
Outdoor Sport Court Resurfacing	-	-	-	-	-
Ballfield Lighting (Phase 2)	-	444,000	-	-	-
CC Window and Door Replacement	-	269,200	332,500	-	-
Bandshell Replacement	-	125,000	-	-	-
Helen Hocker Theater Office & Classroom (NEW)	-	-	400,000	-	-
Gage Park ADA Walkways	-	-	150,000	-	150,000
Oakland Center Gym Floor Replace.	-	-	110,000	-	-
Parks System Security Lightning	-	-	210,000	-	-
Gage Park Victorian Lighting (Phase 1)	-	-	255,000	-	-
Park Restrooms - B Shunga, M Palm	-	-	-	308,100	-
Gage Park Snyders' Cabin Shelter	-	-	-	614,800	-
Gage Park Accessible Ball Field (NEW)	-	-	-	291,900	-
Garfield Center Gym Floor Replace	-	-	-	112,900	-
Park Maintenance Building	-	-	-	250,000	-
Water Spray Park – Crestview Park	-	-	-	-	843,700
Kossover Tennis Center Courts Resurfacing (NEW)	-	-	-	-	-
Westlake Shelterhouse Renovation	-	-	-	456,300	-
Little Russia Park (Phase 1)	-	-	-	-	-
Subtotal	790,000	1,038,200	1,657,500	2,234,000	1,193,700

Zoo

Australian Down Under Adventure	-	-	-	600,000	-
Indoor Lowland Gorilla Exhibit	-	-	-	-	-
Upgrade HVAC Tropical Rain Forest	150,000	-	-	-	-
Tropical Rain Forest Roof	-	-	-	-	1,500,000
Animals and Man Roof Replacement	-	-	-	150,000	-
Animal Quarantine Facility Phase II	-	-	-	-	-
Subtotal	150,000	-	-	750,000	1,500,000

Subtotal GO Bond Projects

Contingency	-	-	-	500,000	500,000
TOTAL GO Bond PROJECTS	7,719,680	7,284,200	9,061,900	10,275,000	10,273,700
Total Annual Target	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000
Difference Target to Subtotal	2,555,320	2,990,800	1,213,100	-	1,300
Running Total	(4,203,245)	(1,212,445)	655	NA	NA
Total CIP	38,764,423	31,972,200	25,019,900	39,760,000	42,682,900

**2008 - 2012 Capital
Improvement Program****Other
Source****Enterprise Funded Projects****Pub Wrks/Water Pollution Control Fund**

Rehab Oakland Plant Phase 2	SRF Loan
Deer Creek Force Main	SRF Loan
50th & Kendall Pump Station	
N Topeka Distributed Control Sys.	Operations
Inflow/Infiltration correction Prg.	Operations
SKRPS Project	SRF Loan
Southwest Interceptor	SRF Loan
Sewer Service Extension	Operations
Grant/Jefferson Pump Station Rehab	Rev Bond
Rehab/Replace Adams Interceptor	Rev Bond
Rehab/Replace Pump Stations	RB--increase fees
N Topeka Pump Station	Rev Bond
New & Rehab Sanitary Sewer	Operations
Heartland Park Service Extension	RB--increase fees
Subtotal Water Pollution Control	

Public Works/Stormwater Fund

Septic Tank Elimination Program	Operations
Hwy 24 Storm Project	Operations
Source Water Protection "Wanamaker Wetlands"	Operations
Furman Road Wetland	Operations
Retrofit/New Storm Sewer System	Operations
Levee Work	Operations
Subtotal Stormwater	

Public Works/Water Fund

Heartland Park Water Line Extension	RB--increase fees
College Hill Redevelopment	RB-Water
Main Replacement Program	RB-Water
California - 21st to 34th, Part A in 2007 is for California from 29th to 34th	
Routine Mains, Valves, Etc.	
Chemical Feed System at the WTP 07	
Water Treatment Plant Rehabilitation	
Indian Hills Rd-33d to 41st, E to Sherwood Tower	
Portage Route - Water Treatment Plant	
Skyline Dr-37th & Fairlawn to 41st and Wanamaker	
California from 33rd to 41st Street	
Reo -Kansas Ave to Topeka Blvd	
17th & Belle Pressure Improvement	
Burlingame, 49th to 57th, E to Tpk Blvd	
Croco Rd 36th to North of 45th	
Berryton Rd 50th to 53rd	
34th & California to 29th & Golden	
29th Street - Golden to Granger	
Fairlawn, Skyline Dr to 53d, E to Burl.	

2008 - 2012 Capital Improvement Program	Other Source
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45th St from Fairlawn to Gage
12th St from Monroe to California
Croco Rd from 29 to 36
Fairlawn Booster St-New East Pump
W. Elevated Tank on Indian Hills Rd
Disinfection Modification at WTP
California-12th to 6th to Market
41st & Cal E. to W. Edge and so. to 45th
Kirkclawn Booster St-Modify Pump Units
Warehouse - Water Treatment Plt
Chemical Feed System at the WTP 08
MacVicar 29th to 37th & Burlingame
Rochester Campdoras to 43 to N 46th
Crane Topeka Bridge E to Jefferson
6th from Market to Norwood
Fairlawn 45 to 53 East to Burlingame
HWY 75 from Westgate Bridge to Furman and HWY24
5th & Norwood Booster Station
S. Elevated Tank-65th and Morrill Rd
Morrill Rd from New Tower to 69th
Hiway 75-57th St S. to New Tank
Kansas Ave-Gordon to Soldier
Subtotal Water

Sub-Total Enterprise Fund

General Improvement Fund

Housing & Neighborhood Dev.

Affordable Housing Projects

Police Department

Fleet Replacement Vehicles
Radios: Base, Mobile, and Portable

Fire Department

Lease Pmt. on Breathing Apparati
Fleet Replacement Vehicles
Digital Mobile and Portable Radios

Zoo

Zoo Infrastructure

City Wide Projects (except utilities)

ERP Purchase Payment	
Rehabilitation and Repair for City Facilities	
PW-Sidewalk Repair 50-50	Assessments
City Wide Security	
All Other Projects and Expenses	

Sub-Total General Improvement Fund

2008 - 2012 Capital Improvement Program	Other Source
--	-----------------

Other Revenue Funded

Public Works/Transportation

Elevation Parkway--Phase I	Fed & other non- GO bond sources
Elevation Parkway--Phase II	Fed & other non- GO bond sources

Heartland Park

Replace concrete on drag strip	Go Topeka
Modification to road course	Go Topeka

Zoo

African Canid Exhibit	FOTZ
African Primate/Bird Exhibit	FOTZ
Animal Kingdom/Hertpetarium	FOTZ
Creatures of the Night	FOTZ

Sub-Total Other Revenue

2008 - 2012 Capital Improvement Program	Other Source
--	-----------------

GO Bonded Projects

Fire Department

Refurbish Stations 1, 6 and 7	
Build Fire Station #13 (6th & Fairlawn)	
Refurbish Station #11*	
Refurbish Stations 3, 9 and 11	
Refurbish Station #2*	
Build Fire Station --South	
Subtotal	

Police Department

Subtotal

Neighborhoods/Citywide

Neighborhood Infrastructure	
Heartland Park Phase II	
Washburn-Lane TIF District	
College Hill Parking Lot	
City Wide Facilities ADA	
Washburn Lane Parkway	
Citywide Neighborhood Infrastructure	
Wayfinding Signs	Any available
Subtotal	

Signals

STP Safety Projects	FHWA Safety
Signals Replacement	
Traffic Controller Upgrade	
Subtotal	

Streets

California: 29th to 33rd	FHWA STP
Lower Silver Lake Rd over UP Railroad	KDOT/UP RR
ADA Street Curb Repair	
6th St. Golden to Maket	
Ped. Walkway on Calif. @ Bridge	
SW 10th Sidewalk-Meadow to Civitan	
SW 29th Street and Fairlawn Rd	KDOT
California: 33rd to 37th	FHWA STP
California: 37th to 41st	FHWA STP
US HWY 24 and Topeka Blvd	
California: 41st to 45th	Fed/KDOT
Wanamaker Rd: 29th to 33rd	
Wanamaker Rd: 33rd to 37th	
SW 6th Street - Gage to Westchester	
Subtotal	

2008 - 2012 Capital Improvement Program	Other Source
--	-----------------

Bridges

Topeka Blvd. Over Soldier Cutoff	FHWA STP
E 10th St. Bridge over Deer Creek	FHWA STP
Bridge SW 49th W or Topeka Blvd	FHWA STP
Bridge Overlay on SE 21st Street	
Subtotal	

Parks & Recreation

Trail Development
Playground Equipment
Central Park Center ADA Renovation
Golf Course Pump Station (NEW)
Gage Park Playland Renovation
Water Spray Park - Jackson Park
Outdoor Sport Court Resurfacing
Ballfield Lighting (Phase 2)
CC Window and Door Replacement
Bandshell Replacement
Helen Hocker Theater Office & Classroom (NEW)
Gage Park ADA Walkways
Oakland Center Gym Floor Replace.
Parks System Security Lightning
Gage Park Victorian Lighting (Phase 1)
Park Restrooms - B Shunga, M Palm
Gage Park Snyders' Cabin Shelter
Gage Park Accessible Ball Field (NEW)
Garfield Center Gym Floor Replace
Park Maintenance Building
Water Spray Park – Crestview Park
Kossover Tennis Center Courts Resurfacing (NEW)
Westlake Shelterhouse Renovation
Little Russia Park (Phase 1)
Subtotal

Zoo

Australian Down Under Adventure	FOTZ
Indoor Lowland Gorilla Exhibit	FOTZ
Upgrade HVAC Tropical Rain Forest	
Tropical Rain Forest Roof	
Animals and Man Roof Replacement	
Animal Quarantine Facility Phase II	
Subtotal	

Subtotal GO Bond Projects

Contingency

TOTAL GO Bond PROJECTS

Total Annual Target

Difference Target to Subtotal

Running Total

Total CIP



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 15, 2007

+ Back Print

DATE: November 6, 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 8, 2007, through October 14, 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 8, 2007, through October 14, 2007, in the amount of \$5,872,457.19.

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Weekly Expenditures for Week Ending October 14, 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 8, 2007, through October 14, 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 414 vendor checks written in this period	\$3,285,857.26
	Total vendor checks voided in this period (net)	(0.00)
	Total electronic transfers to vendors in this period	76,965.62
	Total net payroll to employees this period	1,543,712.75
	Total payroll related electronic transfers this period	<u>965,921.56</u>
	Total for expenditures in this period	<u>\$5,872,457.19</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 9, 2007

+ Back Print

DATE: November 6, 2007

CONTACT PERSON: Bill Fiander/David Thurbon DOCUMENT #:

SECOND PARTY/SUBJECT: Robert E. and Jeannene M. Freeman PROJECT #: CU07/5

CATEGORY/SUBCATEGORY 020 Resolutions / 001 Special Permits

CIP PROJECT: No

ACTION OF COUNCIL: JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 48-13.02(c)(4) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a pet crematorium on property currently zoned "O&I-2" Office and Institutional District and located at 1137 SW Gage Boulevard in the City of Topeka, Kansas. (CU07/5) (Council District No. 9) (Planning Commission recommended approval.) (Planning Department recommended approval.)

(Approval would allow a pet crematorium to be established on the property.)

POLICY ISSUE:

Request is consistent with the land use principles of the Comprehensive Plan.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be conditionally **APPROVED** by a vote of **8-0-0** at their August 20, 2007 meeting as referenced in their attached minutes. The Planning Department recommended that this request be **APPROVED** as referenced in the attached staff report dated August 20, 2007.

BACKGROUND:

- See Staff Report.
- City Council options:
 - **Adopt** the recommendation of the Planning Commission by Resolution;
 - **Override** the Planning Commission's recommendation by a two-thirds majority (6 votes) of the City Council membership; or,
 - **Return** such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

Item #20

ATTACHMENTS:

[Resolution](#)

[Staff Report](#)

[Site Plan](#)

[Aerial](#)

[Zoning Map](#)

[Application \(4 pages\)](#)

[Minutes 8-20-07](#)

[Statement of Operation 3 pages](#)

RESOLUTION _____

CONDITIONAL USE PERMIT

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. in accordance with Section 48-13.02(c)(4) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a pet crematorium on property currently zoned "O&I-2" Office and Institutional District and located at 1137 SW Gage Boulevard in the City of Topeka, Kansas. **(CU07/5) (Council District No. 9)**

BE IT RESOLVED by the Council of the City of Topeka, Kansas, that the application of City of Topeka under the provisions of Section 48-13.02(c)(4) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a pet crematorium on property currently zoned "O&I-2" Office and Institutional District and located at 1137 SW Gage Boulevard in the City of Topeka, Kansas, and legally described as follows:

Lot 3 and the north 30 feet of Lot 2, North Brentwood Addition to the City of Topeka, Shawnee County, Kansas.

be, and the same is hereby approved, **subject to:**

- 1. Use and development of the site in accordance with the site development plan approved by the Planning Commission.**
- 2. Compliance with the Heavenly Pet Memorials funeral home and crematorium "Statement of Operation."**
- 3. Operation of the crematory incinerator(s) shall not produce objectionable noise, smoke or odor.**

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

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

August 20, 2007
Agenda Item #G-2

CONDITIONAL USE PERMIT REPORT

TOPEKA PLANNING DEPARTMENT

CASE NO: CU07/5

by: Robert E. & Jeannene M. Freeman

PROPOSAL: Requesting a Conditional Use Permit "CUP" to establish a *Pet Crematorium*, which is to be a use in association with the existing funeral home facility of "Heavenly Pet Memorials" a business located on property currently zoned "O&I-2" Office and Institutional District.

LOCATION: 1137 SW Gage Boulevard.

PARCEL ID NUMBER: 0983404001033000.

PRESENT USE: An approximate 10,800 square foot lot presently occupied by a 1,430 square foot one story frame structure (originally constructed as a single family residence). The structure serves as the funeral home facility of "Heavenly Pet Memorials".

PROPOSED USE: In accordance with Section 48-13.02(c)(4) of the Comprehensive Zoning Regulations, the applicant seeks a Conditional Use Permit to operate a *Crematorium* for pets within the backyard of the existing funeral home facility. The incinerator(s), (the applicant proposes initial installation of a single unit with the ability to install a second unit at a later time) will be located within a 12' x 21' x 8' carport type structure interior to the backyard and enclosed on three sides. Remains scheduled for cremation will be stored in onsite freezers. Any cremated remains not to be returned to the pet owner will be disposed of by conventional trash service. The cremated remains are sterile, have no odor and require no special handling for disposal.

The site development will remain virtually unchanged relative to the sites current frontage appearance from SW Gage Boulevard. There will be no change in the onsite circulation pattern or parking as they now exist. A 6' wooden privacy fence is to enclose the entire backyard area thereby screening from view the incinerator area from adjacent properties and any view of the area from SW Gage Boulevard, the result should have no greater impact on the surrounding area than would the erection of a privacy fence on one of the adjoining residential properties if a backyard swimming pool were being screened.

The incinerator is odorless and smokeless when operating and produces a level of noise comparable to that of an outside residential central air unit when in operation.

August 20, 2007
Agenda Item #G-2

CHARACTER OF NEIGHBORHOOD: The neighborhood is a mix of Single-Family Dwelling, Office and Commercial uses.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	"O&I-2" Office and Institutional District	State Farm Ins. Office
South:	"O&I-2" Office and Institutional District	Farmers Ins. Office
East:	"R-1" Single-Family Dwelling District	Residential
West:	"R-1" Single-Family Dwelling District	Residential

GUIDELINES FOR EVALUATION: In considering an application for a conditional use permit, the Planning Commission and governing body will give consideration to the following criteria in order to protect the integrity and character of the zoning district in which the proposed use is located; and to minimize adverse effects on surrounding properties and neighborhood, all conditional use permit applications shall be evaluated in accordance with the guidelines established in Section 48-25 of the City of Topeka, Comprehensive Zoning Regulations.

- 1. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies:** The site's present classification is consistent with the established pattern of zoning and land use in this area. The *Comprehensive Plan* designates this area for *Commercial* land use. The use as proposed will not produce any objectionable noise, odor or smoke therefore, the use is not anticipated to have a detrimental effect on the character of the existing neighborhood.
- 2. The character of the neighborhood including but not limited to: land use, zoning, density, architectural style, building materials, height, structural mass, sitting, open space and floor-to area ratio:** The only modification to the existing site other than the construction of the carport structure to house the incinerator(s) and the incinerator itself is construction of a 6' privacy fence enclosing the entire backyard area. All of these elements (with exception of the incinerator(s) which are to be enclosed and out of view) are in keeping with structures that are commonly associated with areas of residential, office or commercial development. The neighborhood character is residential with former residential structures having been converted to office uses while maintaining much of the look of residential dwellings. This "look" is being maintained. Therefore, providing, the operation of the crematory incinerator(s) does not produce objectionable noise, smoke or odor the proposed use is found to be in keeping with the character of the existing neighborhood.
- 3. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses:** The main function of the site as a pet funeral home and office facility is not changing. The present use has been very compatible to date with all those existing uses that surround it. Providing the operation of the crematory incinerator(s) does not produce objectionable noise, smoke or odor there is no reason to

August 20, 2007
Agenda Item #G-2

believe that the proposed use would not be in complete harmony with the zoning and uses that surrounds it presently.

4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations:** The site's present classification is consistent with the established pattern of zoning and land use in the area and is therefore viewed as being suitable for the uses to which it has been restricted.
5. **The length of time the property has remained vacant as zoned:** The property was rezoned from "R-1" Single-Family Dwelling District to its current classification in 1994. A funeral home has been a permitted use under the current classification since that time.
6. **The extent to which the approval of the application would detrimentally affect nearby properties:** Providing the operation of the crematory incinerator(s) does not produce objectionable noise, smoke or odor there is no reason to believe that the proposed use would not be in harmony with the zoning and uses that surrounds it presently. Therefore, the proposed use is seen as compatible with the current zoning for the site and uses of nearby properties.
7. **The extent to which the proposed use would substantially harm the value of nearby properties:** A pet crematory has operated for over 15 years at the West Ridge Animal Hospital located at 2147 SW Westport Drive. There are three crematories which deal with human remains located within the city at 1321 SW 10th Avenue, 4700 SW 17th Street and 3936 NW 16th Street. Both types have operated for years without any known complaints or that their existence has caused a reduction in surrounding property values. Therefore, providing the operation of the subject crematory incinerator(s) does not produce objectionable noise, smoke or odor, staff is unaware of any substantial harm the proposed use would have on the value of any surrounding properties.
8. **The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property:** No adverse affects are anticipated. A sufficient parking area is already provided onsite to accommodate the existing and proposed use.
9. **The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm:** As no objectionable noise, smoke or odor is produced by the incineration process as proposed, no adverse affects are anticipated.
10. **The economic impact of the proposed use on the community:** No detrimental economic impact to the community is anticipated.
11. **The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application:** There appears to be no particular public gain in respect to health, safety and

August 20, 2007
Agenda Item #G-2

welfare by denying the requested application providing the operation of the crematory incinerator(s) does not produce objectionable noise, smoke or odor.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Application: **Complete** – However, the applicant's "*Statement of Operation*" needs to be expanded to include the days and hours the pet crematory will be in operation (how frequently the incinerator will burn and how long a typical burn will last) in addition to the hours of operation for the general facility.

Minimum Lot Area: **Compliant.**

Setbacks: **Compliant** – The proposed privacy fence and access gate at the southwest corner of the site should be set a sufficient distance from the property boundary to insure that ingress and egress to the site and necessary maintenance of the fence and the area between the fence and the property boundary can be preformed entirely from the subject property.

Platting: **Compliant** – Lot 3, and the North 30' feet of Lot 2, North Brentwood Addition to the City of Topeka, Shawnee County, Kansas.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request has been submitted to all applicable reviewing agency staff for consideration and comment. No significant issues or concerns were expressed by reviewing staff relative to code compliance or the provisions of public services except for the issues raised by Planning Staff as expressed in this staff report.

ADDITIONAL FACTORS:

1. Neighborhood Improvement Association: Not Applicable.
2. Capitol Plaza Area: Not Applicable.
3. Flood Hazard Area: Not Applicable.
4. Airport Hazard Area: Not Applicable.
5. Historic Properties: No Registered Properties within 500-feet.

STAFF RECOMMENDATION:

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, subject to the following conditions:

1. Use and development of the site in accordance with the site development plan approved by the Planning Commission.
2. Compliance with the Heavenly Pet Memorials funeral home and crematorium "*Statement of Operation*".

3. Operation of the crematory incinerator(s) shall not produce objectionable noise, smoke or odor.
4. Application Modifications (to be made prior to City Council consideration):
 - The "*Statement of Operation*" should be expanded to include the days and hours the pet crematory will be in operation (how frequently the incinerator will burn and how long a typical burn will last) in addition to the hours of operation for the general facility.
 - The site plan should be modified to indicate that the privacy fence and access gate at the southwest corner of the site are set a sufficient distance from the property boundary to insure that ingress and egress to the site and necessary maintenance of the fence and the area between the fence and the property boundary can be performed entirely from the subject property.
5. Add case number to site plan.

Prepared by: Dean W. Diediker
Planner II

Statement of Operation
for
Heavenly Pet Memorials
Funeral Home and Crematorium

The development density of the site area should be similar to surrounding uses as the existing structure will continue to be the primary site for business. The height and building size of the existing structure will remain in tact, and therefore, there will be no variance from the current height and building size in accordance with the surrounding structures. Likewise, there should be no variation to the preexisting set back lines in the surrounding area. The additional structure will be placed in the back yard with a six (6) foot wooden fence surrounding the entire back yard and existing structure concealing it from Gage Boulevard.

The site development will remain unchanged as the site's frontage along Gage Boulevard will remain similar to its lot width. Likewise, the landscaped areas shall also remain similar to the surrounding areas. The parking and internal circulation will also remain unchanged. The property is accessed off of Gage Boulevard with an entrance at the northeast corner of the property and exit at the southeast corner. Upon entering the site property there are parking spaces in front of the building with room for cars to maneuver through the parking lot and towards the exit.

The applicant will install one crematory initially and may install a second unit at a later date. The crematory produces no noise, odor or smoke. The hours of operation of the existing business operated at this location will not change.

Pets scheduled for cremation will be stored on site in freezers. Any cremated remains not returned to the owner of the pet will be disposed by conventional trash service. The remains have no odor and do not require any special handling for disposal.

The proposed use will not reduce the existing levels of services on the adjacent streets. The proposed use also should not have any impact on traffic in residential areas. The

business will not have long operating hours and therefore, should not have negative effects on the nearby residential areas. All outside storage areas shall be enclosed by the fence surrounding the entire back yard.

The site already has water and sanitary sewer services and therefore, has adequate capacity to serve the proposed use. Likewise, the site already has operating utility service. The site has no onsite storm sewers; however, the runoff water flow runs out to Gage Boulevard and therefore, should not negatively affect the surrounding properties.

Accordingly, the proposed use should not have any adverse effect on the surrounding properties, neighborhoods or community at large.

