



A Capital City Government Working For You...

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City Council Agenda

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

October 21, 2008
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Buntten

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.

To make arrangements for special accommodations please call 785-368-3940. A 48-hour advance notice is preferred.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

(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:

"Week Without Violence"
"Senior Day"

2. PRESENTATIONS:

"Kansas State Association of Fire Chiefs - Fire Chief of the Year Award "

3. ROLL CALL:

4. CONSENT AGENDA:

A. Presentation of Civil Claim Appeal - Pravin Sampat

PRESENTATION OF CIVIL CLAIM APPEAL by Pravin Sampat in the amount of \$639.78.

(Claimant is appealing the denial of his claim with the City for damages sustained to his vehicle from a pothole in the road located near 17th Street and Gage Boulevard on April 14, 2008.)

B. Worker's Compensation Settlement - Duane L. Hazlett, Jr.

A WORKERS' COMPENSATION SETTLEMENT for Duane L. Hazlett, Jr., in the amount of \$14,790.

C. Worker's Compensation Settlement - William White

A WORKERS' COMPENSATION SETTLEMENT for William White in the amount of \$29,670.75.

D. MINUTES of the regular meeting of October 14, 2008

E. APPLICATIONS:

5. UNFINISHED BUSINESS:

A. Ordinance - Court Costs, Fees and Witness Expenses



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Sections 50-26 and 50-82 concerning court costs and fees and witness expenses and specifically repealing said original sections. Final Reading.

(Approval would provide the Municipal Court Judge with the authority and discretion to impose the cost of incarceration, court appointed attorney fees, warrant fees and other miscellaneous costs and expenses against persons charged and/or convicted in the Court. Approval would also clarify the core costs in the court and increase the amount paid to witnesses from \$5.00 to \$10.00 in an effort to offset increased costs in fuel and metered parking.)

6. NEW BUSINESS:

A. Demolition Permit Request - 324 SW Taylor



[ATTACHMENTS](#)

A DEMOLITION PERMIT REQUEST submitted by Steve Stutzman for property located at 324 SW Taylor Street, and located within 500 feet of the historical environs of Sumner Elementary School. (Council District No. 1)

(The State of Kansas Historic Preservation Office (SHPO) has determined that this property is a character-defining structure within the environs of Sumner Elementary School, and its demolition would encroach upon, damage or destroy these environs. The City Council must determine that no feasible alternatives exist to the proposed demolition before a demolition permit may be issued.)

B. Petition, Project Budget and Resolution - Drainage Improvement Project No. T-151001.00



[ATTACHMENTS](#)

A PETITION, A PROJECT BUDGET in the amount of \$144,500 and A

RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Drainage Improvement Project No. T-151001.00 (HTE 150790) which provides for the preparation and implementation of an application for permit from the Army Corps of Engineers including mitigation for two retention facilities located in Lauren's Bay Estates, as more specifically described herein. (Council District No. 7)

(Approval would allow for construction of two retention pond facilities located in Block E and Block M, of Lauren's Bay Estates, which is southwest of SW 47th Street and SW Wanamaker Road. The project costs are to be paid 100% by the Improvement District.)

C. Resolution - 2009-2010 Capital Improvement Budget and 2009-2013 Capital Improvement Program



[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting for the City of Topeka, Kansas, the 2009-2013 Capital Improvement Program and the 2009-2010 Capital Improvement Budget.

(The resolution approves both the 2009-2013 Capital Improvement Program (CIP), inclusive of the two-year Capital Improvement Budget (CIB) for 2009-2010.)

D. Ordinance - Weekly Expenditures - September 29-October 5, 2008



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 29, 2008, through October 5, 2008, and enumerating said expenditures therein. First and Final Reading.

7. FIRST READINGS:

A. Ordinance - James Speier et al. (V08S/5)



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of a platted 25-foot wide street right-of-way in Schmitt's Addition located about 136-feet west of SE Hancock Street and 125-feet south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas. First Reading. (V08S/5) (Council District No. 3)

(Approval would vacate a portion of a 25-foot wide platted street right-of-way and establish a necessary utility easement.)

B. Ordinance - Misty Harbor Estates Subdivision No. 4 (A08/3)



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, located on the north side of SW 45th Street and approximately 450 feet east of the intersection of SW 45th Street and SW Misty Harbor Drive within unincorporated Shawnee County, Kansas, and contiguous to the City of Topeka corporate limits, and said land being annexed for all City purposes. First Reading. (A08/3) (Council District No. 7)

(Approval would authorize the annexation of a 5.99 acre-tract for 16 single-family residential lots. The property owner has granted their written consent to annexation.)

C. Ordinance - Sanitary Sewer Improvement Project No. T-401009.00 (HTE 409650)



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-401009.00 (HTE 409650) for the construction of the Southwest Interceptor approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the State of Kansas Loan Funds to pay the cost thereof. First Reading.

(Authorizing \$1,960,000 to allow for the construction of a new sanitary interceptor line to extend

sanitary sewer coverage into an area southwest of Topeka. The improvements will begin near the SW 49th Street and Gage Boulevard intersection and extend to the SW 61st Street and Wanamaker Road intersection.)

D. Ordinance - Southwest Topeka Boulevard TIF District

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., establishing a Redevelopment District for the Southwest Topeka Boulevard District in Topeka, Kansas, pursuant to K.S.A. 12-1773, et seq., as amended. First Reading.

This item was added at the meeting.

8. MISCELLANEOUS:

-

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

-

10. PUBLIC COMMENT:

-

11. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 7, 2008

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DATE: October 21, 2008

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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SOURCE OF FUNDING:

ATTACHMENTS:

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PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Week Without Violence"
"Senior Day"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Kansas State Association of Fire Chiefs - Fire Chief of the Year Award "

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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DATE:	October 21, 2008	
CONTACT PERSON:	Eric B. Smith, Assistant City Attorney	DOCUMENT #:
SECOND PARTY/SUBJECT:	Pravin Sampat	PROJECT #:
CATEGORY/SUBCATEGORY	001 Appeals / 003 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

PRESENTATION OF CIVIL