Heavenly Pet

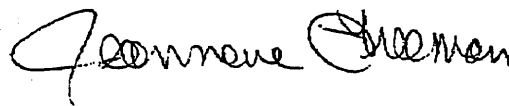
Memorials of Topeka

1137 SW Cage
Topeka, KS 66604

Office: 785-272-1582
Fax: 785-272-1584

Topeka Planning Commission:

Heavenly Pet Memorials will be open M-F 10:00am to 5:00 pm and Saturday 10:am to 2:00 pm. Topeka Pet Crematory will begin cremating at 8:00am. The cremation itself can last from 1hr 30min to 3hr 30 min depending on the animal size. The lid of the cremator is then opened for approximately 2hrs for cool down. The remains are then removed and the cremator restarted. The cremator will not be started after 9:00pm. The crematory operates seven days a week.



Jeannene Freeman President

File: F:\Projects\NCS\071030 Topeka Pet Crematory\CAD\CDs\Topeka Pet Crematory\Sheets\A-101 ARCHITECTURAL SITE PLAN.dwg
Date: Oct 03, 2007 - 3:45pm
Plotted by: mikris

A1 ARCHITECTURAL SITE PLAN

SCALE: 1/8" = 1'-0"

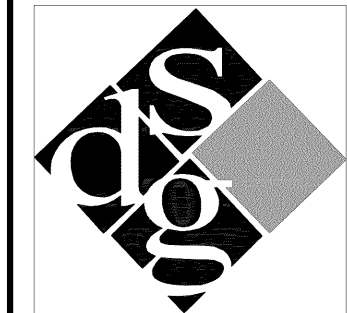
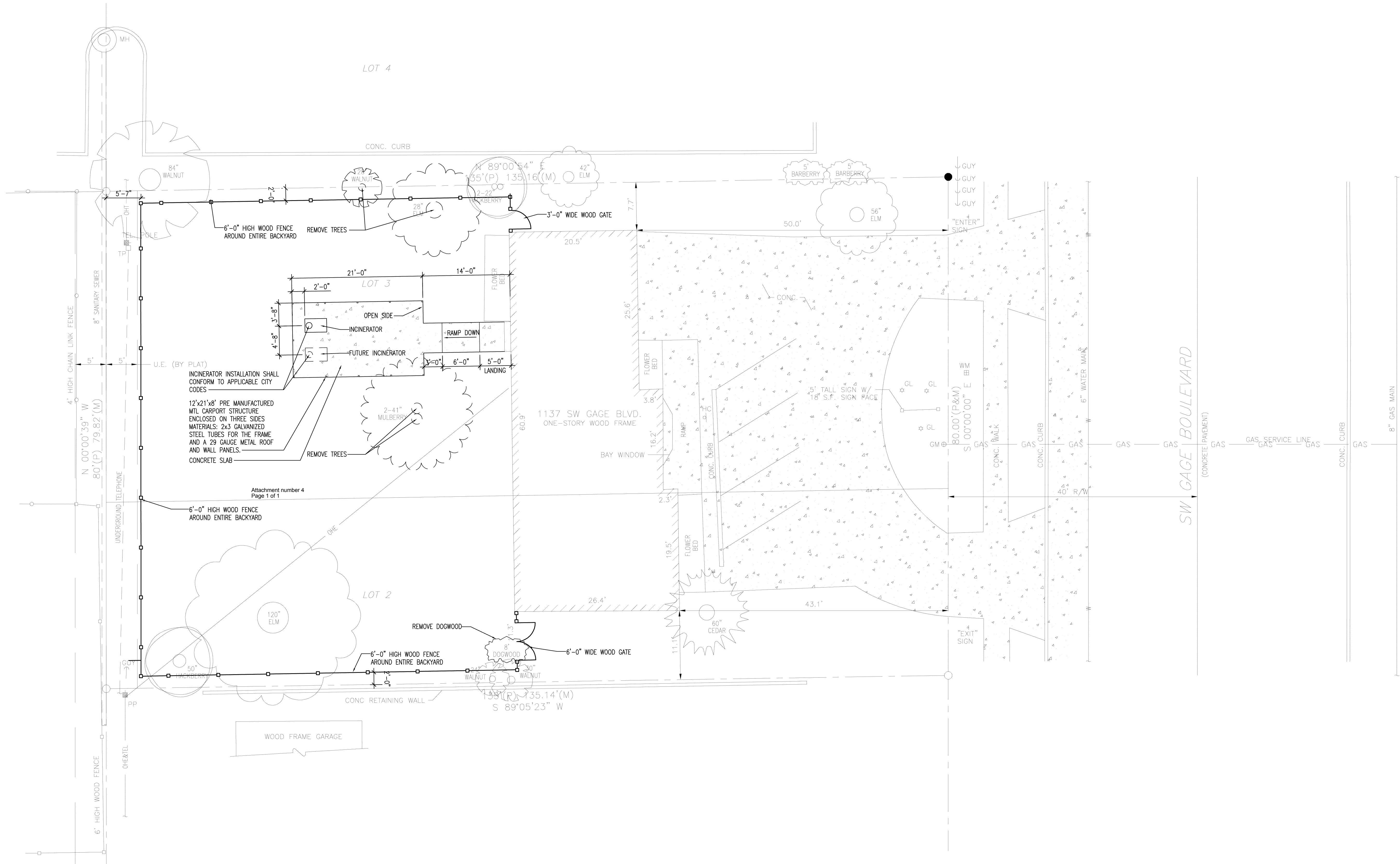


D

C

B

A



**SCHWERDT
DESIGN GROUP, INC.**
ARCHITECTURE INTERIORS PLANNING
2231 SW WANAMAKER SUITE 303
TOPEKA, KANSAS 66614-4275
PHONE: 785.273.7540
FAX: 785.273.7070
5959 N MAY AVE SUITE 411
OKLAHOMA CITY, OK 73112-3961
PHONE: 405.842.1100
FAX: 405.842.1244

NEW BUILDING FOR:
Topeka Pet Crematory
CIRCLEVILLE, KANSAS

OCTOBER 1, 2007

SHEET TITLE
ARCHITECTURAL SITE PLAN

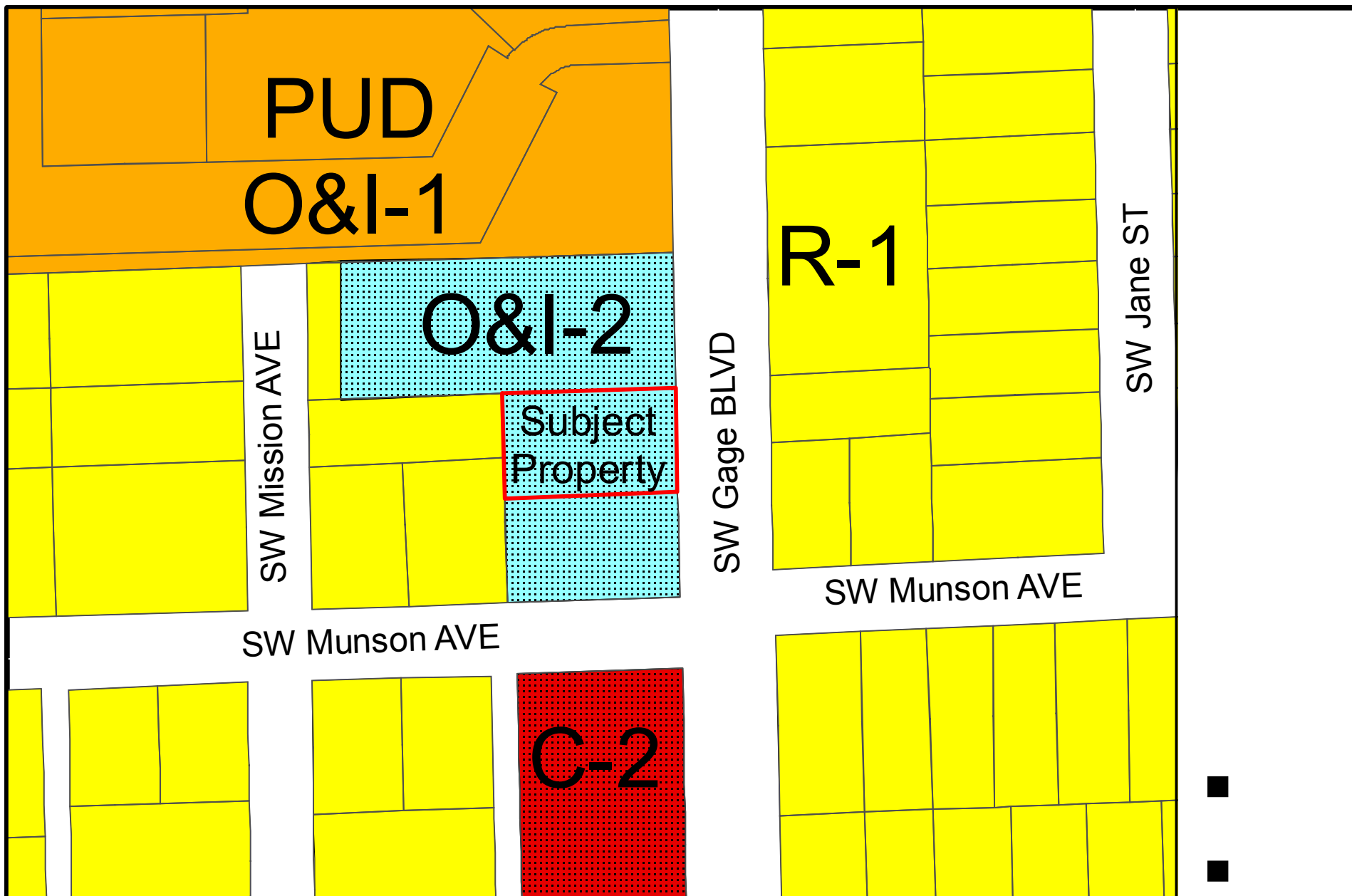
PROJECT NUMBER
071030

SHEET NUMBER
A-101

CASE #: CU07-5



CU07/5 by Robert E. & Jeannene M. Freeman



CU07/5 by Robert E. & Jeannene M. Freeman



Application Form Re-Zoning or Conditional Use Permit

City of Topeka Planning Department
620 SE Madison, 3rd Floor
Topeka, KS 66607-1118
Phone 785-368-3728 Fax 785-368-2535

Applicant Information

Property Owner(s): Robert E. & Jeannene M. Freeman

Street Address: 1017 SW Lincoln ST

City: Topeka

State: KS

Zip: 66604

E-mail: firstcall@ksinc.com

Business phone: 785 272-1582

Home phone: 785 234-4138

Fax: 785 272-1584

Authorized Owner Representative (if any): X/A

Street Address: _____

City: _____

State: _____

Zip: _____

E-mail: _____

Business phone: _____

Home phone: _____

Fax: _____

Authorized Professional Agent (Engineer, Architect, Attorney, etc.) - if different from above

Bryan W. Smith, Cavanaugh, Smith & Lemon, P.A.

Street Address: 2942 A SW Wornaker Dr.

City: Topeka

State: KS

Zip: 66614

E-mail: b.smith@csll-law.com

Business phone: (785) 440-4000

Home phone: _____

Fax: (785) 440-3900

Authorization

I (we) am (are) the owner(s) of record for the subject property and hereby authorize filing of this application and posting of signage on the property by the City of Topeka for the requested zoning change. I (we) declare that all required materials are submitted along with this application and that the information submitted is complete and accurate. I (we) hereby acknowledge that all appropriate procedures, policies and regulations have been reviewed and understood, including authorization of any agent(s) as listed in this application.

Owner 1 Name: Robert E. Freeman

Owner 1 Signature: Robert E. Freeman

Date: 2-23-07

Owner 2 Name: _____

Owner 2 Signature: _____

Date: _____

Requested Action and Site Information**Address of Property to be Re-Zoned** (or if vacant, describe general location): _____1137 SW Gage Blvd, Topeka, Kansas**Legal Description of Property:** lot(s) _____ block _____ subdivision _____
(if unplatted, attach metes and bounds description) -Lot 3 & N. 30 ft. Lot 2 North Brentwood**Total Area** (acres/square feet): 10,800 sq ft**Type of Application:**1. *Re-zoning from:* NA *to:* NA2. *Conditional Use Permit proposed use:* Pet crematorium**Existing Use** (# of dwelling units, square feet, etc.): Heavenly Pet Memorials one-story wood
frame building (approx. 1430 sq ft)How long has the existing use been on the property? January 2007**Proposed Use** (# of dwelling units, square feet, etc.): Pet crematorium - 12' x 21' x 8'
pre-manufactured metal carport structure enclosed on three sides in back
yard 6 ft. wooden fence around entire back yard**Was a Pre-Application Meeting or Zoning Inquiry completed with Staff?** X **If Yes, when?** March 26, 2007**FOR OFFICE USE ONLY****Date submitted:** 7/6/07**Date notice sent:** 7/27/07**Application no.:** C407/5**Date advertised:** 7/27/07**Filing fee:** 700⁰⁰ **Receipt no.:** 11594**Date of hearing:** 8/20/07**Quarter section map no.:** F-4**Council district:** H9**CHECK YES OR NO****Capital Plaza Area:** Yes _____ No ☒**Within Historic Site Environs:** Yes _____ No ☒**If Yes, what is it?:** _____**100 yr Floodplain:** Yes _____ No ☒**National/State Historic Register:** Yes _____ No ☒**Airport Hazard Area:** Yes _____ No ☒**Local Historic Resource:** Yes _____ No ☒**Neighborhood Association:** Yes _____ No ☒**Name of N.I.A./N.A.:** _____

Applicant Justification

For re-zoning applications:

This section is intended to provide you with the opportunity to present information in support of your request. It is important to bear in mind that the presumption of validity rests with the present zoning and use of the property. It is the burden of the applicant to demonstrate that the proposed change in zoning classification or proposed conditional use permit is appropriate.

Please attach additional sheets if necessary.

1. Why is the land not suitable for the uses to which the property is currently zoned?

The zoning is appropriate.

2. What effect would the proposed zone change have on the character of the neighborhood and surrounding properties?

Minimal - the proposed conditional use permit will not necessitate any structural modifications to the existing building. An additional carport structure will be constructed in the backyard of the property and will be concealed by the existing structure and a 6' foot high wood fence around the entire backyard. The pet crematory produces no odor or smoke.

3. How does this request relate to any adopted neighborhood/land use plans by the City?

The property is currently zoned O & I -2, which includes a funeral home or mortuary as a permitted use. Pursuant to Section 48-1301(c)(4), a crematorium is permitted with a conditional use permit. The property is bordered on the north and south by office use. The conditional use permit requested is allowed within O & I - 2.

Infrastructure Availability

Please consult the Engineering Division of Topeka Public Works Department for information below (368-3842)

1. Water

- a. Location and size of water main serving site:
West side of Gage Blvd
6" cast iron line
- b. Does the current system have adequate capacity? If not, are improvements anticipated?
Yes
- c. If other than City of Topeka, identify water district provider: No

2. Sanitary Sewer

- a. Location and size of sewer main serving site:
West property line
8" VCP (vitrified clay pipe)
- b. Does the current system have adequate capacity? If not, are improvements anticipated?
Yes
- c. If other than City of Topeka, identify sewer district provider: No

3. Storm Drainage

- a. How will storm water run-off be handled on site?
No on-site storm sewers
Water flows toward east (out to Gage Blvd.) - all ok.
- b. Does the current storm sewer system have adequate capacity for proposed use?
Yes

4. Traffic Circulation

- a. Does the site have public street frontage access? What is the pavement width of any adjoining public streets?
Yes - no adjoining public streets
- b. What are the site's existing or proposed access points?
Existing access points from Gage Blvd. include entrance at the northeast corner of property and exit at the southeast corner of property.
- c. Will any street improvements or traffic control improvements be required?
No.

DRAFT

**Minutes of the
Topeka Planning Commission
August 20, 2007**

CU07/5 by Robert E. and Jeannene M. Freeman requesting a Conditional Use Permit to establish a pet crematorium on property currently zoned "O&I-2" Office and Institutional District and located at 1137 SW Gage Boulevard. **(Diediker)** Dean Diediker summarized the staff report.

Proponents:

Bryan Smith, representative for applicants, spoke in favor of the proposal. He stated the crematory is currently operating at the West Ridge Animal Hospital. There have been no complaints on that property regarding the incinerator. He said if this application is approved the West Ridge crematory will be moved to this location. Right now the property is being used for Heavenly Pet Memorials. He said the incinerator will not be over the carport except what is required by code. There won't be any smoke. This won't have any impact for surrounding properties. Customers can have their pets cremated through their vet or as a walk up service. The hours of operation will be put into the plan as requested. He said the retail portion is open 10am-5pm, Monday through Friday and 10am to 2pm on Saturdays. He stated the incinerator is on a timer and runs on its own. It will be operated up to 3 times a day for 3 hours at a time depending on demand.

Mark Boyd said in the "Statement of Operation" there was discussion about traffic and runoff. Is there a professional suggestion made to follow these up or did the property owners make these assumptions? Mr. Smith said the site plan was developed by Schwartz Design Group. Mr. Boyd said it is stated the applicant may install a second incinerator unit in the future. Will they have to amend the conditional use permit to do this? Mr. Smith said no, it is included in this site plan. The only thing that will need to be done if a unit is added is to run gas and electricity out to the pad. Mr. Blackmon asked if this location will have a new incinerator? Mr. Smith replied no, the one from the West Ridge location will be moved. It is 7 months old.

Joe Mayer, owns the property to the north, stated he isn't for or against the proposal, he just has a few questions. He said traffic is a concern on this property and it is reflected on my property. Theron Sims asked if there are problems currently? Mr. Mayer said there has been in the past with the previous owners but not currently. Mr. Mayer said he has concerns with the Heavenly Pet customers parking on his property and traffic cutting through his property. Mr. Mayer said there is ingress/egress drive on his property. He said the previous owner made a deal with the city to allow the UPS driver and delivery trucks to utilize. He said he just wants to make sure it won't be a problem of people coming through. Fred. Sanders said this won't affect the traffic flow.

No exparte communications.

Fred Sanders moved approval as written by staff, seconded by Theron Sims. **APPROVAL, subject to conditions listed in the staff report. (8-0-0)**



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 23, 2007

+ Back Print

DATE: November 6, 2007

CONTACT PERSON: Jeff Hunt **DOCUMENT #:**

SECOND PARTY/SUBJECT: Lateral Sanitary Sewer Improvement **PROJECT #:** 40858-03

CATEGORY/SUBCATEGORY: 018 Public Hearings / 004 Assessments

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of River Hill Subdivision with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40858-03, as defined and described in Resolution No. 7526, adopted and approved September 24, 2004. First Reading. (Council District No. 9)

(The public hearing will be held on November 13, 2007. The project will be paid 100% by the Improvement District. Approval would apportion and levy a special assessment for the improvement of Lateral Sanitary Sewer District No. 40858-03 located on the north side of 6th Avenue, west of Wanamaker Road in River Hill Residential Subdivision.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Hearing is to be held in the Council Chambers at 6:00 PM on November 13, 2007. Listen to all concerns/comments in regard to the assessment cost of the project. Close the Hearing and then approve the Ordinance apportioning and levying the special assessments.

BACKGROUND:

The project will provide sanitary sewer service to Lots 2 through 15 inclusive, Block "A", and Lots 1 through 16 inclusive, Block "B", River Hill Residential Subdivision with piping, manholes, engineering and all other contingencies needed for a complete project.

BUDGETARY IMPACT:

TOTAL COST & APPORTIONMENT OF COSTS:

Total Cost of Project - \$240,519.50

30 units @ \$8,017.32 per unit

Paid 100% by Improvement District.

Item #21

SOURCE OF FUNDING:

100% paid by the Improvement District.

ATTACHMENTS:

[Public Hearing](#)

[Ordinance](#)

(Published in The Topeka Metro News November 2, 2007)

NOTICE OF PUBLIC HEARING

LATERAL SANITARY SEWER DISTRICT NO. 40858-03

Notice is hereby given that there will be a special meeting of the City Council of the City of Topeka, Shawnee County, Kansas, held on November 13, 2007, at 6:00 P.M., in the Council Chamber 214 E. 8th, for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Lateral Sanitary Sewer District No. 40858-03, authorized by Resolution No. 7526, adopted and approved September 21, 2004.

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.

IMPROVEMENT DISTRICT:

A tract of land in the southwest and southeast quarters of Section 29, Township 11 south, Range 15 east of the sixth principal meridian, in Shawnee County, Kansas, described as follows:

Lots 2 through 15 inclusive, Block "A" and Lots 1 through 16 inclusive, Block "B", River Hill Residential, Shawnee County, Kansas.

METHOD OF ASSESSMENT:

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

TOTAL COST & APPORTIONMENT OF COSTS:

Total Cost of Project \$240,519.50
100% to the Improvement District
30 units at \$8,017.32 per unit

All of above described territory being situated in the City of Topeka, Shawnee County, Kansas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City for Topeka to be affixed on September 28, 2007

Brenda Younger, City Clerk

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of River Hill Subdivision with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40858-03, as defined and described in Resolution No. 7526, adopted and approved September 24, 2004.

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

Section 1. For the purpose of paying the cost of piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40858-03, in the City of Topeka, Shawnee County, Kansas, there is hereby levied and assessed a special assessment on all lots and pieces of ground liable therefore.

Said assessments are computed as follows:

A. GENERAL NATURE OF IMPROVEMENT:

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

B. IMPROVEMENT DISTRICT:

A tract of land in the southwest and southeast quarters of Section 29, Township 11 south, Range 15 east of the sixth principal meridian, in Shawnee County, Kansas, described as follows:

River Hill Residential, Shawnee County, Kansas
Lots 2 through 15 inclusive, Block A
Lots 1 through 16, inclusive, Block B

C. METHOD OF ASSESSMENT:

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

D. TOTAL COST & APPORTIONMENT OF COSTS:

FINAL PROJECT COST = \$240,519.50

Improvement district will pay 100% of the costs

Section 2. The several amounts are apportioned, levied and assessed against each of said lots and pieces of ground according to the benefits to be derived by reason of the aforesaid improvements, (except the interest hereinafter mentioned) as follows:

LATERAL SANITARY SEWER IMPROVMENT PROJECT NO. 40858-03

<u>Parcel Identification Number</u>	<u>Description</u>	<u>Assessment</u>
---	--------------------	-------------------

RIVER HILL RESIDENTIAL
Block A

0992900002007000	Lot 2	\$8,017.32
0992900002007000	Lot 3	\$8,017.32
0992900002007000	Lot 4	\$8,017.32
0992900002007000	Lot 5	\$8,017.32
0992900002007000	Lot 6	\$8,017.32
0992900002007000	Lot 7	\$8,017.32
0992900002007000	Lot 8	\$8,017.32
0992900002007000	Lot 9	\$8,017.32
0992900002007000	Lot 10	\$8,017.32
0992900002007000	Lot 11	\$8,017.32
0992900002019000	Lot 12	\$8,017.32
0992900002007000	Lot 13	\$8,017.32
0992900002007000	Lot 14	\$8,017.32
0992900002007000	Lot 15	\$8,017.32

73		<u>Block B</u>	
74	0992900002003010	Lot 1	\$8,017.32
75	0992900002003010	Lot 2	\$8,017.32
76	0992900002003010	Lot 3	\$8,017.32
77	0992900002003010	Lot 4	\$8,017.32
78	0992900002003010	Lot 5	\$8,017.32
79	0992900002003010	Lot 6	\$8,017.32
80	0992900002003010	Lot 7	\$8,017.32
81	0992900002003010	Lot 8	\$8,017.32
82	0992900002003010	Lot 9	\$8,017.32
83	0992900002003010	Lot 10	\$8,017.32
84	0992900002003010	Lot 11	\$8,017.32
85	0992900002003010	Lot 12	\$8,017.32
86	0992900002003010	Lot 13	\$8,017.32
87	0992900002003010	Lot 14	\$8,017.32
88	0992900002003010	Lot 15	\$8,017.32
89	0992900002003010	Lot 16	\$8,017.32

90
 91 Section 3. Such assessments with accrued interest are hereby levied concurrent
 92 with general property taxes and shall be payable in twenty (20) equal annual installments;
 93 the first installment to be payable at the time of the first payment of the general property
 94 taxes, following the publication of this ordinance.

95 Section 4. All assessments shall bear interest in an amount not to exceed the
 96 legal rate established by law.

97

Section 5. The owner of any property so assessed may at any time prior to 30 days from the date of publication of this ordinance, pay the whole of the assessment against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

Section 6. Assessments not paid prior to the date provided in Section 5 hereof, shall be certified, together with interest accrued, or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 23, 2007

 + Back  Print

DATE: November 6, 2007

CONTACT PERSON: Robert M. Coffman **DOCUMENT #:**

SECOND PARTY/SUBJECT: Lateral Sanitary Sewer Improvement **PROJECT #:** 40906

CATEGORY/SUBCATEGORY: 018 Public Hearings / 004 Assessments

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Main and Lateral Sanitary Sewer Improvement Project No. 40906, as defined and described in Resolution No. 7334, adopted and approved April 22, 2003. First Reading. (Council District No. 4)

(The Public Hearing will be held November 13, 2007. The project will be paid 100% by the Improvement District. Approval would apportion and levy a special assessment for the improvement of Main and Lateral Sanitary Sewer District No. 40906 located along 45th Street from Maryland easterly to approximately a point 600 feet east of California in Southboro Subdivision No. 9.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Hearing is to be held in the Council Chambers at 6:00 PM on November 13, 2007. Listen to all concerns/comments in regard to the assessment cost of the project. Close the Hearing and then approve the Ordinance apportioning and levying the special assessments.

BACKGROUND:

The project will provide sanitary sewer service beginning at the northwest corner of Section 28, Township 12 South, Range 16 east of the Sixth P.M., Shawnee County, Kansas; thence easterly on the north line of Section 28 for a distance of 336.73 feet; thence southerly 300.41 feet; thence easterly 145 feet; thence northerly 300.41 feet to the north line of Section 28; thence easterly 180.80 feet; thence southerly 660.78 feet; thence westerly 662.10 feet to the west line of Section 28; thence westerly 50 feet to the southeast corner of Lot 1, Block "A," Marlatte Center Subdivision; thence westerly on the south line of said Lot 1 for a distance of 617.11 feet to the southwest corner of Lot 1, Block "A," Marlatte Center Subdivision; thence northerly on the west line of said Lot 1 and its extension northerly to the south line of Section 20, Township 12 South, Range 16 east of the Sixth P.M., Shawnee County, Kansas; thence westerly on the south line of said Section 20 to the southwest corner of the southeast quarter of Section 20; thence continuing westerly on the south line of the southwest quarter of said Section 20 to its intersection with the east line of Oak Park Six Subdivision, extended southerly to the south line of said Section 20; thence northerly on the east line of Oak Park Six for a distance of 560 feet;

thence easterly parallel with and 560 feet north of the south line of Section 20 to the west line of the southeast quarter of Section 20, Township 12 south, Range 16 east of the Sixth P.M., Shawnee County, Kansas; thence northerly to a point due west of the northwest corner of Lot 16, Block "I," Southboro Subdivision No. 2; thence easterly 40 feet to the northwest corner of Lot 16, Block "I," Southboro Subdivision No. 2; thence easterly along the north line of Lots 16 through 9 in said Block "I" to the northeast corner of Lot 9, Block "I" in said subdivision: thence southeasterly to the northwest corner of Lot 11, Block "H," Southboro Subdivision No. 2; thence easterly to the northeast corner of Lot 10, Block "H" in said subdivision; thence southeasterly to the northwest corner of Lot 19, Block "J" of said subdivision; thence easterly 140 feet to the northeast corner of said Lot 19; thence southerly along the east line of Lots 19 through 13 in Block "J" to the southeast corner of Lot 13, also being the north right of way line of SE 45th Street; thence easterly on the north right of way line of SE 45th Street to the west right of way line of SE California Avenue; thence southerly on an extension of the west right of way line of SE California Avenue to the south line of the southeast quarter of Section 20, Township 12 South, Range 16 east of the Sixth P.M., Shawnee County, Kansas thence easterly on the south line of said Section 20 for a distance of 64.50 feet to the northwest corner of Section 28 and the point of beginning with piping, manholes, engineering, and all other contingencies required for a complete project.

BUDGETARY IMPACT:

TOTAL COST & APPORTIONMENT OF COSTS:

Total Cost of Project: \$327,257.00
Total Square Feet = 2,182,988
Cost Per Square Foot : \$0.14991242
Paid 100% by Improvement District

SOURCE OF FUNDING:

100% paid by the Improvement District.

ATTACHMENTS:

[Public Hearing](#)

[Ordinance](#)

(Published in The Topeka Metro News November 2, 2007)

NOTICE OF PUBLIC HEARING

MAIN AND LATERAL SANITARY SEWER DISTRICT NO. 40906

Notice is hereby given that there will be a special meeting of the City Council of the City of Topeka, Shawnee County, Kansas, held on November 13, 2007, at 6:00 P.M., in the Council Chamber 214 E. 8th, for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Lateral Sanitary Sewer District No. 40906, authorized by Resolution No. 7334, adopted and approved April 22, 2003. Attachment number 1 Page 1 of 3

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.

IMPROVEMENT DISTRICT:

Begin at the northwest corner of Section 28, Township 12 South, Range 16 east of the Sixth P.M., Shawnee County, Kansas; thence easterly on the north line of Section 28 for a distance of 336.73 feet; thence southerly 300.41 feet; thence easterly 145 feet; thence northerly 300.41 feet to the north line of Section 28; thence easterly 180.80 feet; thence southerly 660.78 feet; thence westerly 662.10 feet to the west line of Section 28; thence westerly 50 feet to the southeast corner of Lot 1, Block "A," Marlatte Center Subdivision; thence westerly on the south line of said Lot 1 for a distance of 617.11 feet to the southwest corner of Lot 1, Block "A," Marlatte Center Subdivision; thence northerly on the west line of said Lot 1 and its extension northerly to the south line of Section 20, Township 12 South, Range 16 east of the Sixth P.M., Shawnee County, Kansas; thence westerly on the south line of said Section 20 to the southwest corner of the southeast quarter of Section 20; thence continuing westerly on the south line of the southwest quarter of said Section 20 to its intersection with the east line of Oak Park Six Subdivision, extended southerly to the south line of said Section 20; thence northerly on the east line of Oak Park Six for a distance of 560 feet; thence easterly parallel with and 560 feet north of the south line of Section 20 to the west line of the southeast quarter of Section 20, Township 12 south, Range 16 east of the Sixth P.M., Shawnee County, Kansas; thence northerly to a point due west of the

northwest corner of Lot 16, Block "I," Southboro Subdivision No. 2; thence easterly 40 feet to the northwest corner of Lot 16, Block "I," Southboro Subdivision No. 2; thence easterly along the north line of Lots 16 through 9 in said Block "I" to the northeast corner of Lot 9, Block "I" in said subdivision; thence southeasterly to the northwest corner of Lot 11, Block "H," Southboro Subdivision No. 2; thence easterly to the northeast corner of Lot 10, Block "H" in said subdivision; thence southeasterly to the northwest corner of Lot 19, Block "J" of said subdivision; thence easterly 140 feet to the northeast corner of said Lot 19; thence southerly along the east line of Lots 19 through 13 in Block "J" to the southeast corner of Lot 13, also being the north right of way line of SE 45th Street; thence easterly on the north right of way line of SE 45th Street to the west right of way line of SE California Avenue; thence southerly on an extension of the west right of way line of SE California Avenue to the south line of the southeast quarter of Section 20, Township 12 South, Range 16 east of the Sixth P.M., Shawnee County, Kansas thence easterly on the south line of said Section 20 for a distance of 64.50 feet to the northwest corner of Section 28 and the point of beginning.

METHOD OF ASSESSMENT:

On a square foot of area basis for all lots, or individual dwelling sites which make up the improvement district.

TOTAL COST & APPORTIONMENT OF COSTS:

Total Cost of Project \$327,257.00

100% to the Improvement District

Total Square Foot of Area 2,182,988

Cost Per Square Foot \$0.14991242

All of above described territory being situated in the City of Topeka, Shawnee County, Kansas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City for Topeka to be affixed on September 28, 2007.

Brenda Younger, City Clerk

Donna Crawford

From: Nona Hastings
Sent: Friday, October 05, 2007 10:35 AM
To: Donna Crawford
Subject: Correction of Public Hearing for Project No 40906
Attachments: 40906 PUBLIC HEARING.doc

Sorry Donna I found a mistake in my wording this is the final correction I hope.

Nona Hastings

Attachment number 1
Page 3 of 3

OA III
City of Topeka
City Clerk's Office
215 E 7th Street Room 166
Topeka, Ks 66603
Tel: 785/368/3941
Fax: 785/368/3943
www.topeka.org
nhastings@topeka.org

***CONFIDENTIALITY NOTICE:** This e-mail message is being sent from an employee or representative of the City of Topeka, Kansas. This message, including any attachments, is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.*

Nona Hastings

10/5/2007

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Main and Lateral Sanitary Sewer Improvement Project No. 40906, as defined and described in Resolution No. 7334, adopted and approved April 22, 2003.

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

Section 1. For the purpose of paying the cost of piping, manholes, engineering and all other contingencies needed to complete the project, the same being Main and Lateral Sanitary Sewer Improvement Project No. 40906, in the City of Topeka, Shawnee County, Kansas, there is hereby levied and assessed a special assessment on all lots and pieces of ground liable therefore. Said assessments are computed as follows:

A. GENERAL NATURE OF IMPROVEMENT:

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

B. IMPROVEMENT DISTRICT:

Begin at the northwest corner of Section 28, Township 12 South, Range 16 east of the Sixth P.M., Shawnee County, Kansas; thence easterly on the north line of Section 28 for a distance of 336.73 feet; thence southerly 300.41 feet; thence easterly 145 feet; thence northerly 300.41 feet to the north line of Section 28; thence easterly 180.80 feet; thence southerly 660.78 feet; thence westerly 662.10 feet to the west line of Section 28; thence westerly 50 feet to the southeast corner of Lot 1, Block "A," Marlatte Center Subdivision; thence westerly on the south line of said Lot 1 for a distance of 617.11 feet to the southwest corner of Lot 1, Block "A," Marlatte Center Subdivision; thence northerly on the west line of said Lot 1 and its extension northerly to the south line of Section 20, Township 12 South, Range 16 east of the Sixth P.M., Shawnee County, Kansas; thence westerly on the south line of said Section 20 to the southwest corner of the southeast quarter of Section 20; thence continuing westerly on the south

line of the southwest quarter of said Section 20 to its intersection with the east line of Oak Park Six Subdivision, extended southerly to the south line of said Section 20; thence northerly on the east line of Oak Park Six for a distance of 560 feet; thence easterly parallel with and 560 feet north of the south line of Section 20 to the west line of the southeast quarter of Section 20, Township 12 south, Range 16 east of the Sixth P.M., Shawnee County, Kansas; thence northerly to a point due west of the northwest corner of Lot 16, Block "I," Southboro Subdivision No. 2; thence easterly 40 feet to the northwest corner of Lot 16, Block "I," Southboro Subdivision No. 2; thence easterly along the north line of Lots 16 through 9 in said Block "I" to the northeast corner of Lot 9, Block "I" in said subdivision; thence southeasterly to the northwest corner of Lot 11, Block "H", Southboro Subdivision No. 2; thence easterly to the northeast corner of Lot 10, Block "H" in said subdivision; thence southeasterly to the northwest corner of Lot 19, Block "J" of said subdivision; thence easterly 140 feet to the northeast corner of said Lot 19; thence southerly along the east line of Lots 19 through 13 in Block "J" to the southeast corner of Lot 13, also being the north right of way line of SE 45th Street; thence easterly on the north right of way line of SE 45th Street to the west right of way line of SE California Avenue; thence southerly on an extension of the west right of way line of SE California Avenue to the south line of the southeast quarter of Section 20, Township 12 South, Range 16 east of the Sixth P.M., Shawnee County, Kansas; thence easterly on the south line of said Section 20 for a distance of 64.50 feet to the northwest corner of Section 28 and the point of beginning.

C. METHOD OF ASSESSMENT:

On a square foot of area for all lots or individual dwelling sites which make up the improvement district.

D. TOTAL COST & APPORTIONMENT OF COSTS:

FINAL PROJECT COST = \$327,257.00

Improvement district will pay 100% of the costs

Section 2. The several amounts are apportioned, levied and assessed against

each of said lots and pieces of ground according to the benefits to be derived by reason of

the aforesaid improvements, (except the interest hereinafter mentioned) as follows:

MAIN AND LATERAL SANITARY SEWER IMPROVEMENT PROJECT NO. 40906

<u>Parcel Identification Number</u>	<u>Description</u>	<u>Assessment</u>
<u>SECTION 20-12-16</u>		
1342003004037000	The South half of: West one-half of the Southeast quarter of the Southwest quarter of section 20-12-16.	\$53,844.34
1342003004039000	The East half of the Southeast quarter of the Southwest quarter of Section 20-12-16 less the following: Beginning 170' West of the Southeast Corner of the Southwest quarter; thence West 200'; thence North 326.7'; thence East 200'; thence South 326.7' to the point of beginning less R/W.	\$44,798.63
1342003004038000	Beginning 170' West of the Southeast Corner of the Southwest quarter; thence West 200'; thence North 326.7'; thence East 200'; thence South 326.7'; to the point of beginning less R/W.	\$9,045.72
<u>SOUTHBORO SUBDIVISION NO. 9 BLOCK E</u>		
1342004015020000	Lot 1	\$1,763.12
1342004015019000	Lot 2	\$1,306.04
1342004015018000	Lot 3	\$1,763.12
1342004015017000	Lot 4	\$2,416.14
1342004015016000	Lot 5	\$2,677.44
1342004015015000	Lot 6	\$2,546.71
1342004015014000	Lot 7	\$2,612.07
1342004015013000	Lot 8	\$1,959.06
1342004015012000	Lot 9	\$2,873.22

1342004015011000	Lot 10	\$2,677.44
1342004015010000	Lot 11	\$2,873.22
1342004015009000	Lot 12	\$2,416.14
1342004015008000	Lot 13	\$3,461.03
1342004015007000	Lot 14	\$2,024.42

SOUTHBORO SUBDIVISION NO. 9
BLOCK F

1342004014018000	Lot 10	\$1,959.06
1342004014017000	Lot 11	\$2,089.63
1342004014016000	Lot 12	\$2,024.42
1342004014015000	Lot 13	\$1,959.06
1342004014014000	Lot 14	\$2,024.42
1342004014013000	Lot 15	\$1,763.12
1342004014012000	Lot 16	\$1,697.91
1342004014011000	Lot 17	\$1,697.91
1342004014010000	Lot 18	\$1,959.06

SOUTHBORO SUBDIVISION NO. 9
BLOCK D

1342004015004010	Lot 1	\$1,632.55
1342004015004000	Lot 2	\$1,697.91
1342004015003000	Lot 3	\$1,828.48
1342004015002000	Lot 4	\$2,481.50
1342004015001000	Lot 5	\$3,918.11
1342004015005000	Lot 15	\$2,636.51

SOUTHBORO SUBDIVISION NO. 9
BLOCK C

1342004011013000	Lot 8, Less North 45'.	\$387.52
1342004011012000	Lot 9	\$1,937.62
1342004011011000	Lot 10	\$1,937.62
1342004011010000	Lot11, Less North 45'.	\$387.67

SOUTHBORO SUBDIVISION NO. 9
BLOCK B

1342004016012020	Part of Lot 1; Beginning 70.11' North of SW Corner of Lot 1; thence North 50.57'; thence East 194.8'; thence South 31.89'; thence West 195.11' to point of beginning.	\$1,338.57
1342004016012010	Part of Lot 1; Beginning at the Southwest Corner of Lot 1; thence North 70.11'; thence East 195.11'; thence South 70.25'; thence West 195.08' to point of beginning.	\$2,052.60
1342004016012000	Lot 2	\$2,024.42
1342004016011010	Lot 3	\$1,959.06
1342004016011000	Lot 4	\$1,828.48
1342004016010000	Lot 5	\$1,697.91
1342004016009000	Lot 6	\$1,697.91
1342004016008000	Lot 7	\$1,697.91
1342004016007000	Lot 8	\$1,637.34
1342004016006000	Lot 9, Less North 18'.	\$1,259.11

SOUTHBORO SUBDIVISION NO. 2
BLOCK M

1342004015006000	Lot 14	\$23,667.87
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MARLATTE CENTER SUBDIVISION
BLOCK A

1392901001001000	Lot 1, Less beginning 290.93' South and 50' West of NW Corner of Northeast quarter; thence West 218'; thence North 251' to South line of 45 th Street; thence easterly along R/W line of 45 th Street for a distance of 178.63'; thence southeasterly 42.57'; thence Southerly 211.49' to point of beginning.	\$49,210.40
1392901001001010	Beginning 290.93' South and 50' West of Northeast Corner of Northeast quarter; thence West 218'; thence North 251' to South line of 45 th Street; thence easterly along R/W for 178.63'; thence southeasterly 42.57'; thence southerly 211.49' to point of beginning.	\$7,759.92

SECTION 28-12-16

1382802001001050	Begin at Northwest Corner of Northwest quarter; thence East 336.73'; thence South 300.41'; thence East 145'; thence North 300.41'; thence East 180.80'; thence South 660.78'; thence West 662.1'; thence North 660.27' to point of beginning, less R/W.	\$52,347.62
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89
90 Section 3. Such assessments with accrued interest are hereby levied concurrent
91 with general property taxes and shall be payable in twenty (20) equal annual installments;
92 the first installment to be payable at the time of the first payment of the general property
93 taxes, following the publication of this ordinance.

94 Section 4. All assessments shall bear interest in an amount not to exceed the
95 legal rate established by law.

96 Section 5. The owner of any property so assessed may at any time prior to 30
97 days from the date of publication of this ordinance, pay the whole of the assessment
98 against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

Section 6. Assessments not paid prior to the date provided in Section 5 hereof, shall be certified, together with interest accrued, or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 23, 2007

+ Back Print

DATE: November 6, 2007

CONTACT PERSON: Jeff Hunt **DOCUMENT #:**

SECOND PARTY/SUBJECT: Sanitary Sewer Improvement **PROJECT #:** 40915-02

CATEGORY/SUBCATEGORY: 018 Public Hearings / 004 Assessments

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of a portion of Woodglen Subdivision with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40915-02, as defined and described in Resolution No. 7592, adopted and approved March 8, 2005. First Reading. (Council District No. 4)

(The Public Hearing will be held on November 13, 2007. The project will be paid 100% by the Improvement District. Approval would apportion and levy a special assessment for the improvement of Sanitary Sewer Improvement District No. 40915-02 located on SE Greenwood Court, SE Spruce Court, and SE Baldwin Street, all north of SE 22nd Terrace in Woodglen Subdivision.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Hearing is to be held in the Council Chambers at 6:00 PM on November 13, 2007. Listen to all concerns/comments in regard to the assessment cost of the project. Close the Hearing and then approve the Ordinance apportioning and levying the special assessments.

BACKGROUND:

The project will provide sanitary sewer service to Lots 9 through 32, Block "A", all in the Woodglen Subdivision with piping manholes, engineering and all other contingencies required for a complete project.

BUDGETARY IMPACT:

TOTAL COST & APPORTIONMENT OF COSTS:

Total Cost of Project - \$73,170.85

Total Square Feet = 278,569

Cost Per Square Feet = \$0.26266685

Paid 100% by the Improvement District.

Item #23

SOURCE OF FUNDING:

100% paid by the Improvement District.

ATTACHMENTS:

[Public Hearing Notice](#)

[Ordinance](#)

(Published in The Topeka Metro News November 2, 2007)

NOTICE OF PUBLIC HEARING

SANITARY SEWER IMPROVEMENT PROJECT NO. 40915-02

Notice is hereby given that there will be a special meeting of the City Council of the City of Topeka, Shawnee County, Kansas, held on November 13, 2007, at 6:00 P.M., in the Council Chamber 214 E. 8th, for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Sanitary Sewer Improvement Project No. 40915-02, authorized by Resolution No. 7592, adopted and approved March 8, 2005.

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.

IMPROVEMENT DISTRICT:

Lots 9 through 32, Block A, all in the Woodglen Subdivision, City of Topeka, Shawnee County, Kansas

METHOD OF ASSESSMENT:

On a square foot of area basis for all lots, parcels or tracts which are included in the described improvement district.

TOTAL COST & APPORTIONMENT OF COSTS:

Final Project Cost = \$73,170.85

Total Square Feet = 278,569

Cost Per Square Feet = \$0.26266685

Paid 100% by the Improvement District

All of above described territory being situated in the City of Topeka, Shawnee County, Kansas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City for Topeka to be affixed on September 28, 2007.

Brenda Younger
City Clerk

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of a portion of Woodglen Subdivision with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40915-02, as defined and described in Resolution No. 7592, adopted and approved March 8, 2005.

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

Section 1. For the purpose of paying the cost of piping, manholes, engineering and all other contingencies needed to complete the project, the same being Sanitary Sewer Improvement Project No. 40915-02, in the City of Topeka, Shawnee County, Kansas, there is hereby levied and assessed a special assessment on all lots and pieces of ground liable therefore. Said assessments are computed as follows:

A. GENERAL NATURE OF IMPROVEMENT:

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

B. IMPROVEMENT DISTRICT:

Lots 9 through 32, Block A, all in the Woodglen Subdivision, City of Topeka, Shawnee County, Kansas.

C. METHOD OF ASSESSMENT:

On a square foot of area basis for all lots, parcels or tracts which are included in the described improvement district.

D. TOTAL COST & APPORTIONMENT OF COSTS:

FINAL PROJECT COST = \$73,170.85

Improvement district will pay 100% of the costs

Section 2. The several amounts are apportioned, levied and assessed against each of said lots and pieces of ground according to the benefits to be derived by reason of the aforesaid improvements, (except the interest hereinafter mentioned) as follows:

SANITARY SEWER IMPROVEMENT PROJECT NO. 40915-02

<u>Parcel Identification Number</u>	<u>Description</u>	<u>Assessment</u>
WOODGLEN SUBDIVISION <u>BLOCK A</u>		
1311102001029000	Lot 9	\$3,194.03
1311102001028000	Lot 10	\$2,827.08
1311102001027000	Lot 11	\$2,919.54
1311102001026000	Lot 12	\$3,128.89
1311102001025000	Lot 13	\$3,129.94
1311102001024000	Lot 14	\$2,937.93
1311102001023000	Lot 15	\$2,827.08
1311102001022000	Lot 16	\$3,194.03
1311102001021000	Lot 17	\$3,194.03
1311102001020000	Lot 18	\$2,827.08
1311102001019000	Lot 19	\$2,937.93
1311102001018000	Lot 20	\$3,149.38
1311102001017000	Lot 21	\$3,150.43
1311102001016000	Lot 22	\$2,956.32
1311102001015000	Lot 23	\$2,827.08
1311102001014000	Lot 24	\$3,194.03

71	1311102001013000	Lot 25	\$3,194.03
72	1311102001012000	Lot 26	\$2,827.08
73	1311102001011000	Lot 27	\$2,956.32
74	1311102001010000	Lot 28	\$3,169.86
75	1311102001009000	Lot 29	\$3,306.45
76	1311102001008000	Lot 30	\$3,088.17
77	1311102001007000	Lot 31	\$2,940.56
78	1311102001006000	Lot 32	\$3,293.58

79
80 Section 3. Such assessments with accrued interest are hereby levied concurrent
81 with general property taxes and shall be payable in twenty (20) equal annual installments;
82 the first installment to be payable at the time of the first payment of the general property
83 taxes, following the publication of this ordinance.

84 Section 4. All assessments shall bear interest in an amount not to exceed the
85 legal rate established by law.

86 Section 5. The owner of any property so assessed may at any time prior to 30
87 days from the date of publication of this ordinance, pay the whole of the assessment
88 against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

89 Section 6. Assessments not paid prior to the date provided in Section 5 hereof,
90 shall be certified, together with interest accrued, or to accrue, by the City Clerk to the
91 County Clerk, and collected in the same manner as other taxes.

92 Section 7. This ordinance shall take effect and be in force from and after its
93 passage, approval and publication in the official city newspaper.

94

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 5, 2007

+ Back Print

DATE:	November 6, 2007		
CONTACT PERSON:	Rusty Rakestraw	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Trafficway Improvement Project	PROJECT #:	70198-01
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 002 Condemnations		
CIP PROJECT:	Yes		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Improvement Project No. 70198-01, which provides for the construction of a roundabout at the intersection of SW Urish and SW 21st Street. First Reading. (Council District No. 8)

(Approval would initiate condemnation proceedings to acquire property interests for the improvement project.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve Condemnation Ordinance.

BACKGROUND:

KSA-26-201 states that the governing body shall by ordinance authorize and provide for the acquisition of the interests to be condemned and for what purpose the same is to be used. The ordinance sets out the individual parcels and specific interests to be acquired. Negotiations are in progress to acquire the property interests for the construction of the project. If successful negotiations are completed, the respective parcel will be deleted from the proceedings.

BUDGETARY IMPACT:

To be determined by Condemnation appraisers.

SOURCE OF FUNDING:

Sales Tax

ATTACHMENTS:

[Ordinance](#)

Item #24

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Improvement Project No. 70198-01, which provides for the construction of a roundabout at the intersection of SW Urish and SW 21st Street.

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

Section 1. That it is hereby declared necessary to condemn and appropriate for the use of the City of Topeka certain lands within the City of Topeka for Improvement Project No. 70198-01, which provides for the construction of a roundabout at the intersection of SW Urish and SW 21st Street and for other public purposes including acquisition of permanent public right-of-way easements, said lands being described as follows:

Parcel No. 1

Owner of Record: John Kirk Romary, Trustee
John Kirk Romary Living Trust
7026 SW 21st St
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

Portions of Tract 7 and 8 in Busby's Subdivision, in Shawnee County, Kansas, described as:

Commencing at the Southeast corner of the Southeast Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M; thence westerly on the South line of said Southeast Quarter, 1225 feet; thence northerly at a right angle to an intersection with the South line of Tract 8, being the point of beginning; thence continuing northerly normal from the South line of said Southeast Quarter, 10 feet; thence northeasterly to a point 1192 feet west and 55 feet north of the Southeast corner of said Southeast Quarter, measured on and normal from the South line of said quarter section; thence easterly parallel with the South line of said Southeast Quarter, 3 feet; thence southeasterly to a point on the East line of Tract 8 which is 40 feet north normal from the South line of said Southeast Quarter; thence easterly on a line which is 40 feet north of the South line of said Southeast Quarter, to a point which is 1100 feet west of the Southeast corner of said quarter section, as measured on and normal from the last said South line; thence easterly to a point on the East line of Tract 7 which is 45.46 feet north normal from the South line of said Southeast Quarter; thence southerly to the Southeast corner of Tract 7; thence westerly on the South lines of Tracts 7 and 8 to the point of beginning.

The above-described property to be acquired contains 3,168 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Parcel No. 2

Owner of Record:	Gordon L Spencer 6948 SW 21 st St Topeka, KS 66615
Contract Purchaser:	NONE
Lienholder of Record:	NONE
Party in Possession:	1. Owner of Record 2. Oneok, Inc., formerly WAI, Inc. 501 SW Gage Blvd Topeka, KS 66606 3. Doralie K. & Michael J. Johnson 2942 SE 69 th St Berryton, KS 66409

4. Matthew Works
1900 SW Medford Avenue
Topeka, KS 66604

Party of Interest: Unpaid judgment through
Case No. 02-U-2962
Clerk of the District Court
Shawnee County Courthouse
200 SE 7th Street
Topeka, KS 66603

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A portion of Tract 6 in Busby's Subdivision, in Shawnee County, Kansas, described as:

Commencing at the Southeast corner of the Southeast Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M; thence westerly on the South line of said Southeast Quarter, 900 feet; thence northerly at a right angle, 42.5 feet to the point of beginning; thence easterly to a point on the East line of Tract 6 which is 51.80 feet north normal from the South line of said Southeast Quarter; thence southerly on the East line of Tract 6 to an intersection with a line which is 42.5 feet north of the South line of said Southeast Quarter; thence westerly to the point of beginning.

The above-described property to be acquired contains 3,168 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

All of Tract 6 in Busby's Subdivision, in Shawnee County, Kansas, which is south of a line which is 42.5 feet north of the South line of the Southeast Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M.

The above-described property to be acquired contains 2,063 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

125 **Parcel No. 3**

126 Owner of Record: Dover 2000, L.L.C.
127 Freeman Glenn, LLC
128 Michael A. Gassen
129 c/o Richard Bassett
130 2858 SW Villa West Dr., Ste 102
131 Topeka, KS 66614

132
133 Contract Purchaser: NONE

134
135 Lienholder of Record: Landmark National Bank
136 6100 SW 21st Street
137 Topeka, KS 66615

138
139 Party in Possession: James Prout
140 6938 SW 21st Street
141 Topeka, KS 66615

142
143 PROPERTY TO BE ACQUIRED:

144
145 **Temporary Construction Easement:**

146
147 Portions of Tracts 4 and 5 in Busby's Subdivision, in Shawnee County, Kansas,
148 described as: Commencing at the Southeast corner of Tract 4; thence on an
149 assumed bearing of North 0°08'11" East on the East line of Tract 4, 12.52 feet to the
150 point of beginning; thence South 87°02'39" West on a line which is 12.50 feet north
151 of the South line of Tracts 4 and 5, 321.52 feet to a point on the West line of Tract
152 5; thence North 0°14'17" West on the West line of Tract 5. 9.31 feet; thence North
153 79°56'09" East, 25.90 feet; thence North 70°53'52" East, 73.68 feet; thence South
154 82°19'21" East, 29.74 feet; thence North 89°54'13" East, 100.12 feet; thence South
155 84°25'15" East, 96.89 feet to a point on the East line of Tract 4; thence South
156 0°08'11" West on the East line of Tract 4, 8.14 feet to the point of beginning.

157
158 The above-described property to be acquired contains 6,741 square feet, more or
159 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
160 record, if any.

161
162 This easement expires two (2) years after legal possession through condemnation
163 or ninety (90) days after completion of the construction for which this easement is
164 acquired or whichever comes first.

Permanent Right-of-Way Easement:

All of those portions of Tracts 4 and 5 in Busby's Subdivision, in Shawnee County, Kansas, which are south of a line which is 42.5 feet north of the South line of the Southeast Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M.

The above-described property to be acquired contains 4,009 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Permanent Drainage Easement:

A portion of Tract 5 in Busby's Subdivision, in Shawnee County, Kansas, described as: Commencing at the Southeast corner of Tract 5; thence on an assumed bearing of South 87°02'39" West on the South line of Tract 5, 93.35 feet; thence North 02°57'21" West, 12.50 feet to the point of beginning; thence North 39°27'05" East, 44.68 feet; thence South 50°32'55" East, 30.00 feet; thence South 39°27'05" West, 17.28 feet; thence South 87°02'39" West, 40.63 feet to the point of beginning.

The above-described property to be acquired contains 929 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 4

Owner of Record: Ruth Fisher
Thomas R. Fisher
Robert B. Fisher
Peggy M. Baker
6838 SW 21st St
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Thomas R. Fisher, Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A portion of Tract 3 in Busby's Subdivision, in Shawnee County, Kansas, described as: Commencing at the Southeast corner of Tract 3; thence on a n assumed bearing of North 0°19'24"East on the East line of Tract 3, 12.52 to the point of beginning; thence South 87°02'39" West on a line which is 12.50 feet north of the South line of Tract 3, 160.76 feet to a point on the West line of Tract 3; thence North 0°08'11" East on the West line of Tract 3, 8.14 feet; thence South 84°25'15" East, 4.23 feet; thence North 89°54'24" East, 100.16 feet; thence North 87°02'39" East, 56.23 feet to a point on the East line of Tract 3; thence South 0°19'24" West on the East line of Tract 3, 2.50 feet to the point of beginning.

The above-described property to be acquired contains 675 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

All of that portion of Tract 3 in Busby's Subdivision, in Shawnee County, Kansas, which is south of a line which is 42.5 feet north of the South line of the Southeast Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M.

The above-described property to be acquired contains 2,009 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 5

Owner of Record: Freeman Glenn, LLC
2858 SW Villa West Dr., #102
Topeka, KS 66614

Contract Purchaser: NONE

Lienholder of Record: First National Bank of Missouri
609 North M – 291 Highway
Lee's Summit, MO 64063

- Party in Possession:
1. Create Hair Studio
2025 SW Urish Rd, Suite 101
Topeka, KS 66615
 2. State Farm Insurance
2025 SW Urish Rd, Suite 102
Topeka, KS 66615
 3. Sunsations Tanning Salon
2025 SW Urish Rd, Suite 103
Topeka, KS 66615
 4. Wine Cellar
2025 SW Urish Rd, Suite 104
Topeka, KS 66615
 5. Supper Thyme USA
2025 SW Urish Rd, Suite 105
Topeka, KS 66615
 6. Home Connections
2025 SW Urish Rd, Suite 106
Topeka, KS 66615
 7. Tailgaters Sports Pub & Grub
2025 SW Urish Rd, Suite 108
Topeka, KS 66615
 8. Sherwood Animal Clinic
2025 SW Urish Rd, Suite 109
Topeka, KS 66615
 9. 2 Hart's
2025 SW Urish Rd, Suite 110
Topeka, KS 66615

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A portion of Lot 1, Block 'A' in Urish Center Subdivision, in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing of North 87°02'38" East on the South line

of Lot 1, 218.29 feet to the point of beginning; thence North 36°29'18" East, 99.33 feet; thence North 0°41'49" East on a line which is 17.50 feet west of the East line of Lot 1, 57.00 feet; thence North 21°44'04" East, 13.93 feet; thence North 32°59'35" West, 18.03 feet; thence North 0°41'49" East, on a line which is 22.50 feet west of the East line of Lot 1, 265.28 feet; thence North 87°02'38" East on the North line of Lot 1, 22.54 feet; thence South 0°41'49" West, on the East line of Lot 1, 349.14 feet; thence South 28°51'26" West, 54.78 feet; thence on a curve concave northwesterly having a radius measure of 88.00 feet and an arc length of 47.00 feet, the chord of which bears South 44°09'27" West, 46.44 feet; thence South 87°02'38" West on the South line of Lot 1, 17.82 feet to the point of beginning;

AND a portion of said Lot 1 described as: Commencing at the Southwest corner of Lot 1; thence on an assumed bearing of North 87°02'38" East on the South line of Lot 1, 28.29 feet to the point of beginning; thence North 2°57'22" West, 37.50 feet; thence North 87°02'38" East, 40.00 feet; thence South 2°57'22" East, 37.50 feet; thence South 87°02'38" West on the South line of Lot 1, 40.00 feet to the point of beginning.

The above-described property to be acquired contains 10,699 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

A portion of Lot 1, Block 'A' in Urish Center Subdivision, in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing of North 87°02'38" East on the South line of Lot 1, 236.16 feet to the point of beginning; thence on a non-tangential curve which is concave northwesterly, having a radius measure of 88.00 feet and an arc length of 47.00 feet, the chord of which bears North 44°09'27" East, 46.44 feet; thence North 28°51'26" East, 54.78 feet; thence South 0°41'49" West on the East line of Lot 1, 25.82 feet; thence South 43°52'13" West on the Southeast line of Lot 1, 76.57 feet; thence South 87°02'38" West on the South line of Lot 1, 5.42 feet to the point of beginning.

The above-described property to be acquired contains 455 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 6

Owner of Record: Dover 2000 LLC
c/o Richard Bassett
2858 SW Villa West Dr., #103
Topeka, KS 66614

Contract Purchaser: NONE

Lienholder of Record: Landmark National Bank
6100 SW 21st Street
Topeka, KS 66615

Party in Possession: 1. Vacant Land
2. Board of County Commissioners
c/o Shawnee County Counselor
200 SE 7th
Topeka, KS 66603

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

Portions of Lots 2 and 3 in Block 'A', Urish Center Subdivision in the City of Topeka, Shawnee County, Kansas, described as:

Beginning at the Southwest corner of said Lot 2; thence on an assumed bearing of South 87°02'38" West on the South line of Lot 2, 22.54 feet; thence North 0°41'49" East on a line which is 22.50 feet west of the East line of Lot 2, 24.72 feet; thence North 16°00'08" West, 52.20 feet; thence North 22°29'54" East, 53.85 feet; thence North 10°37'23" East, 101.52 feet; thence South 0°41'49" West on the East lines of Lots 3 and 2, 223.29 feet to the point of beginning;

ALSO: Commencing at the Northeast corner of Lot 3; thence South 0°41'49" West on the East line of Lot 3, 391.52 feet to the point of beginning; thence South 6°24'27" West, 25.12 feet; thence South 5°00'49" East, 25.12 feet; thence North 0°41'49" East on the East line of Lot 3, 50.00 feet to the point of beginning.

The above-described property to be acquired contains 4,353 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Parcel No. 7

Owner of Record: Robert and Beverly Steinmeyer
1910 SW Urish Road
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as:

Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 0°43'59" East on the West line of said Southwest Quarter, 1102.23 feet; thence North 88°57'46" East, 25.02 feet to the point of beginning; thence North 0°43'59" East, 46.77 feet; thence South 89°16'01" East, 15.00 feet; thence South 0°43'59" West, 46.53 feet; thence South 88°57'46" West, 15.01 feet to the point of beginning.

The above-described property to be acquired contains 695 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Parcel No. 8

Owner of Record: Thomas E. Mulligan, Jr.
1924 SW Urish Rd
Topeka, KS 66614

Contract Purchaser: NONE
Lienholder of Record: NONE
Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as:

Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 0°43'59" East on the West line of said Southwest Quarter, 752.00 feet; thence North 88°01'18" East, 35.04 feet to the point of beginning; thence North 0°43'59" East, 350.22 feet; thence North 88°57'46" East, 5.00 feet; thence South 0°43'59" West, 103.47 feet; thence South 4°58'39" East, 150.74 feet; thence South 0°43'59" West, 50.00 feet; thence South 3°35'44" West, 45.56 feet; thence South 88°01'18" West, 17.74 feet to the point of beginning.

The above-described property to be acquired contains 4,260 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

The West 35 feet of the two following described tracts, less existing right of way:
A tract of land in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at a point on the West line of said Southwest Quarter, said point being North 00°00'00" East 752 feet north of the Southwest corner of said Southwest Quarter; thence North 0°00'00" East, 214.00 feet; thence North 87°17'19" East, 622.28 feet; thence South 0°00'00" West, 214.00 feet; thence South 87°17'19" West, 622.28 feet to the point of beginning;

The above-described property to be acquired contains 2,140 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

464 AND

465
466 A tract of land in the Southwest Quarter of Section 5, Township 12 South, Range 15
467 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at
468 a point on the West line of said Southwest Quarter, said point being North 00°00'00"
469 East 966.00 feet from the Southwest corner of said Southwest Quarter; thence
470 North 0°00'00" East, 136.23 feet; thence North 88°13'47" East, 621.58 feet; thence
471 South 0°00'00" West, 136.00 feet; thence South 87°17'19" West, 622.28 feet to the
472 point of beginning.

473
474 The above-described property to be acquired contains 1,360 square feet, more or
475 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
476 record, if any.

477
478 The combined above-described property to be acquired contains 3,500 total square
479 feet, more or less, and is subject to all rights-of-way, easements, restrictions, and
480 covenants of record, if any.

481
482 **Parcel No. 9**

483
484 Owner of Record: Terry L. and Lacey V. Schnurr
485 1930 SW Urish Road
486 Topeka, KS 66615

487
488 Contract Purchaser: NONE

489
490 Lienholder of Record: 1. Federal National Mortgage Association
491 c/o Chase Mortgage Company
492 3415 Vision Drive
493 Columbus, OH 43219
494
495 2. Chase Manhattan Bank USA, N.A.
496 200 White Clay Center Drive
497 Newark, DE 19711

498
499 Party in Possession: Owner of Record

500
501 PROPERTY TO BE ACQUIRED:

502
503 **Temporary Construction Easement:**

504
505 A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of
506 the 6th P.M., in Shawnee County, Kansas, described as:

Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 0°43'59" East on the West line of said Southwest Quarter, 625.00 feet; thence North 87°54'29" East, 42.55 feet to the point of beginning; thence North 0°43'59" East, 127.00 feet; thence North 87°54'29" East, 10.24 feet; thence South 3°35'49" West, 54.67 feet; thence South 0°43'59" West, 72.53 feet; thence South 87°54'29" West, 7.51 feet to the point of beginning.

The above-described property to be acquired contains 1,027 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

The West 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning 625 feet north of the Southwest corner of said Section 5; thence east 375 feet; thence north 127 feet; thence west 375 feet; thence south 127 feet to the point of beginning.

The above-described property to be acquired contains 2,223 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 10

Owner of Record:	Gamma, LLC 6114 SW 21 st Terrace Topeka, KS 66615
Contract Purchaser:	NONE
Lienholder of Record:	Kaw Valley Bank 1110 N Kansas Avenue Topeka, KS 66608
Party in Possession:	Vacant house

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

The East 7.5 feet of the West 50 feet of the following described tract:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point 515 feet north of the Southwest corner of said Section 5; thence east 375 feet; thence north 110 feet; thence west 375 feet; thence south 110 feet to the place of beginning, in Shawnee County, Kansas.

The above-described property to be acquired contains 825 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

The West 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point 515 feet north of the Southwest corner of said Section 5; thence east 375 feet; thence north 110 feet; thence west 375 feet; thence south 110 feet to the place of beginning, in Shawnee County, Kansas.

The above-described property to be acquired contains 1,925 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 11

Owner of Record: Ina Mae and Wilbur E. Levering
Co-Trustees of Ina Mae Levering Trust
2018 SW Urish Road
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

The East 7.5 feet of the West 50 feet of the following described tract:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point 440 feet north of the Southwest corner of said Section 5; thence east 375 feet; thence north 75 feet; thence west 375 feet; thence south along the West line of said Section 5, to the place of beginning, in Shawnee County, Kansas.

The above-described property to be acquired contains 563 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

The West 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point 440 feet north of the Southwest corner of said Section 5; thence east 375 feet; thence north 75 feet; thence west 375 feet; thence south along the West line of said Section 5, to the place of beginning, in Shawnee County, Kansas.

The above-described property to be acquired contains 1,313 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 12

Owner of Record: Genevieve M. Beseau
2024 SW Urish Rd
Topeka, KS 66614

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

The East 7.5 feet of the West 50 feet of the following described tract:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at a point on the West line of Southwest Quarter of Section 5, Township 12 South, Range 15, 284 feet north of the Southwest corner of said Southwest Quarter; thence east 375 feet; thence north 156 feet; thence west 375 feet; thence south 156 feet along the West line of said Section to the place of beginning.

The above-described property to be acquired contains 1,170 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

The West 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at a point on the West line of Southwest Quarter of Section 5, Township 12 South, Range 15, 284 feet north of the Southwest corner of said Southwest Quarter; thence east 375 feet; thence north 156 feet; thence west 375 feet; thence south 156 feet along the West line of said Section to the place of beginning.

The above-described property to be acquired contains 2,730 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 13

Owner of Record: Gamma, LLC
6114 SW 21st Terrace
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: The Kaw Valley State Bank and Trust Company
1110 N Kansas Avenue
Topeka, KS 66608

Party in Possession: Mr. and Mrs. Troy Smith
6748 SW 21st St
Topeka, KS 66615

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at the Southwest corner of the West Half of said Southwest Quarter; thence north 284 feet; thence east 195 feet; thence south 284 feet to the South line of said Southwest Quarter; thence west 195 feet to the point of beginning.

LESS: Existing right of way;

ALSO LESS: Right of way and permanent utility easement to be acquired for City of Topeka Trafficway Project 70198-01 on Parcel 13.

The above-described property to be acquired contains 33,159 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

A tract in the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as: Beginning at the Southwest corner of said West Half; thence on an assumed

bearing of North 0°43'59" East, on the West line of said West Half, 284 feet; thence North 87°54'29" East, 42.55 feet; thence South 0°43'59" West on a line which is 42.5 feet east of the West line of said West Half, 132.75 feet; thence southeasterly on a curve concave northeasterly, having a radius measure of 88.00 feet and an arc length of 99.25 feet, the chord of which bears South 31°34'35" East, 94.07 feet; thence South 63°53'09" East, 36.83 feet; thence southeasterly on a curve concave northeasterly, having a radius measure of 78.00 feet and an arc length of 38.40 feet, the chord of which bears South 78°00'41" East, 38.09 feet; thence North 87°54'29" East on a line which is 42.5 feet north of the South line of said West Half, 31.46 feet; thence South 0°43'59" West, 42.55 feet; thence South 87°54'29" West on the South line of said West Half, 195 feet to the point of beginning; LESS: Existing right of way.

The above-described property to be acquired contains 9,597 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Permanent Storm Sewer Easement:

A tract in the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as: Commencing at the Southwest corner of said West Half; thence on an assumed bearing of North 0°43'59" East, on the West line of said West Half, 160.02 feet; thence South 89°16'01" East, 42.50 feet to the point of beginning; thence South 0°43'59" West on a line which is 42.5 feet east of the West line of said West Half, 6.78 feet; thence southeasterly on a curve concave northeasterly, having a radius measure of 88.00 feet and an arc length of 66.73 feet, the chord of which bears South 20°59'28" East, 65.14 feet; thence North 19°00'26" West, 71.39 feet to the point of beginning.

The above-described property to be acquired contains 354 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 14

Owner of Record: Richard W. and Anita Nelson Urish
6742 SW 21st St
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

The North 37.5 feet of the South 80 feet of the following described tract:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point on the South line of Southwest Quarter of Section 5, Township 12 South, Range 15, 195 feet east of the Southwest corner of said Southwest Quarter; thence north parallel with the West line of said quarter section 284 feet; thence east 142.43 feet; thence south 284 feet to South line of said quarter section; thence west 142.43 feet to the place of beginning.

The above-described property to be acquired contains 5,341 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

The South 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point on the South line of Southwest Quarter of Section 5, Township 12 South, Range 15, 195 feet east of the Southwest corner of said Southwest Quarter; thence north parallel with the West line of said quarter section 284 feet; thence east 142.43 feet; thence south 284 feet to South line of said quarter section; thence west 142.43 feet to the place of beginning.

The above-described property to be acquired contains 1,780 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 15

Owner of Record: Brian Treadwell
6740 SW 21st St
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: Mortgage Electronic Registration Systems, Inc.
(MERS) as nominee for Countrywide Home Loans, Inc.
4500 Park Garden
MSN# SVB-314
Calabasa, CA 91302-1613

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as: Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 87°54'29" East on the South line of said Southwest Quarter, 337.43 feet; thence North 0°43'59" East, 42.55 feet to the point of beginning; thence continuing on North 0°43'59" East, 7.51 feet; thence North 87°54'29" East, 60.10 feet; thence South 89°13'46" East, 82.22 feet; thence South 0°43'59" West, 3.40 feet; thence South 87°54'29" West, 142.425 feet to the point of beginning.

The above-described property to be acquired contains 899 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

The South 42.5 feet of the following described tract, less existing right of way:

Part of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., Shawnee County, Kansas, described as follows: Beginning at a point

on the South line which is 337.43 feet east of the Southwest corner of said quarter section; thence north parallel with the West line of said quarter section 284 feet; thence east 142.425 feet; thence south 284 feet to South line of said quarter section; thence west 142.425 feet to the place of beginning.

The above-described property to be acquired contains 1,780 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 16

Owner of Record: E. H. Carter a/k/a E. H. Carter, Trustee
E. H. Carter, Jr. Revocable Living Trust
3831 SW Cambridge Terrace
Topeka, KS 66610

Contract Purchaser: NONE

Lienholder of Record: Community National Bank
5431 SW 29th
Topeka, KS 66614

Party in Possession: Stacey Robinson
6728 SW 21st St
Topeka, KS 66615

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as: Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 87°54'29" East on the South line of said Southwest Quarter, 479.855 feet; thence North 0°43'59" East, 42.55 feet to the point of beginning; thence continuing on North 0°43'59" East, 3.40 feet; thence South 89°13'46" East, 67.97 feet; thence South 87°54'29" West, 68.05 feet to the point of beginning.

The above-described property to be acquired contains 116 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

The South 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., Shawnee County, Kansas, described as follows: Beginning at a point on the South line of said Southwest Quarter, 479.855 feet east of the Southwest corner of said quarter section; thence north, parallel with the West line of said quarter section 284 feet; thence east, 142.425 feet; thence south, 284 feet to said South line; thence west, 142.425 feet to place of beginning.

The above-described property to be acquired contains 1,780 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 19

Owner of Record: Silver Lake Bank
2100 SW Urish Road
Topeka, KS 66614

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Vacant land

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A portion of Lot 2, Block 'A' in Brookfield West Subdivision No. 6, in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Northeast corner of said Lot 2; thence on an assumed bearing of South 87°54'29" West on the North line of Lot 2, 94.44 feet; thence South 75°23'33" East, 98.60 feet; thence North 2°05'31" East on the East line of Lot 2, 28.33 feet to the point of beginning.

ALSO:

The South 89.44 feet of the West 10 feet of Lot 3, Block 'A' in Brookfield West Subdivision No. 6, in the City of Topeka, Shawnee County, Kansas.

The above-described property to be acquired contains 2,232 total square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Parcel No. 20

Owner of Record: Silver Lake Bank
2100 SW Urish Road
Topeka, KS 66614

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A portion of Lot 1, Block 'A' in Brookfield West Subdivision No. 6, in the City of Topeka, Shawnee County, Kansas, described as:

Beginning at the Southwest corner of said Lot 1; thence on an assumed bearing of North 1°26'43" West on the West line of Lot 1, 156.84 feet; thence northeasterly on a curve which is concave southeasterly, having a radius measure of 88.00 feet and an arc length of 51.61 feet, the chord of which bears North 43°30'40" East, 50.87 feet; thence South 87°54'29" West on the North line of Lot 1, 5.52 feet; thence South 43°14'00" West on the Northwest line of Lot 1, 73.96 feet; thence South 1°26'43" East on the West line of Lot 1, 23.66 feet to the point of beginning;

The above-described property to be acquired contains 3,438 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

Two portions of Lot 1, Block 'A' in Brookfield West Subdivision No. 6, in the City of Topeka, Shawnee County, Kansas, described as:

Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing of North 1°26'43" West on the West line of Lot 1, 156.84 feet to the point of beginning; thence continuing on North 1°26'43" West on the West line of Lot 1, 23.66 feet; thence North 43°14'00" East on the Northwest line of Lot 1, 52.04 feet; thence southwesterly on a curve which is concave southeasterly, having a radius measure of 88.00 feet and an arc length of 25.38 feet, the chord of which bears South 34°58'19" West, 25.29 feet to the point of beginning;

ALSO:

Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing of North 1°26'43" West on the West line of Lot 1, 180.50 feet; thence North 43°14'00" East on the Northwest line of Lot 1, 52.04 feet to the point of beginning; thence continuing on North 43°14'00" East on the Northwest line of Lot 1, 21.92 feet; thence North 87°54'29" East on the North line of Lot 1, 5.52 feet; thence southwesterly on a curve which is concave southeasterly, having a radius measure of 88.00 feet and an arc length of 26.23 feet, the chord of which bears South 51°46'21" West, 26.13 feet to the point of beginning.

The above-described property to be acquired contains 360 total square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the Council of the City of Topeka, Kansas shall present a written application to the District Court of Shawnee County, Kansas, for the appointment of appraisers to make the appraisal and assessment required by law when land is taken for public purposes, and said City Attorney shall do all things necessary for the condemnation of said land completing the appropriation of the same for public purposes.

1017 PASSED and APPROVED by the City Council_____

1018
1019
1020 William W. Bunten, Mayor

1021 ATTEST:

1022
1023
1024
1025 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 19, 2007

+ Back Print

DATE: November 6, 2007
CONTACT PERSON: Linda Voss
SECOND PARTY/SUBJECT:
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 004 Public Improvements
CIP PROJECT: Yes
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #: 141280
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 141280, which provides for approximately 64 new traffic signal controllers, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. *First Reading. (All Council Districts)*

(Approval of \$204,800 would provide for approximately 64 new traffic signal controllers as part of an ongoing replacement program to replace all city-owned traffic signal controllers, upgrading them to current technology.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Adopt the Project Budget.
Approve the Ordinance as presented.

BACKGROUND:

This project is part of an ongoing replacement program to replace all city-owned traffic signal controllers. They need to be updated to current technology. Some of our controllers date back to 1974. They are difficult to repair and in some cases replacement equipment is no longer available.

BUDGETARY IMPACT:

Project Budget: \$204,800.00
\$102,400.00 is included in the 2007 CIP
\$102,400.00 is included in the 2008 CIP
Total Debt Service: \$335,677.00

SOURCE OF FUNDING:

General Obligation Bonds

ATTACHMENTS:

[Project Budget](#)

Item #25

[Debt Service](#)

[Ordinance](#)

PROJECT BUDGET

Project No. T-141000.00

City Wide Replacement - Controllers

LOCATION:

64 locations, city wide

DESCRIPTION OF PROJECT:

This project will procure approximately 64 new traffic signal controllers model 2070. This project is part of an ongoing replacement program to replace all city-owned traffic signal controllers, upgrading them to current technology. The existing traffic signal controllers being replaced are outdated equipment for which part and repairs are no longer available, some being as old as 1974 vintage.

SOURCE OF FUNDS:

General Obligation Bonds

COST ESTIMATE:

	City of Topeka	Other	Total
Construction:	\$195,048.00	\$0.00	\$195,048.00
Design:	\$0.00	\$0.00	\$0.00
Construction Service Fees:			
<i>Construction Inspection</i>	\$0.00	\$0.00	\$0.00
<i>Construction Staking</i>	\$0.00	\$0.00	\$0.00
Administrative Fees:			
<i>Legal Dept. Admin.</i>	\$0.00	\$0.00	\$0.00
<i>Engineering Admin.</i>	\$0.00	\$0.00	\$0.00
Right-of Way Acquisition:	\$0.00	\$0.00	\$0.00
Contingency Amount:	\$0.00	\$0.00	\$0.00
Temporary Notes:	\$9,752.00	\$0.00	\$9,752.00
Total:	\$204,800.00	\$0.00	\$204,800.00

PUBLIC HEARING:**PROJECT AUTHORITY:**

- a. Statutes: _____
- b. Ord./Res. No.: _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

Date: _____

PROJECT MANAGER:

Linda Voss / Carlos Salazar

GO Bond Cost of Project

PROJECT: T-141000.00

Interest rate	5.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	5.000%

Principal (project cost)	\$195,048
Plus Temp Note Interest (unless included in Principal)	<u>\$9,752</u>
Subtotal	\$204,800
Plus Cost of Issuance	<u>\$0</u>
Total	\$204,800

Annual Debt Service	\$16,784
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$335,677
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Difference Project Cost and Total Debt Service	\$140,629
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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><u>\$190,604,099</u></u>
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Plus Project	\$190,808,899
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(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-141000 (Finance Account No. 141280), which provides for approximately 64 new traffic signal controllers, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project will procure approximately 64 new traffic controllers model 2070. This project is part of an ongoing replacement program to replace all city-owned traffic signal controllers, upgrading them to current technology. The existing traffic signal controllers being replaced are outdated equipment for which parts and repairs are no longer available, some being as old as 1974 vintage.

B. TOTAL PROJECT BUDGET COST:

\$204,800.00

C. SOURCE OF FUNDS:

General Obligation Bonds or any other lawfully available funds.

Section 2. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

36 PASSED and APPROVED by the City Council _____.

37 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

42 ATTEST:

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47 _____
Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 2, 2007

+ Back Print

DATE: November 6, 2007

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

SECOND PARTY/SUBJECT: Board of County Commissioners of Shawnee County **PROJECT #:** V07A/7

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

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of public alley right-of-way in the Original Town of Topeka and located north of 200 SE 7th Street and east of 600 SE Quincy Street, City of Topeka, Shawnee County, Kansas. First Reading. (V07A/7) (Council District No. 1)

(Approval would vacate two public alley rights-of-way and establish a necessary utility easement.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

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

BACKGROUND:

- The Kansas Statutes and Topeka Code Section 130-476(b) requires a public hearing in conjunction with proposed vacation petitions which have been filed in accordance with a prescribed procedure.
- Shawnee County would like to assume responsibility for maintaining the alleyways in order to provide improved access to the County employee parking lots served by the alleyways.
- AT&T, Westar and the City have utilities within the alley rights-of-way. The ordinance reflects retention of a utility easement over the entire width of the alleys.
- Approval of the vacation should not be construed to imply support for existing or subsequent land development.

BUDGETARY IMPACT:

N/A.

SOURCE OF FUNDING:

N/A.

Item #26

ATTACHMENTS:

[Ordinance](#)

[Legal Advertisement](#)

[Vicinity Map](#)

[Aerial](#)

[Application](#)

[Review comments](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of public alley right-of-way in the Original Town of Topeka and located north of 200 SE 7th Street and east of 600 SE Quincy Street, City of Topeka, Shawnee County, Kansas. (V07A/7) (Council District No. 1)

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

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

Public alleys described as: Beginning at the Northeast corner of Lot 131 on 6th Avenue East in the Original Town of Topeka, Shawnee County, Kansas; thence southeasterly to the Northwest corner of Lot 133 on 6th Avenue East; thence southwesterly to the Southwest corner of said Lot 133; thence southeasterly to the Southeast corner of Lot 143 on 6th Avenue East; thence southwesterly to the Northeast corner of Lot 193 on Monroe Street; thence northwesterly to the Northwest corner of said Lot 193; thence northwesterly to the Northeast corner of Lot 194 on Quincy Street; thence northeasterly to the Southwest corner of Lot 121 on 6th Avenue East; thence southeasterly to the Southeast corner of said Lot 131; thence northeasterly to the point of beginning.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on November 13, 2007, the petition is ready for determination by the Council of the City of Topeka, Kansas.

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

- a. Legal notice was given as required by K.S.A. 12-504 as amended.
- b. No private rights will be injured or endangered by such vacation.

- c. The public will suffer no loss or inconvenience by such vacation.

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

Public alleys described as: Beginning at the Northeast corner of Lot 131 on 6th Avenue East in the Original Town of Topeka, Shawnee County, Kansas; thence southeasterly to the Northwest corner of Lot 133 on 6th Avenue East; thence southwesterly to the Southwest corner of said Lot 133; thence southeasterly to the Southeast corner of Lot 143 on 6th Avenue East; thence southwesterly to the Northeast corner of Lot 193 on Monroe Street; thence northwesterly to the Northwest corner of said Lot 193; thence northwesterly to the Northeast corner of Lot 194 on Quincy Street; thence northeasterly to the Southwest corner of Lot 121 on 6th Avenue East; thence southeasterly to the Southeast corner of said Lot 131; thence northeasterly to the point of beginning.

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

Public alleys described as: Beginning at the Northeast corner of Lot 131 on 6th Avenue East in the Original Town of Topeka, Shawnee County, Kansas; thence southeasterly to the Northwest corner of Lot 133 on 6th Avenue East; thence southwesterly to the Southwest corner of said Lot 133; thence southeasterly to the Southeast corner of Lot 143 on 6th Avenue East; thence southwesterly to the Northeast corner of Lot 193 on Monroe Street; thence northwesterly to the Northwest corner of said Lot 193; thence northwesterly to the Northeast corner of Lot 194 on Quincy Street; thence northeasterly to the Southwest corner of Lot 121 on 6th Avenue East; thence southeasterly to the Southeast corner of said Lot 131; thence northeasterly to the point of beginning.

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

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

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

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

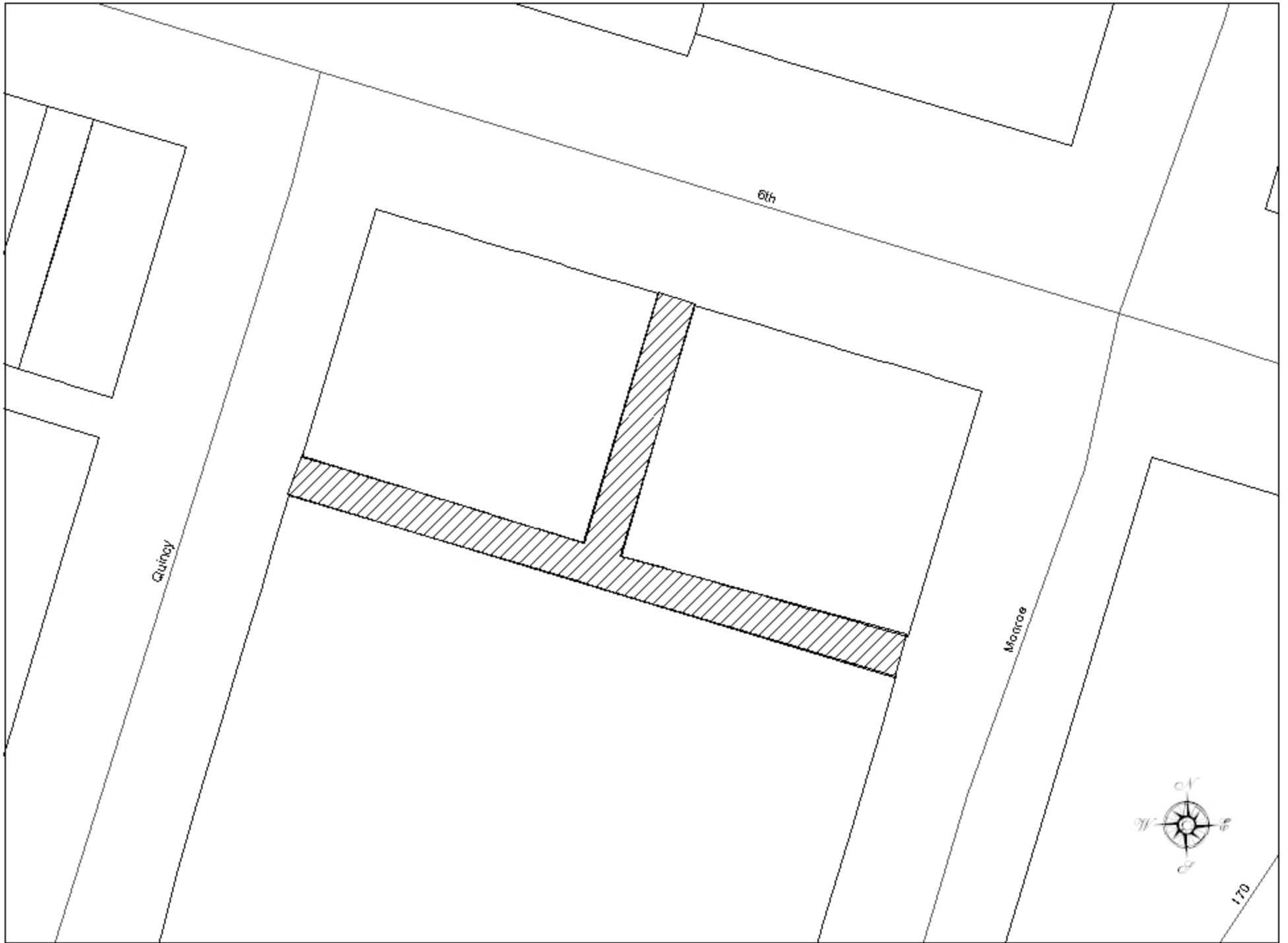
William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified __

Not To Be Codified X





V07A/7 The Board of County Commissioners of the County of Shawnee, Kansas and Austin Barnwell

AUG 22 2007

TOPEKA PLANNING
DEPARTMENT

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

PLANNING OFFICE USE ONLY	
Date Submitted <u>8-22-2007</u>	Date Advertised
Application No. <u>187A/7</u>	Date of Public Hearing
TO BE COMPLETED BY CITY CLERK'S OFFICE	
Filing Fee \$ <u>250.00</u>	Receipt No. <u>30397</u>

APPLICATION

City Vacation of Streets, Alleys and Easements

1. Applicant(s): The Board of County Commissioners of the County of Shawnee, Kansas
2. Applicant's Mailing Address: 200 SE 7th, Room 100
City Topeka State: KS Zip: 66603
3. Telephone: Area Code: 785 No.: 233-8200 ext. 4042
4. Legal description of property requested to be vacated as prepared by the City of Topeka

Department of Public Works:

See attachment "A" (Parcel map of alleyway requested to be vacated)

5. Check type of vacation: Street ☐ Alley ☒ Easement ☐ Other ☐
6. Legal description of property owned by the applicant which adjoins the street, alley or easement to be vacated:
 Lots See attachment "B" (Legal Descriptions) Block No.
 In Subdivision

Metes and Bounds Description, if unplatted:

RECEIVED
CITY CLERK
2007 AUG 21 A 9 48
TOPEKA, KANSAS

7. Are there other owners of land who own property adjoining the subject street, alley or easement proposed to be vacated who, pursuant to K.S.A. 12-504, would be a property party to the petition to vacate? Yes ☒ No ☐

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

Austin Barnwell, 600 SE Quincy St., Topeka, KS 66603

(See attachment "C")

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

Shawnee County would like to assume responsibility for maintaining this alleyway in order to provide improved access to the County employee parking lots served by the alleyway.

9. Will the area proposed for vacation preclude, restrict, hamper or lessen ingress-egress to other similarly abutting properties?

No

10. Do you concur with the retention of the subject area as an easement should the reviewing utility or public agency request such to cover existing or proposed utility lines?

Yes

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

No

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

No

13. How are adjoining properties used?

Shawnee County Courthouse, Courthouse Employee Parking, BP Gas Station

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

No

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

No

16. In the event this proposed vacation is to vacate street or alley right-of-way, are you aware of the applicability of the district zoning on the subject property? Please briefly explain:

No

Signature of Applicant(s)

X Theodore Ensley
Theodore D. Ensley
Commission Chair

(Please Attach Any Additional Information)

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

Name of Representative Jonathan C. Brzon, Assistant Shawnee County Counselor

Street Address 200 SE 7th, Room 100

City Topeka

State KS

Zip Code 66603

Telephone No. (785) 233-8200 x 4042

Fax No. (785) 291-4902

Please have the attached published in the Topeka Metro News in the Legal Advertising Section on October 19, 2007 and again on October 26, 2007.

IN THE MATTER OF THE PROPOSED VACATION OF:

Public alleys located north of 200 SE 7th Street and east of 600 SE Quincy Street in the Original Town of Topeka, City of Topeka, Shawnee County, Kansas. **(V07A/7)**
(Council District No. 1)

NOTICE OF PUBLIC HEARING

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

To Whom It May Concern:

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

The petition will be presented to the Council of the City of Topeka for hearing on November 13, 2007, at 6:00 P.M. or as soon thereafter as the same may be heard in the City Council Chambers, Municipal Building, 2nd Floor, 8th and Monroe Streets, Topeka, Kansas, at which time and place all interested persons may appear and be heard, either for or against granting the prayer of said Petition.

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

STREET/ALLEY/EASEMENT/SUBDIVISION VACATION

Case No.: V07A/7 Location: Alleys located north of 200 SE 7th Street & east of 600 SE Quincy Street

DEPARTMENTS:

• **Water Division:** X No Objection Objection

• **Engineering:** X No Objection Objection

Comments: There is a sanitary sewer in the east-west alley and maps show a short segment of storm sewer in the east end of the east-west alley. The sanitary sewer on adjoining property and the east-west alley must be retained for public utility purposes as an easement. Although there are no records of public sewers in the north-south alley, there may be other utilities present. Recommend retention of the north-south alley as a public utility easement also.

• **County Refuse:** X No Objection Objection

• **Fire Department:** X No Objection Objection

• **Police Department:** X No Objection Objection

UTILITY COMPANIES:

• **AT&T:** X No Objection Objection

Comments: AT&T currently has cable/facilities in the north-south portion of right-of-way south of SE 6th and cable/facilities located in the west portion of right-of-way between Quincy and Monroe. AT&T would need to maintain a utility easement in the above portions of the alley. Those facilities serve 600 SE Quincy. The east portion of the alley running east-west between Quincy and Monroe is un-used by AT&T.

• **Westar:** X No Objection Objection

Comments: Westar has an underground electrical service that runs from a network vault on the west side of Quincy St. to the east crossing of Quincy St. & along the alley north of 200 SE 7th St. into the south side of the Amoco Station at 600 SE 6th Ave. We also have underground network conductors that run from north to south along the west side of SE Monroe St. & underground street light conductors that run from north to south along the east side of SE Quincy St. Westar would request that an easement be granted to cover the continued operation, maintenance or replacement of any of our facilities that would be affected by the vacation request.

• **Kansas Gas Service:** X No Objection Objection

Comments: Kansas Gas Service agrees to the vacation of the alley as long as a utility easement is created or maintained where existing main is located. No structures or enclosures of any type can be built over the main. Sidewalks, parking lots are acceptable. No change in grade will be allowed that would reduce the cover over the main or make it extremely deep.

• **Cox Communications:** X No Objection Objection

Cindy Johnson, Planner I

October 8, 2007



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 16, 2007

+ Back Print

DATE: November 6, 2007

CONTACT PERSON: Bill Fiander/David Thurbon **DOCUMENT #:** Z07/22

SECOND PARTY/SUBJECT: CF and S Partnership and **PROJECT #:**
KU Endowment
Association

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 007 Zoning

CIP PROJECT: No

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

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the south west corner of the intersection of SW Wanamaker Road and SW 30th Terrace from "O&I-2" Office and Institutional District TO "C-2" Commercial District. First Reading. (Z07/22) (Council District No. 8)(Planning Commission recommended approval 7-1-1.) (Planning Department recommended disapproval.)

(Approval would allow development of the property for neighborhood commercial use.)

POLICY ISSUE:

Request for "C-2" Commercial District is inconsistent with the land use principles of the Comprehensive Plan which dictate a transitional area should be maintained between uses of such varied intensity as commercial.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of **7-1-1** at their October 15, 2007 meeting as referenced in their attached minutes. The Planning Department recommended that this request be **DISAPPROVED** as referenced in the attached staff report.

BACKGROUND:

- See Staff Report.
- City Council options:
 - **Adopt** the recommendation of the Planning Commission by Ordinance;
 - **Override** the Planning Commission's recommendation by a two-thirds majority (6 votes) of the City Council membership; or,
 - **Return** such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

BUDGETARY IMPACT:

N/A

Item #27

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

[Staff Report](#)

[Protest Letters \(6 pages\)](#)

[Neighborhood Model](#)

[Aerial](#)

[Zoning Map](#)

[Application \(4 pages\)](#)

[Minutes 9-18-06](#)

[City Council Minutes 10-10-06](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street from "O&I-2" Office and Institutional District **TO** "C-2" Commercial District. **(Z07/22)**
(Council District No. 8)

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, be, and the same is hereby amended, by classifying the following described property:

Lots 1, 2, 3 & 4, Block B, Wanamaker West Subdivision No. 2, City of Topeka, Shawnee County, Kansas.

from "O&I-2" Office and Institutional District **TO** "C-2" Commercial District.

Section 2. This Ordinance Number shall be fixed upon the "District Map".

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

October 15, 2007
Agenda Item #G-3

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z07/22

by: CF&S Partnership and KU Endowment Association

A previous proposal by this applicant to rezone the subject property from "O&I-2" Office and Institutional District to "C-2" Commercial District was considered by the Planning Commission on September 18, 2006. Staff at the time recommended the rezoning request be disapproved. To staff's knowledge there has been no substantive change in the condition of the property or its environs from the first time the rezoning request was made to the present which would warrant a change from staff's previous recommendation for disapproval.

The Planning Commission on September 18, 2006 voted 6-0-2 to approve a less intense "C-1" classification. The City Council considered the proposal on October 10, 2006 and voted 2-7-0 to disapprove reclassifying the property from "O&I-2" to either "C-2" or "C-1".

PROPOSAL: Amend the District Zoning Classification from "O&I-2" Office and Institutional District, TO "C-2" Commercial District.

LOCATION: South west corner of the intersection of SW Wanamaker Road and SW 30th Terrace.

PARCEL ID NUMBER: 1441701001009000.

PRESENT USE: Vacant undeveloped 135,549 square foot tract.

PROPOSED USE: Retail.

CHARACTER OF NEIGHBORHOOD: The neighborhood is made up of predominately residential uses south of SW 30th Terrace and commercial uses north of SW 30th Terrace. The subject property is located on the advancing fringe of the corporate limits in southwest Topeka. This area is characterized by a combination of undeveloped agricultural land south of the subject site with residential to the west and east. As currently zoned the property serves as a transitional land use between these districts of lesser and greater intensity; and serves to restrict the intensity of use to a low to moderate range and to encourage a compatible design with the adjacent uses and developments.

October 15, 2007
Agenda Item #G-3

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	"C-4" Commercial District	New Hy-Vee and Morgan Stanley Building
South:	"RR-1" Residential Reserve District	Residential/Agricultural land (outside city limits)
East:	"R-1" Single-Family Dwelling District	Residential
West:	"O&I-2" Office and Institutional District	Undeveloped

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The property has remained vacant and unimproved since its platting in October 1997.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The site's present classification is consistent with the established pattern of zoning and land use in the area and is intended to provide a transitional use along the advancing fringe of the corporate limits in southwest Topeka between the existing commercial zoning concentrated at the intersection of SW 29th Street and SW Wanamaker Road and the developing residential neighborhoods to the west and upon annexation those areas to the south.

CONFORMANCE TO COMPREHENSIVE PLAN: The *Comprehensive Plan* designates this area as *Commercial/Office* land use. Accepted planning principles dictate that established patterns of land use must be recognized as a basic factor which strongly influences rezoning decision. The current classification of "O&I-2" Office and Institutional was established for this location in 1997 when the property was rezoned from its original zoning designation of multiple-family which was established in the early 1970's as part of a comprehensive reclassification of the southwest quadrant of SW 29th Street and SW Wanamaker Road for multi-family residential, office and commercial uses. The zoning pattern extending south and west of the SW 29th Street and SW Wanamaker Road intersection reflects a transitional land use pattern with commercial zoning concentrated at the intersection and stepping down through multiple-family residential and office usage as a land use buffer to developing and anticipated residential neighborhoods to the south and west. This practice is well supported by the neighborhood design guidelines in the *Comprehensive Plan*; (see attached model neighborhood schematic) that states retail should be located at arterial street intersections.

The subject property is located at the boundary of these two distinct land use areas as well as being on the advancing fringe of the corporate limits. Although it is the intent of the *Comprehensive Plan* that the Plan is to be interpreted with flexibility at the boundary of different land use areas to allow for reasonable transitions in land uses, adoption of the proposal will not only replace an existing transitional zoning district, but also have the effect of extending this transition further south along a major arterial (SW Wanamaker Road) in the future. Such an action may disrupt or threaten the integrity of established residential neighborhoods to the south and promote further commercial strip development along one of the city's major arterials which the *Comprehensive Plan* discourages.

October 15, 2007
Agenda Item #G-3

The proposal is found by staff to be inconsistent with the established goals and objectives of the Comprehensive Plan and accepted planning principles.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The removal of present restrictions would permit the subject property to develop for commercial use which is found to be inconsistent with accepted planning principles which dictate a transitional area between uses of such varied intensity as commercial and residential. Currently SW 30th Terrace is the line of demarcation within the area that serves as the accepted point of transition. To allow this to be breached would potentially open an area running some 1,300' to the south for commercial expansion before reaching an area with exiting residential development. Such a practice only exacerbates further strip development along SW Wanamaker Road. Therefore, it can be expected that removal of the present restrictions based upon the surrounding land use would have a detrimental effect upon the area.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: The sites present classification was established in 1997 when the property was rezoned from its original zoning designation of multiple-family that was established in the early 1970's as part of a comprehensive reclassification of the southwest quadrant of SW 29th Street and SW Wanamaker Road for multi-family residential, office and commercial uses. The limits of office and commercial uses were established at that time in order to concentrate the more intense uses around the arterial intersection of SW 29th Street and SW Wanamaker Road which is precisely what the neighborhood design guidelines in the *Comprehensive Plan* state (see attached model neighborhood schematic). Therefore, the proposed reclassification of the subject property is viewed as being inconsistent with the transitional character expected by the surrounding properties. Such an action is viewed as having a detrimental effect on those surrounding properties and therefore, it would appear to be in the best interest to the public health, safety and welfare in requiring continuation of the present restrictions.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area and will not be overburdened by this proposal. SW 30th Terrace is currently being constructed for a new Hy-Vee Supermarket to the north. SW Wanamaker from SW 29th Street to SW 33rd Street is proposed to be improved to major arterial standards as part of the City's CIP in 2008.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Application: **Complete.**

Minimum Lot Area: **Compliant.**

Setbacks: **Compliant.**

Platting: **Compliant** – The final plat of the Wanamaker West Subdivision No. 2 was recorded on October 20, 1997.

October 15, 2007
Agenda Item #G-3

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request has been submitted to all applicable reviewing agency staff for consideration and comment. No significant issues or concerns were expressed by reviewing staff relative to code compliance or the provisions of public services except for the question of zoning suitability as expressed in this staff report.

ADDITIONAL FACTORS:

- | | |
|--|-----------------|
| 1. Neighborhood Improvement Association: | Not Applicable. |
| 2. Capitol Plaza Area: | Not Applicable. |
| 3. Flood Hazard Area: | Not Applicable. |
| 4. Airport Hazard Area: | Not Applicable. |
| 5. Historic Properties: | Not Applicable. |

STAFF RECOMMENDATION:

Based upon the above findings and analysis Planning Staff recommends **DISAPPROVAL** of this proposal.

Prepared by: Dean W. Diediker
Planner II

3418 Alameda Dr.
Topeka, KS 66614

September 22, 2007

Planning Commission
620 SE Madison
3rd Floor
Topeka, KS 66607

RECEIVED

SEP 25 2007

TOPEKA PLANNING
DEPARTMENT

Dear Planning Commission:

I am writing to urge the commission to reject the zoning request, Z07/22. This same request was rejected a year ago by the City Council. The issues remain the same.

I live in the Shadywood West development and do not want to see the commercial growth coming closer to our neighborhood. The property in question is the closest city property to our neighborhood.

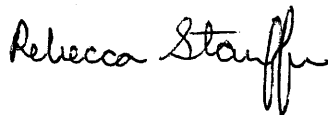
My concerns are as follows:

- An increase in traffic on an already congested two lane segment of Wanamaker. It already can be a long wait at the stop sign on 34th street to turn onto Wanamaker.
- A decrease in the value of residential property, as commercial property moves next to our area.
- Continuation of the Wanamaker commercial sprawl which lacks frontage roads and access from streets other than Wanamaker.

There already exists commercial property at 29th & Wanamaker and 34th & Wanamaker. It is time to stop extending zoning that encroaches on residential property and puts development in areas where the infrastructure does not support it.

Thank you fore your consideration of my request. We are proud of our neighborhood and want to preserve it as family friendly and save.

Sincerely,



Rebecca Stauffer
3418 Alameda Dr.
Topeka, KS 66614

cc: Brett Blackburn

5978 SW 30th Terrace
Topeka, Kansas 66614-4040

Topeka Planning Commission
c/o Dean Diedker
620 SE Madison Street, Third Floor
Topeka, Kansas 66607

Dear Sirs:

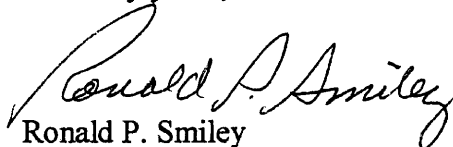
I beg that you decline the "commercial" rezoning requested for property west of SW Wanamaker Road and south of SW 30th Street Terrace Street, now being constructed.

The extension of 30th Terrace changes a relatively safe "T" intersection from the east to a cross street. This connection is midway on a rather steep hill and speeding is common in both directions. The rapid commercial development is an increasing danger and a rezoning to commercial, increasing traffic, will be multiply the danger no doubt. Also our neighborhood has been practically crime free and the change from O & I to commercial would likely reduce our security, another concern of mine.

In 2006 I tried over five months to sell my home at thousands below its appraised value. I was unsuccessful. The feed-back I received indicated (besides 3 wallpapered rooms) was the undesirability of the rapid commercial development surrounding our homes. (Brick Oven Restaurant adjoins my lot on the north.) This and other business development in a stable neighborhood is not only devaluing our properties but threatens our safety and security.

Please decline the request to rezone. I will be grateful for your protection and concern for us citizens.

Sincerely yours,


Ronald P. Smiley

September 17, 2007

RECEIVED
SEP 18 2007
TOPEKA PLANNING
DEPARTMENT

5966 SW 30th Terrace
Topeka, Kansas 66614-4040

September 17, 2007

RECEIVED

SEP 19 2007

TOPEKA PLANNING
DEPARTMENT

Topeka Planning Commission
c/o Topeka Planning Department
620 SE Madison St., Third Floor
Topeka, Kansas 66607

Dear Commissioners:

Please permit us to register our opposition to the rezoning requested for land joining Southwest 30th Terrace Street west of Southwest Wanamaker Road. Our home is on Southwest 30th Terrace Street, east of Wanamaker Road in the Chestnut Hills development.

We are concerned by the rapid commercial development that continues to depreciate the attractiveness and value of our residence. We and our neighbors are older adults and the increased noise and traffic are threatened to our safety and to the stability of what has been a pleasant, peaceful living environment. We believe that rezoning to commercial from office and institutional is unnecessary, not in the best interests of our city as a whole, and certainly would be harmful and unsettling to us.

Know that we appreciate your protecting us as you did last September by declining this rezoning request.

Respectfully,


Emery Bond


Donna Bond (Mrs. Emery Bond)

OCT 02 2007

TOPEKA PLANNING
DEPARTMENT

October 1, 2007

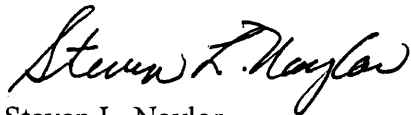
Topeka Planning Commission
620 SE Madison
3rd Floor Planning
Topeka, KS 66607

Dear Planning Commission Members,

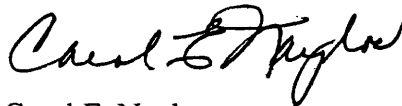
While there are numerous reasons to oppose the proposed zoning change on the property south of 29th and west of Wanamaker Rd., I would like to summarize them in the following comment.

The most obvious reason to oppose this rezoning is the need to preserve the current buffer along Wanamaker Rd. as the area transitions from considerable commercial property north of 29th St. to what is obviously a well-developed and well-maintained residential area as one proceeds south on Wanamaker Rd. The present arrangement provides for a reasonable transition zoning, but this proposed rezoning change would begin the clear erosion of that transitory plan. Moreover, there is little guarantee – and some would suggest the likelihood – that were this rezoning to pass, the county-controlled property immediately to the south of that (some or all of the McDowell Farm) would in turn be rezoned as commercial property. Were this to happen, buffering with a transition zone would then cease altogether. Certainly the Commission is aware that many families on both sides of Wanamaker Rd. have invested considerable sums in their properties with the expectation that the City of Topeka would preserve the zoning arrangement and thus the value and attractiveness of their homes. Residents consider a commercial rezoning as an abrogation, and it is time to put a stop to commercial development encroachment into a fine, established neighborhood.

Sincerely,



Steven L. Naylor
3327 SW Wanamaker Rd.
Topeka, KS 66614



Carol E. Naylor

Shadywood West Homeowners' Association
Topeka, Kansas
October 15th, 2007

George Webb
President, SWWHA
6024 SW 37th Street
Topeka, KS 66614

Planning Commission
City of Topeka

On behalf of the 132 families of the Shadywood West Homeowners' Association and the duly elected board thereof, I wish to express the Association's objection to a proposed zoning change on the property south of 29th Street and west of Wanamaker Road. It is my understanding that this is zoning amendment would change the classification from Office and Institutional District (O&I-2) to C2 Commercial.

I wrote to the Planning Commission a little over a year ago, and to our knowledge, little has changed since that would influence the Shadywood West residents. The only difference we know now is that plans for the sale of portions of the McDowell Farm property have started to crystallize. This concerns our residents greatly; since the McDowell property is in the county, any protection by the city regarding a transition zone will be gone if this aforementioned land is rezoned to C-2 Commercial. Fortunately, the City Council rejected the rezoning proposal last year.

There are several reasons for our objection. The most salient is the need to preserve the current buffer along Wanamaker as the area transitions from considerable commercial property north of 29th Street to what is obviously a well developed and well maintained residential area as one proceeds south. The present arrangement provides for reasonable transition zoning, but this proposed change would begin the clear erosion of that transitory plan. Moreover, there is little guarantee – and some would suggest there is a likelihood – that were this rezoning to pass, the county-controlled property immediately to the south of that (some or all of the McDowell Farm) would in turn be rezoned as commercial property. Were that to happen, buffering with a transition zone would cease altogether. Certainly the Commission is aware that many families on both sides of Wanamaker have invested considerable sums in their properties with the expectation that the City of Topeka would preserve the zoning arrangement and thus the value and attractiveness of their homes. Residents consider a commercial rezoning as an abrogation, and it is time to put a stop to commercial development encroachment into a fine neighborhood.

Second, the long-range plan for further development of Wanamaker Road south of 29th Street and north of the 34th Terrace does not appear to have any prospect of road expansion that would

handle increased traffic consequent to a commercial operation. At a minimum, turning lanes would be required to support traffic flow.

Third, there is a descending hill as one proceeds south from 29th (and before encountering the creek a few hundred meters further). This hill does not create a major traffic hazard under the current arrangement, but were this property and any other property west of Wanamaker rezoned as commercial, one might reasonably expect the hill and creek to present safety hazards due to transient traffic encountering low visibility from the elevation change. It would only be a matter of time, were transient traffic to be greatly increased, that another traffic light would be necessary.

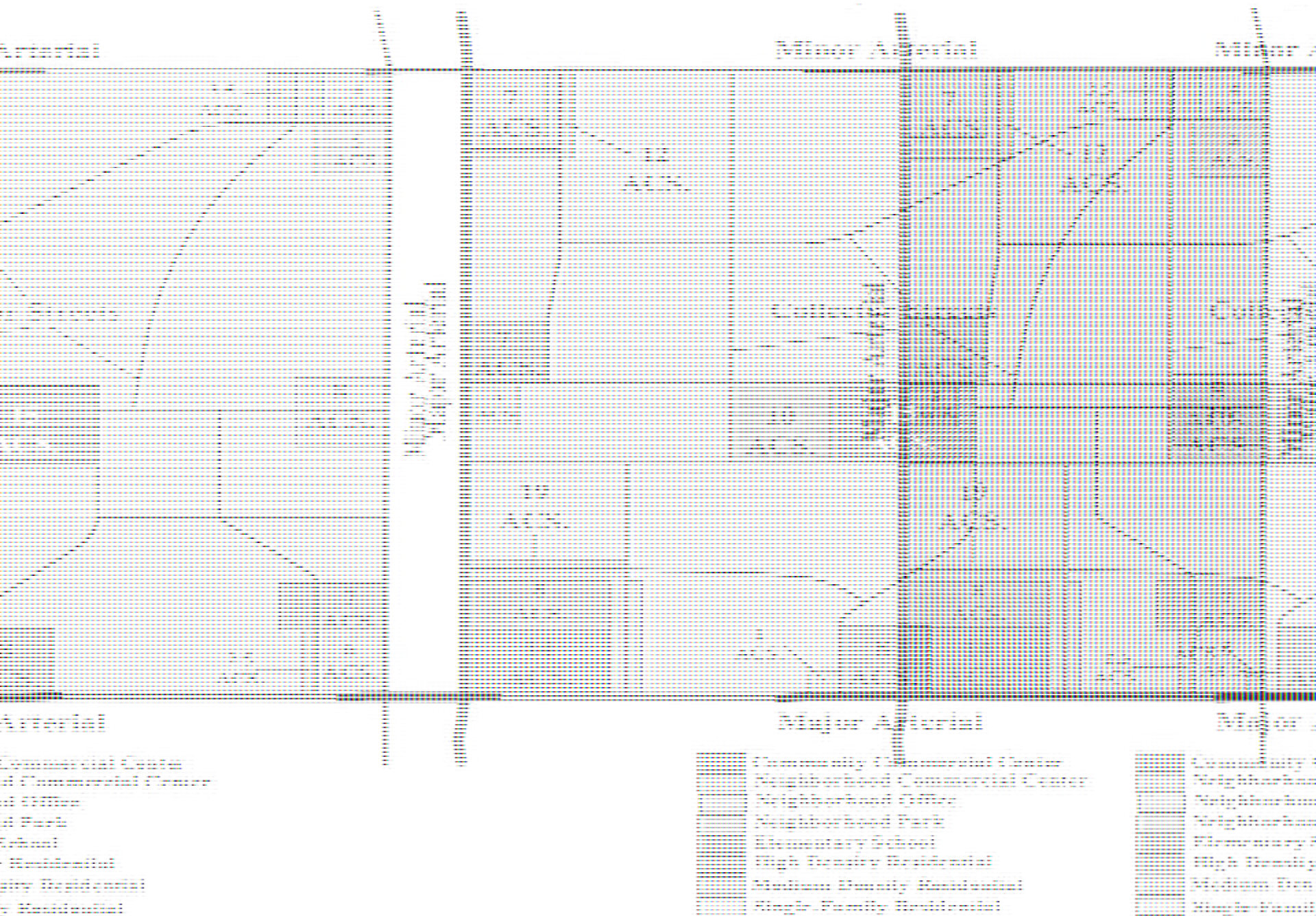
Fourth, residents close to this area report a consistent problem with drainage in the low ground at the bottom of the hill. Bad enough already, a commercial enterprise with concomitant concrete and asphalt would further diminish the present soil absorption in the area. Increased water runoff into the low area south of 29th could quite possibly render some properties on the north end of Shadywood untenable. Certainly it would place new demands on the city or the county, and as we have already seen on 37th Street, finger-pointing between the city and county in the boundary areas sometimes means that residential property owners are the losers.

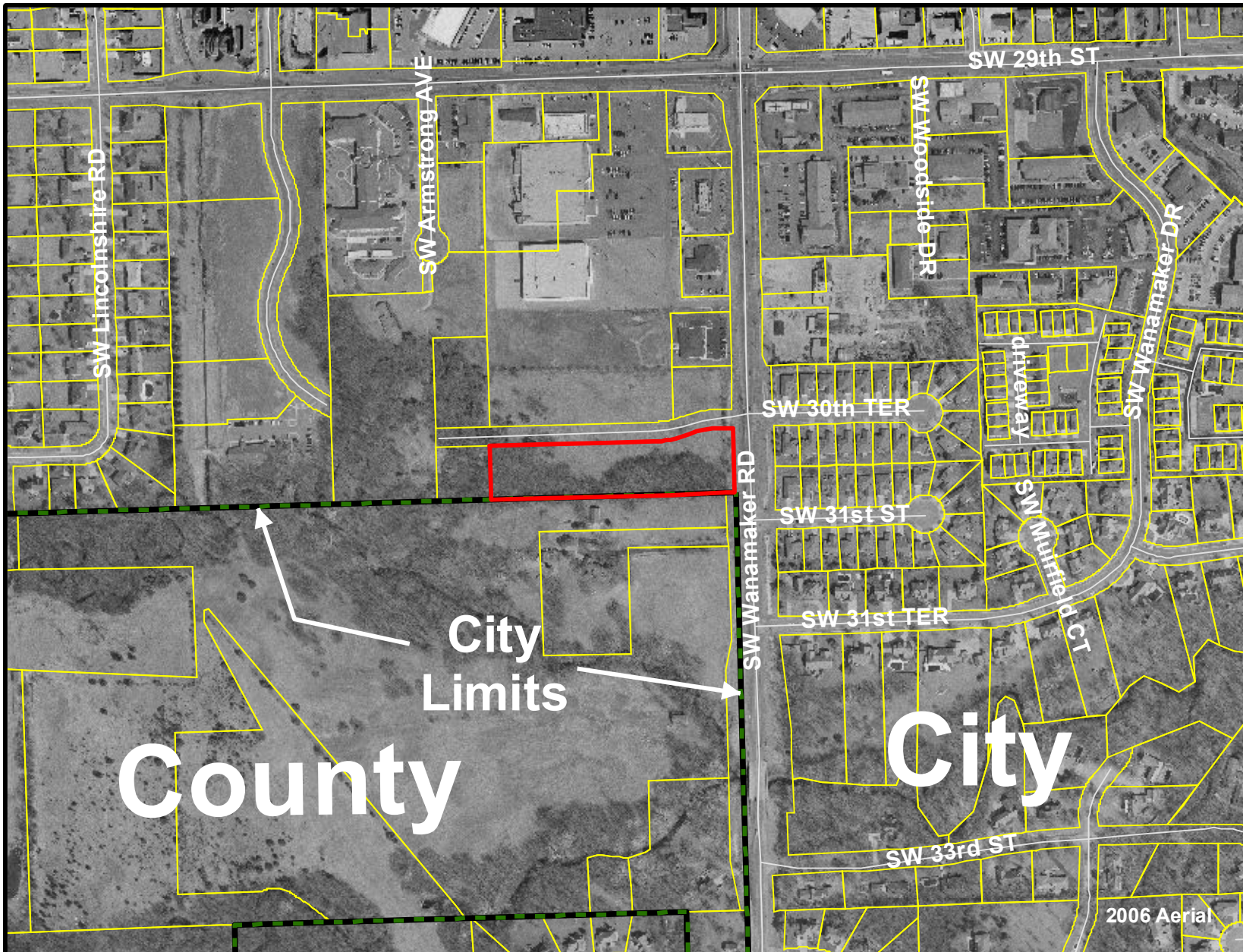
Thank you for your consideration of the views of the Shadywood West homeowners. This potential rezoning raises very real concerns to the good people who live in Shadywood West and also to the families east of Wanamaker, all of whom purchased their homes with the expectation that there would be no commercial encroachment in their areas.

Respectfully,

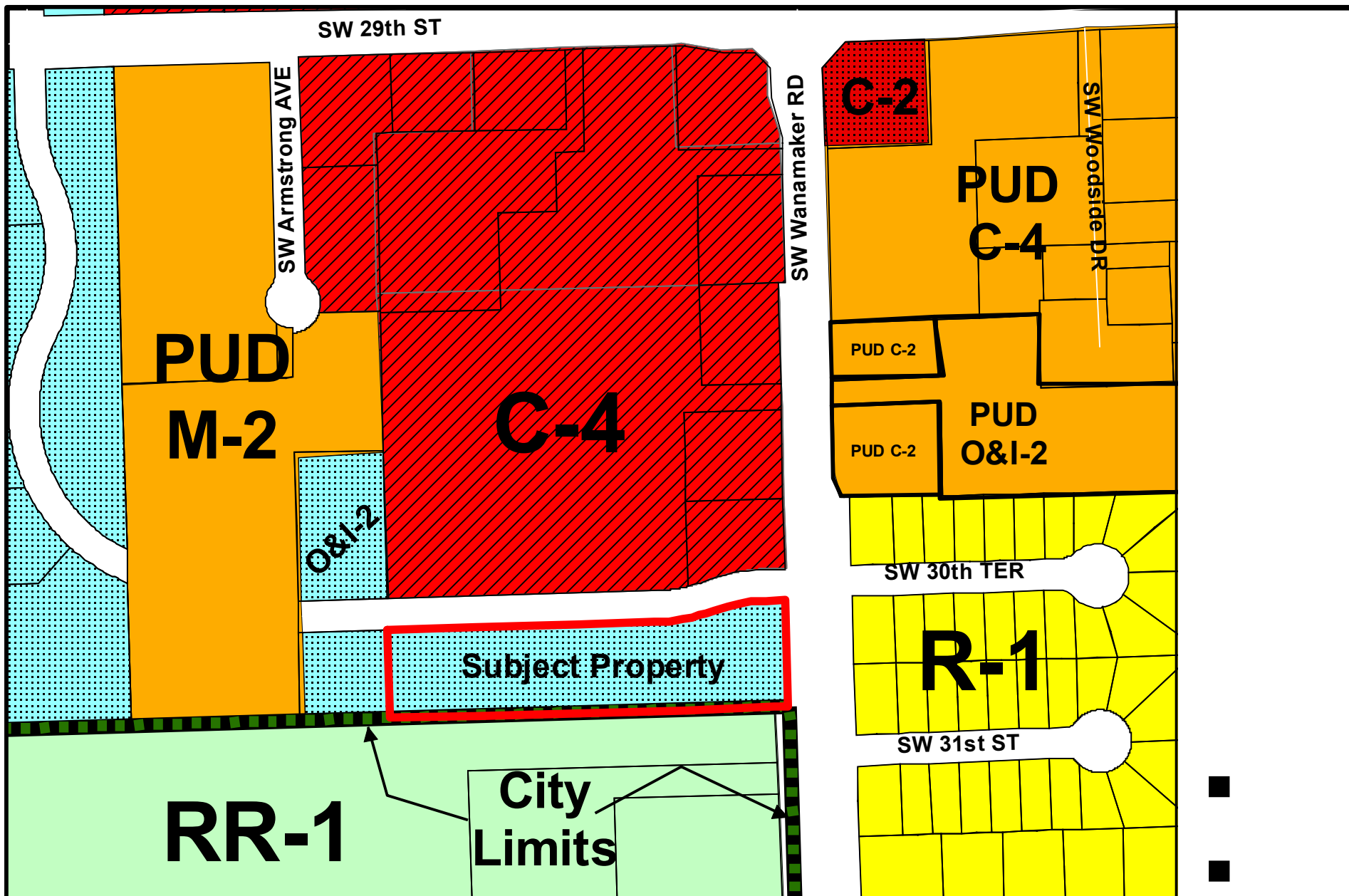
George S. Webb
President
Shadywood West Homeowners' Association

RECEIVED
OCT 15 2007
TOPEKA PLANNING
DEPARTMENT





Z07/22 by CF&S and KU Endowment Assoc.



Z07/22 by CF&S and KU Endowment Assoc.

FROM : C

FAX NO. : 9138293341

Aug. 16 2007 05:00PM P1



Application Form Re-Zoning or Conditional Use Permit City of Topeka Planning Department

Topeka, KS 6660
Phone 785-368-3728 Fax 785-368-2536

Applicant Information

Property Owner(s): CF&S Partnership & KU Endowment Association

Street Address: 2930 SW Woodside Drive
City: Topeka State: KS Zip: 66614 E-mail: Flattd1@aol.com
Business phone: 785-272-4706 Home phone: 913-829-3341 Fax: 785-272-4736

Authorized Owner Representative (if any): Doug Flatt

Street Address: 2930 SW Woodside Drive
City: Topeka State: KS Zip: 66614 E-mail: Flattd1@aol.com
Business phone: 785-272-4706 Home phone: 913-829-3341 Fax: 913-829-3341

Authorized Professional Agent (Engineer, Architect, Attorney, etc.) - If different from above

Cook, Flatt & Strobel Engineers, P.A.

Street Address: 2930 SW Woodside Drive
City: Topeka State: KS Zip: 66614 E-mail: nchapman@cfse.com
Business phone: 785-272-4706 Home phone: _____ Fax: 785-272-4736

Authorization

Owner 1 Name: Doug Flatt - C.F. & S. Partnership

Owner 1 Signature: [Signature]

Date: 8/16/2007

Owner 2: Daryl Beene - KU Endowment Association

Owner 2 Signature: [Signature]

Date: 8/17/2007

Requested Action and Site Information

Address of Property to be Re-Zoned (or if vacant, describe general location): _____

Property south of SW 30th St. Terrace, west of Wanamaker approximately 770 feet

Legal Description of Property: lot(s) 1-4 block B subdivision Wanamaker West Subdivision No. 2
(if unplatted, attach metes and bounds description)

Total Area (acres/square feet): 135,549 Square Feet

Type of Application:

1. Re-zoning from: 0 & 1-2 to: C-2 Commercial

2. Conditional Use Permit proposed use: _____

Existing Use (# of dwelling units, square feet, etc.): Horse Pasture

How long has the existing use been on the property? 50 years

Proposed Use (# of dwelling units, square feet, etc.): Neighborhood Commercial Use

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes **If Yes, when?** 8/1/06

The Planning Commission approved the C-1 zoning in September 2006 with the City Council

denying the zoning a month later. **FOR OFFICE USE ONLY**

Date submitted: 8/31/07

Date notice sent: 9/21/07

Application no.: 207/22

Date advertised: 9/21/07

Filing fee: 1650⁰⁰ **Receipt no.:** 11621

Date of hearing: 10/15/07

Quarter section map no.: K1a

Council district: #8

CHECK YES OR NO

Capital Plaza Area: Yes _____ No ☒

Within Historic Site Environs: Yes _____ No ☒

If Yes, what is it?: _____

100 yr Floodplain: Yes _____ No ☒

National/State Historic Register: Yes _____ No ☒

Airport Hazard Area: Yes _____ No ☒

Local Historic Resource: Yes _____ No ☒

Neighborhood Association: Yes _____ No ☒

Name of N.I.A./N.A.: _____

Applicant Justification

For re-zoning applications:

This section is intended to provide you with the opportunity to present information in support of your request. It is important to bear in mind that the presumption of validity rests with the present zoning and use of the property. It is the burden of the applicant to demonstrate that the proposed change in zoning classification or proposed conditional use permit is appropriate.

Please attach additional sheets if necessary.

1. Why is the land not suitable for the uses to which the property is currently zoned?

Property immediately north of requested rezoning is under construction for use as Hy-Vee major grocery outlet. Planning of this facility utilizes SW 30th Terrace for supply traffic with service area immediately north of SW 30th Terrace. This level of truck traffic with normal clutter in the loading and unloading area is not compatible to office development across the street. This is illustrated by lack of interest our broker has encountered during the past 2 years since the Hy-Vee development was announced. However, potential buyers have expressed a sincere interest were the land zoned C-2.

2. What effect would the proposed zone change have on the character of the neighborhood and surrounding properties?

Property to the north is identified above - Lot 5 of referenced subdivision and Lot 6, Block "A" Wanamaker West Subdivision No. 2 would remain with O & 1-2 zoning providing buffer to the West. Property to the south of this property has a floodplain easement approximately 400 feet along Wanamaker Road on the East decreasing to approximately 200 feet at West line of Lot 4 which limits any type of development to the South. Wanamaker Road provides a natural buffer to the East.

3. How does this request relate to any adopted neighborhood/land use plans by the City?

The referenced property is part of a 35 acre development purchased in 1969 which was zoned and platted shortly after purchase. The Master Plan of commercial zoning at that time was followed. As development of 29th & Wanamaker intersection took place the commercial limits in the other three quadrants was expanded which is in keeping with policy of maintaining commercial use at major intersections. The C-2 zoning would provide specialty stores to compliment the existing and proposed commercial development within the southwest quadrant of 29th & Wanamaker development more of a full service shopping center. This minor addition of commercial in the southwest quadrant is keeping with this policy.

Infrastructure Availability

Please consult the Engineering Division of Topeka Public Works Department for information below (368-3842)

1. Water

- a. Location and size of water main serving site:

There is an existing City of Topeka 12" water line on the west side of SW Wanamaker Road. The Hy-Vee development will include an 8 inch watermain on the north side of SW 30th Terrace.

- b. Does the current system have adequate capacity? If not, are improvements anticipated?

Yes, no improvements are anticipated.

- c. If other than City of Topeka, identify water district provider: _____

2. Sanitary Sewer

- a. Location and size of sewer main serving site:

There is an existing City of Topeka 8 inch sanitary sewer on the west side of Wanamaker Road.

- b. Does the current system have adequate capacity? If not, are improvements anticipated?

Yes, there is adequate capacity. An 8 inch lateral extension will serve the site at time of improvement.

- c. If other than City of Topeka, identify sewer district provider: _____

3. Storm Drainage

- a. How will storm water run-off be handled on site?

Storm water will be detained and discharged off-site in accordance with the approved Drainage Report for Wanamaker West Subdivision No. 2.

- b. Does the current storm sewer system have adequate capacity for proposed use?

Yes.

4. Traffic Circulation

- a. Does the site have public street frontage access? What is the pavement width of any adjoining public streets?

There is frontage along SW 30th Terrace which is under construction. SW 30th Terrace has a 60' R/W and will have a pavement width of 29 feet.

- b. What are the site's existing or proposed access points?

Site's access points will be from SW 30th Terrace. Access to main commercial area will be provided by a 29 foot street west of Hy-Vee facility.

- c. Will any street improvements or traffic control improvements be required?

As stated above, SW 30th Terrace is under construction and shall be completed this fall. Office development of this parcel will generate concentrated traffic flow at noon hour and closing hours; whereas with C-2 development the SW 30th Terrace and Wanamaker Road intersection would involve concentrated traffic within the commercial area.

DRAFT

Minutes of the
Of the
Topeka Planning Commission
September 18, 2006

Z06/30 by CF&S Partnership and KU Endowment Association requesting to amend the District Zoning Classification from "O&I-2" Office and Institutional District TO "C-2" Commercial District on property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street. (Diediker) Dean Diediker summarized the staff report.

Discussion by members:

Michelle Hoferer asked where the next chance to buffer is? Mr. Diediker replied 1,300 feet south, right outside the city limits, in the subdivision to the south. Fred Sanders asked if staff doesn't consider the county line a buffer? Mr. Diediker replied he doubts the property will remain in the county for the long-term. Mr. Sanders said it would be up to the owner if they want to be in the city or not due to the acreage. Mr. Diediker said that is true.

Proponents:

Doug Flatt, previously of the group Cook, Flatt and Strobel, spoke in favor of the proposal. He gave a brief history of the land. We bought 30 acres to put up a new office. We built an office in 1971. We have a PUD on some of the 30 acres. Dana Anderson was a partner with Cook, Flatt & Strobel but signed over his ownership to KU Endowment, which is how KU Endowment became part of the equation. On the south side of 30th Terrace is an office, on the north side is C-4 zoning. MRV purchased the ground to the north of 30th Terrace. At the time we didn't know what the use would be on the property. Later we found out it would be a Hy-Vee grocery store. He said 30th Terrace will be where the loading docks for the store will be located. It will not be the best view from the subject property. The loading area is 10 to 12 feet higher elevation than the property to the south. KS Commercial is our realtor on the property. Mike Morse is our representative. Mr. Flatt said he consulted with KS Commercial about how the Hy-Vee would affect our property and they said it will be detrimental. He said he has had several conversations with some of the neighbors and planning staff. He said during the pre-application meeting he wasn't told "no". The result of the meetings is why we proceeded to turn in our application. It has been said traffic will be an issue. That is true. Once Hy-Vee opens up and Wanamaker gets completed to the south there is going to be some major traffic issues. I don't feel this proposal will create more traffic. This won't be that intense of a use. It will be a neighborhood/specialty shops. He handed out a site plan for the Hy-Vee. The property will utilize SW 30th Terrace and there is a possibility SW 30th Terrace will be extended and connect to SW 29th Street. In the future Wanamaker will be expanded to 5 lanes from SW 29th Street to SW 37th Street. He added we want to sell this property and abolish the partnership.

Mr. Sanders asked if there has been a traffic study compiled to show how much more traffic will be generated? Mr. Flatt said that study can't be conducted since we don't know what is going there. He added it will be nothing compared to what Hy-Vee will generate. The type of commercial we are planning won't generate more traffic than an office use would.

Mike Morse, KS Commercial Real Estate, spoke in favor of the proposal. He said they are the listing agent for the proposal property. He stated that there is commercial and office zoning surrounding the property. He said there isn't much appeal for an office at this site, especially with the view being the delivery dock for Hy-Vee. He said they want to follow the rules and do this correctly. He said smart growth is good growth. He said they have had meetings with the neighbors and Bartlett & West and we don't believe the property will sell right away unless it is rezoned.

Barbara McDowell, owns the property to the south of the subject property. She said she doesn't oppose the rezoning. She said she wants to make sure the row of trees that are currently between the properties remains as a buffer. She said she would like 25 feet of landscape buffer and a fence. The fence will help control the debris from the properties north of the subject property and will help block car headlights. I have been told these requests would be put in writing before or during the sale of the property. This property won't create more traffic than an office use would. In the future if the city would like to talk we own 57 acres to the south of this property that would make a beautiful park.

Opponents:

George Webb, 6024 SW 29th Street, spoke in opposition to the proposal. He said he is the representative for Shadywood West Homeowners Association. He said the group objects to this zoning change for several reasons. The current buffer between commercial use and residential use needs to remain. The present arrangement preserves this plan. We are concerned if this property is rezoned to commercial that the McDowell property would follow suit and there would be no buffer to the residential area. This is encroaching into a fine neighborhood. This is

not in the comprehensive plan. There is a hill on SW 30th Terrace that is not a problem at this point but with the increased traffic could create a problem. Drainage would be an issue as well. There are no specific plans at this point so it is hard to predict the problems a commercial entity would bring. It depends on the use.

Lisa Stubbs, resident of Shadywood West, spoke in opposition to the proposal. She said she agrees with the staff report and Mr. Webb's comments. She said she had a couple of additional issues. One is drainage. From SW 29th Street to SW 37th Street on Wanamaker is a low elevation east and west of our neighborhood. The City has spent a lot of money to correct drainage issues in this area. We are downhill from all development in the area. The creek overflows several times a year. She said she agrees there is a tremendous problem with traffic from SW 29th Street to SW 37th Street along Wanamaker. This area on Wanamaker isn't planned to be improved in the near future. It is a huge expense. There are concerns with Hy-Vee coming and the traffic it will generate. It is the compounding affect that creates the traffic issues. When Boursfield was there wasn't McDonald's and all the other small businesses that help compound the problem. She said she agrees the development to the north of the subject property will hurt it. In turn his property is to the north of ours and if this approved it will negatively impact our property. She said she doesn't understand how they will see all the truck docks. The building faces Wanamaker so they would see the side of the building. There are ways to control what is brought into an area. A PUD controls what is going onto the property. That would help to accommodate the residences. C-2 is very intensive zoning. Many different businesses could go into this. Agree smart growth is good growth. This is spot zoning not smart zoning.

Mr. Flatt said the traffic will go where the highway is. Drainage will be maintained on the property. He said he will agree with Ms. McDowell's request and will provide assurance in any sales agreement. Mr. Sanders asked if C-1 zoning would work? Mr. Flatt said that is more of a neighborhood zoning. He said this is going to be a store off of the beaten path. He said he believes C-1 zoning would work.

Theron Sims asked if it is known when the road expansion from SW 29th to SW 37th will take place? Mr. Fiander replied it is in the CIP from SW 29th to SW 33rd in 2008. He said there have been discussions of expansion from SW 33rd Street to SW 37th Street but it isn't in CIP at this time. Mr. Sanders asked if the property is in the 100 year flood plain and Mr. Diediker replied no.

Howard Blackmon said looking at the C-2 zoning for the location of this property I don't think there is anything too offensive allowed in this zoning. Kimberly Scott said as compared to C-1? Mr. Blackmon replied yes. Mr. Sanders asked staff if they considered a property going from O&I-2 to C-2 as spot zoning? Mr. Fiander replied the property has C-4 to the north so I wouldn't say this is spot zoning because there is some like zoning adjacent to it. He added C-1 is a locally serving district. Whether zoned C-1 or C-2 is may not mean as much as what will the site look like. Mr. Sanders asked if the Commission can address hypothetical's? He said the residents should be more offended by the looks of the property now. It is overgrown. We need to get this property on the tax rolls. Whenever it comes up commercial adjacent to residential people don't want it in their area. This is an expensive piece of property to remain vacant. He said they live along Wanamaker, which is a retail corridor. Mr. Blackmon asked where the city limits ends? Mr. Diediker replied this property is right at the county line. Mr. Blackmon asked going south on Wanamaker is there more commercial? Mr. Diediker stated there is commercial at the arterial intersections. Between the major arterials we would like medium density residential. Mr. Blackmon said look at Wanamaker it is all retail. Mr. Diediker said if the arterials are continued to be striped out with retail zoning the arterials will not function correctly. Ms. Scott asked staff if they think this small of proposal would cause the problem? Mr. Diediker replied no but as Mrs. Stubbs stated it is a compounding problem. Ms. Scott said it is already a problem. Mr. Sims said this is an area of transition. This is off of Wanamaker Road. Hy-Vee will back right up to this property.

Exparte communications: None

Thereon Sims moved approval of "C-1" Commercial zoning, seconded by Fred Sanders. **APPROVAL. (6-0-2)**
Commissioners Boyd and Skoog abstained.

City Council Minutes – October 10, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 10, 2006. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9. Mayor Buntin presided: -1.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located west of SW Wanamaker Road between SW 30th Terrace and SW 31st Street in the City of Topeka, Kansas from "O&I-2" Office and Institutional District TO "C-1" Commercial District placed on first reading October 3, 2006 was again presented. (Z06/30)

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner asked why the Planning Department recommended disapproval.

David Thurbon, Planning Director stated that staff recommended disapproval because the zoning change is inconsistent with the established goals and objectives of the Comprehensive Plan, and the surrounding character of the neighborhood.

Councilmember Preisner encouraged the Council to support the Planning Department's recommendation.

Councilmember Blackburn stated that he believes that "C-1" Commercial District zoning is a reasonable compromise for the surrounding residential neighborhood.

Councilmember Blackburn moved to approve the ordinance. The motion seconded by Councilmember Preisner failed. Councilmembers Alcalá, Ortiz, Nave, Haynes, Duffy, Preisner and Harmon voted "no". (2-7-0)



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 16, 2007

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DATE: November 6, 2007
CONTACT PERSON: Bill Fiander/David Thurbon DOCUMENT #: Z07/23
SECOND PARTY/SUBJECT: QSR Real Estate, LLC PROJECT #:
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 007 Zoning
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the southeast corner of the intersection of SW 37th Street and SW Fairlawn Road from "R-1" Single-Family Dwelling District TO "O&I-1" Office and Institutional District. First Reading.(Z07/23) (Council District No. 7)(Planning Commission recommended approval 9-0-0.) (Planning Department recommended approval.)

(Approval would allow development of the property for office use.)

POLICY ISSUE:

Request is consistent with the land use principles of the Comprehensive Plan.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of **9-0-0** at their October 15, 2007 meeting as referenced in their attached minutes. The Planning Department recommended that this request be **APPROVED** as referenced in the attached staff report.

BACKGROUND:

- See Staff Report.
- City Council options:
 - **Adopt** the recommendation of the Planning Commission by Ordinance;
 - **Override** the Planning Commission's recommendation by a two-thirds majority (6 votes) of the City Council membership; or,
 - **Return** such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

Item #28

N/A

ATTACHMENTS:

[Ordinance](#)

[Staff Report](#)

[Aerial](#)

[Contour Map](#)

[Zoning Map](#)

[Application \(4 pages\)](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the southeast corner of the intersection of SW 37th Street and SW Fairlawn Road from "R-1" Single Family Dwelling District **TO** "O&I-1" Office and Institutional District. **(Z07/23) (Council District No. 7)**

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, be, and the same is hereby amended, by classifying the following described property:

A tract of land in the NE ¼ of Section 21, Township 12 south, Range 15 east of the 6th P.M., in Shawnee County, described as follows: Beginning at the NE corner of said NE ¼; thence south along the east line of said ¼ on an assumed bearing of south 00 degrees, 40 minutes, 44 seconds east, a distance of 1058.59 feet; thence south 89 degrees, 01 minutes, 06 seconds west, 567.67 feet to a point on the east line of SW Fairlawn Road; thence north 13 degrees, 09 minutes, 50 seconds west, (north 13 degrees, 12 minutes, 38 seconds west, Plat) along the east line of said SW Fairlawn Road, a distance of 64.28 feet; thence continuing along the east line of SW Fairlawn Road on a 1960.00 foot radius curve right, an arc distance of 410.50 feet, said curve having a long chord bearing north 07 degrees, 12 minutes 38 seconds west, 409.75 feet; thence continuing along the east line of said SW Fairlawn Road, north 01 degrees, 12 minutes, 38 seconds west, a distance of 585.88 feet to a point on the north line of said NE 1/4; thence north 88 degrees, 47 minutes, 22 seconds east, 633.64 feet to the Point of Beginning. Containing 15.06 acres more or less.

from "R-1" Single Family Dwelling District **TO** "O&I-1" Office and Institutional District.

Section 2. This Ordinance Number shall be fixed upon the "District Map".

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

October 15, 2007
Agenda Item #G-4

ZONING REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

CASE NO: Z07/23

by: QSR Real Estate, LLC.

PROPOSAL: Amend the District Zoning Classification from "R-1" Single-Family Dwelling District, TO "O&I-1" Office and Institutional District.

LOCATION: Southeast corner of the intersection of SW 37th Street and SW Fairlawn Road.

PARCEL ID NUMBER: 1452101001001000.

PRESENT USE: Vacant undeveloped 15.0 acre tract.

PROPOSED USE: Office Building (future).

CHARACTER OF NEIGHBORHOOD: The neighborhood is made up of predominately residential uses immediately east of the subject property and office uses immediately to the north and west of SW Fairlawn Road north of SW 37th Street. To the west of the subject property and west of SW Fairlawn Road lies Clarion Park a public park. The subject property is located on the advancing fringe of the corporate limits in southwest Topeka. This area is characterized by a combination of undeveloped agricultural land south and east of the subject site with residential to the northeast and office/institutional to the north. The property was annexed in the 1970's and zoned residential at that time.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	ZONING CLASSIFICATION	PRESENT LAND USE
North:	"R-1" Single-Family Dwelling District "PUD" (O&I-2 use group)	Water Depart Pump Station Offices
South:	"R-1" Single-Family Dwelling District	Vacant/Residential
East:	"R-1" Single-Family Dwelling District	Residential
West:	"R-1" Single-Family Dwelling District	Clarion Park

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The property has remained vacant and undeveloped since its annexation in the 1970's.

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SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The site's present single family classification is not necessarily consistent with the established pattern of higher intensity Office/Institutional zoning and land use in the area. It also fronts future major arterial intersection with the extension of SW Fairlawn Road. Office and Institutional uses that utilize a single point of shared access on an arterial with a cross access arrangement internal to the site are much preferred over the numerous access points that are sought with a typical residential development. The Office and Institutional District also provides a transitional use between the existing residential uses elevated to the east and the inherent adverse conditions associated with a major traffic thoroughfare.

CONFORMANCE TO COMPREHENSIVE PLAN: The *Comprehensive Plan* designates this area as *Urban/Suburban Low Density Residential* land use. However, accepted planning principles dictate that established patterns of land use must be recognized as a basic factor which strongly influences rezoning decision. The current zoning pattern has existed within the area since 1991 and as the proposed use is deemed a more appropriate use along a major arterial the proposal is viewed as being consistent with the plan.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Accepted planning principles dictate that established patterns of land use must be recognized as a basic factor which strongly influences rezoning decision. As this general area has been developed residential uses have given way to more office and institutional uses as indicated by the zoning map, office and institutional uses are deemed to be more appropriate than single family residential development abutting a major arterial with steep slopes to the east acting as a natural barrier. Clarion Park being separated from the subject property by a major arterial (SW Fairlawn Road) should be minimally impacted by uses permitted by the "O&I-1" District. A greater impact to the park comes with the improvement and of SW Fairlawn Road. There is expected to be no detrimental effect upon removal of the present restrictions based upon the surrounding land uses therefore the proposal is viewed as being consistent with the plan.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: The proposed reclassification would permit the subject property to develop consistent with accepted planning principles which dictate that established patterns of land use must be recognized as a basic factor which strongly influences rezoning decision. The greatest impact to this area will come with the eventual improvement of SW Fairlawn Road to a 105' wide arterial. Clarion Park being separated from the subject property by this arterial will be impacted more by the arterial itself than the uses permitted by the proposed "O&I-1" District. However, the proposed use with the steep sloping terrain to the east will buffer the adjoining residential area to the east from those adverse conditions associated with a major traffic thoroughfare. As minimal detrimental effects are anticipated, there would appear to be no particular gain to the public health, safety, and welfare by maintaining the present restrictions.

AVAILABILITY OF PUBLIC SERVICES: With the exception of adequate road connectivity all essential public utilities, services and facilities are presently available to this area and should not be overburdened. However, SW Fairlawn Road needs to be constructed south from the intersection of SW 37th Street providing an appropriate through street connection before development of the subject property

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can occur. In the City's CIP (2007-2011) there are currently transportation projects for the improvement of Elevation Parkway/SW 37th Street to SW Fairlawn Road and ultimately to SW Wanamaker Road. However, no funding sources have been identified.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

Application: **Complete.**

Minimum Lot Area: **Compliant** – +7,500 S.F.

Setbacks: **Compliant.**

Platting: **Noncompliant** – Property needs to be platted before any building permits are to be issued.

CONCERNS OF STAFF AND REVIEWING AGENCIES: This request has been submitted to all applicable reviewing agency staff for consideration and comment. Adequate public infrastructure does not currently exist to accommodate development of the property for either its current or proposed zoning. SW Fairlawn Road needs to be constructed south from the intersection of SW 37th Street providing an appropriate through street connection before the subject property is developed. No other significant issues or concerns were expressed by reviewing staff relative to code compliance or the provisions of public services with exception of those concerns already addressed in this staff report.

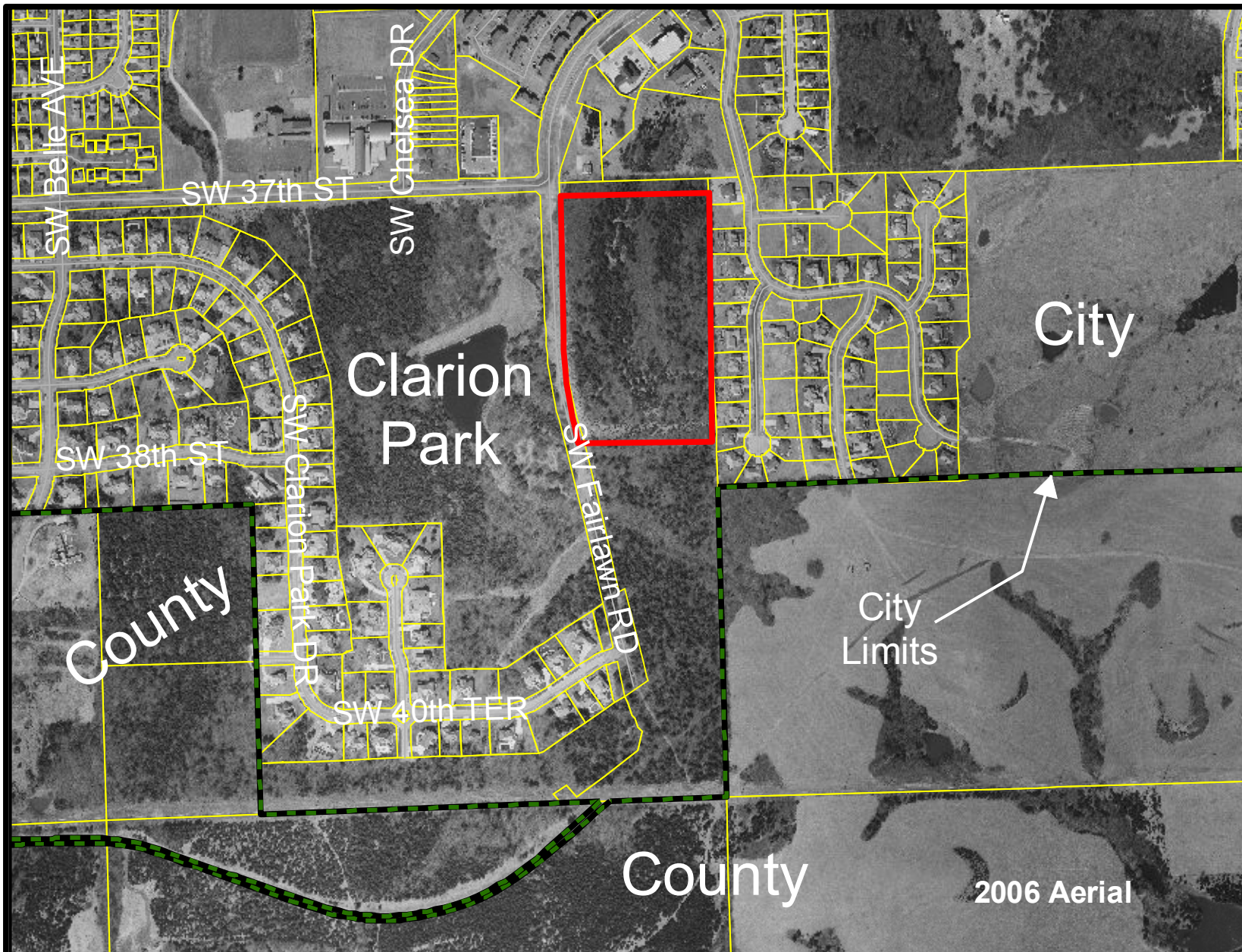
ADDITIONAL FACTORS:

1. Neighborhood Improvement Association: Not Applicable.
2. Capitol Plaza Area: Not Applicable.
3. Flood Hazard Area: Not Applicable.
4. Airport Hazard Area: Not Applicable.
5. Historic Properties: Not Applicable.

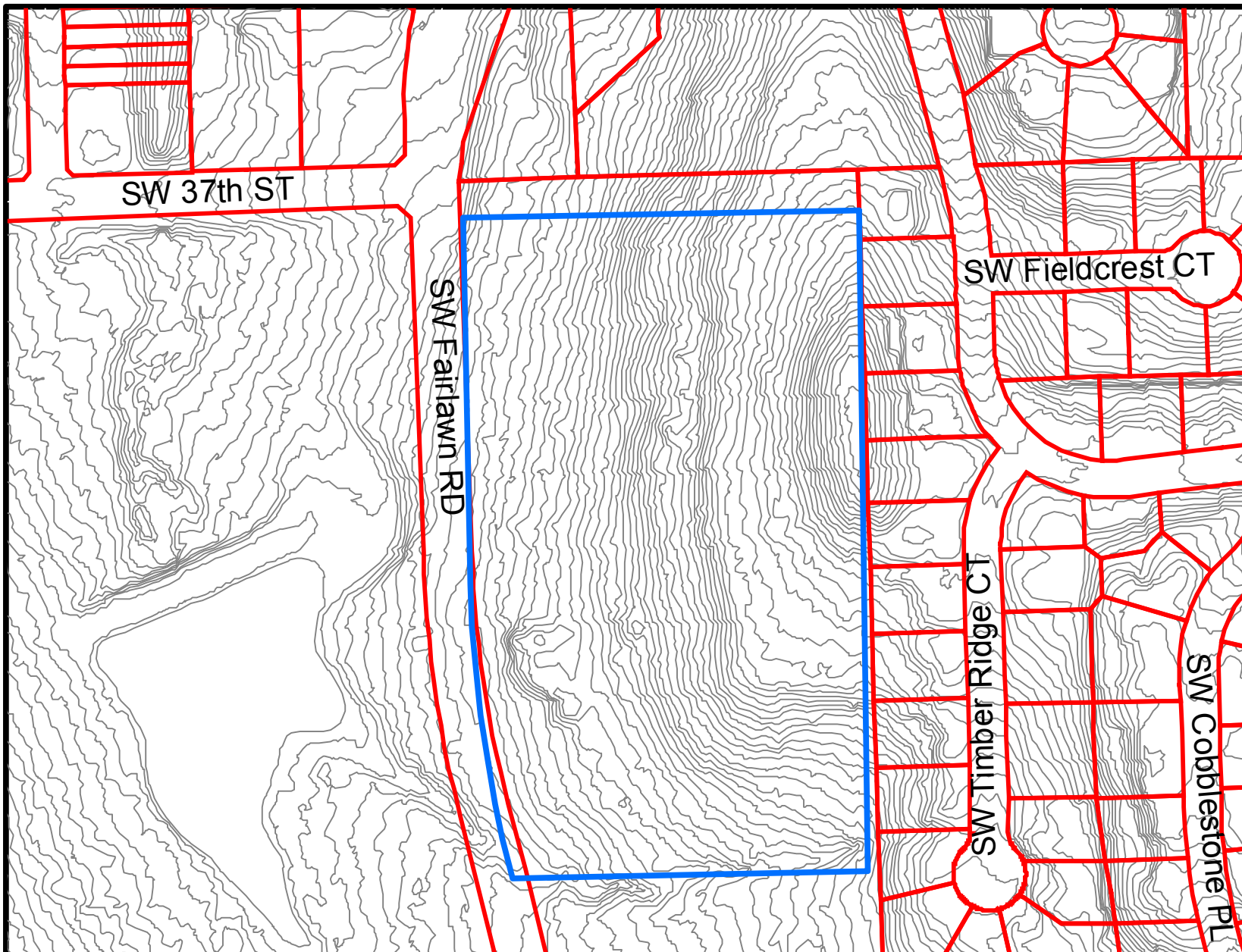
STAFF RECOMMENDATION:

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal.

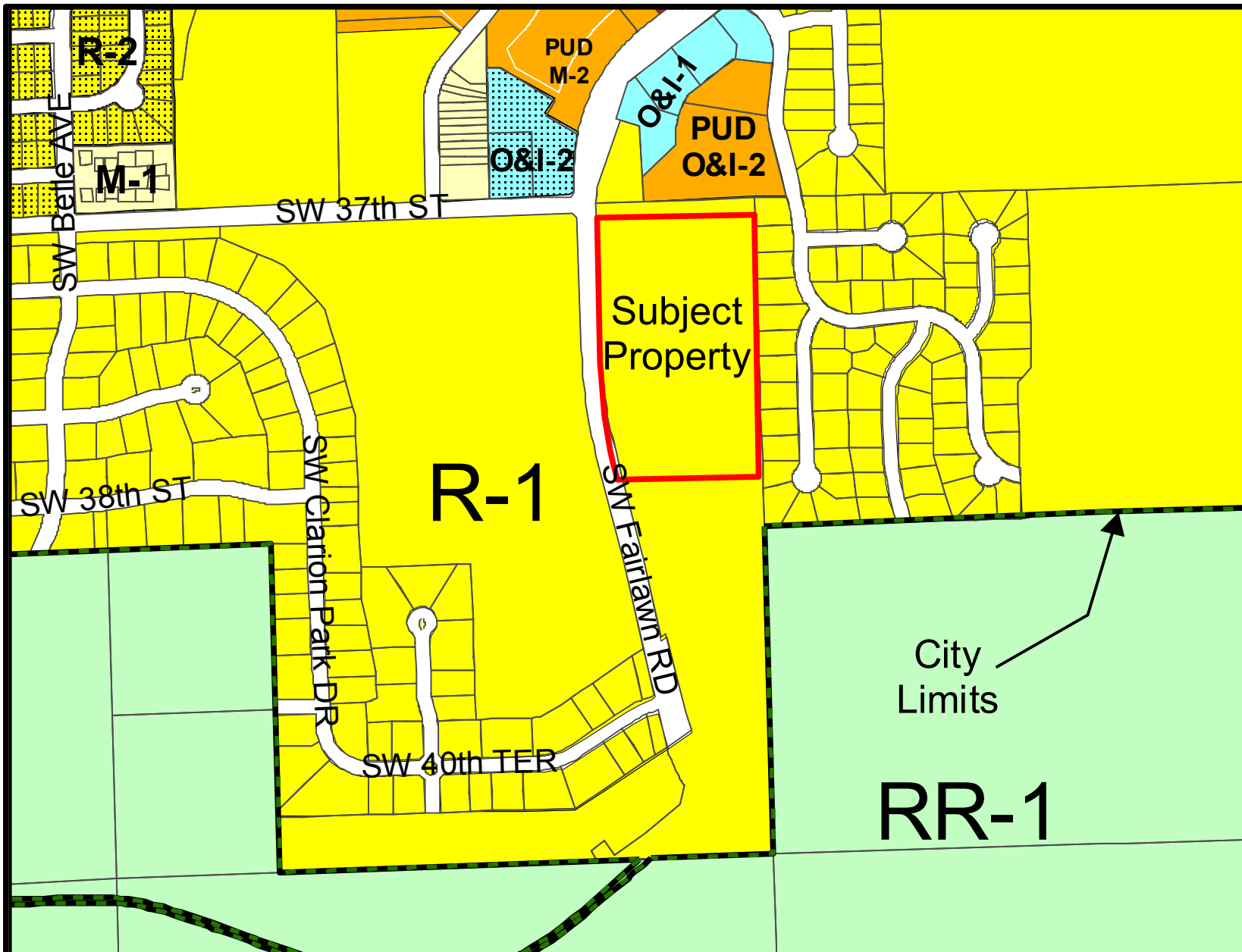
Prepared by: Dean W. Diediker
Planner II



Z07/23 by QSR Real Estate, LLC



Z07/23 by QSR Real Estate, LLC



Z07/23 by QSR Real Estate, LLC



Application Form Re-Zoning or Conditional Use Permit

City of Topeka Planning Department
620 SE Madison, 3rd Floor
Topeka, KS 66607
Phone 785-368-3728 Fax 785-368-2535

Applicant Information

Property Owner(s): QSR Real Estate, LLC

Street Address: 3620 SW Fairlawn Road

City: Topeka State: KS Zip: 66614 E-mail: tjoperations@yahoo.com

Business phone: 785.272.6800 Home phone: _____ Fax: _____

Authorized Owner Representative (if any): Henry McClure

Street Address: 214 SW 6th Street Suite 300

City: Topeka State: KS Zip: 66603 E-mail: mcre@cox.net

Business phone: 235.3353 Home phone: 357.7980 Fax: 234.5729

Authorized Professional Agent (Engineer, Architect, Attorney, etc.) – if different from above

Schmidt Engineering

Street Address: 3420 SW Urish Road

City: Topeka State: KS Zip: 66604 E-mail: _____

Business phone: 478.4420 Home phone: _____ Fax: 478-4434

Authorization

I (we) am (are) the owner(s) of record for the subject property and hereby authorize filing of this application and posting of signage on the property by the City of Topeka for the requested zoning change. I (we) declare that all required materials are submitted along with this application and that the information submitted is complete and accurate. I (we) hereby acknowledge that all appropriate procedures, policies and regulations have been reviewed and understood, including authorization of any agent as listed in this application.

Owner 1 Name: Edwin R. Linquist Jr.

Owner 1 Signature: Edwin R. Linquist Jr. mcre Date: 08/31/07

Owner 2: _____

Owner 2 Signature: _____ Date: _____

Requested Action and Site Information

Address of Property to be Re-Zoned (or if vacant, describe general location): 31 Acres South of 37th & Fairlawn
east

Legal Description of Property: lot(s) _____ block _____ subdivision _____
(if unplatted, attach metes and bounds description)

Total Area (acres/square feet): 15 Acres

Type of Application:

1. Re-zoning from: R-1 to: O&I-1

2. Conditional Use Permit proposed use: _____

Existing Use (# of dwelling units, square feet, etc.): None

How long has the existing use been on the property? Many years

Proposed Use (# of dwelling units, square feet, etc.): Offices

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes If Yes, when? 8/27/07

FOR OFFICE USE ONLY

Date submitted: 8/31/07

Date notice sent: 9/21/07

Application no.: 207/23

Date advertised: 9/21/07

Filing fee: 750⁰⁰ **Receipt no.:** 11626

Date of hearing: 10/15/07

Quarter section map no.: M-2

Council district: #7

CHECK YES OR NO

Capital Plaza Area: Yes _____ No ☒

Within Historic Site Environs: Yes _____ No ☒

If Yes, what is it?: _____

100 yr Floodplain: Yes _____ No ☒

National/State Historic Register: Yes _____ No ☒

Airport Hazard Area: Yes _____ No ☒

Local Historic Resource: Yes _____ No ☒

Neighborhood Association: Yes _____ No ☒

Name of N.I.A./N.A.: _____

Applicant Justification

For re-zoning applications:

This section is intended to provide you with the opportunity to present information in support of your request. It is important to bear in mind that the presumption of validity rests with the present zoning and use of the property. It is the burden of the applicant to demonstrate that the proposed change in zoning classification or proposed conditional use permit is appropriate.

Please attach additional sheets if necessary.

1. Why is the land not suitable for the uses to which the property is currently zoned?

This area in the long run will not be a great area for residential housing. When Fairlawn Road extends to the future elevation parkway the traffic will be significant. This area the highest and best used is a more intensive zoning than R-1.

2. What effect would the proposed zone change have on the character of the neighborhood and surrounding properties?

The Character of the surrounding area is a commercial area. This site will be tucked into a hill and buffered by a very large park.

This change will have no effect on the surrounding area.

3. How does this request relate to any adopted neighborhood/land use plans by the City?

Based on past zoning cases this matter will be consistent with the neighborhood.

Infrastructure Availability

Please consult the Engineering Division of Topeka Public Works Department for information below (368-3842)

1. Water

- a. Location and size of water main serving site:

18' running east and west on the north border of this site.

- b. Does the current system have adequate capacity? If not, are improvements anticipated?

Yes

- c. If other than City of Topeka, identify water district provider: _____

2. Sanitary Sewer

- a. Location and size of sewer main serving site:

8 inch main run east and west through the middle of the property and the length off the property in the future right-of-way of the extended Fairlawn Road.

- b. Does the current system have adequate capacity? If not, are improvements anticipated?

Yes

- c. If other than City of Topeka, identify sewer district provider: _____

3. Storm Drainage

- a. How will storm water run-off be handled on site?

We intend to utilize existing drainage districts available.

- b. Does the current storm sewer system have adequate capacity for proposed use?

Yes.

4. Traffic Circulation

- a. Does the site have public street frontage access? What is the pavement width of any adjoining public streets?

Very limited.

- b. What are the site's existing or proposed access points?

New access off an extended Fairlawn road.

- c. Will any street improvements or traffic control improvements be required?

Yes



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October 4, 2007

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DATE: November 6, 2007

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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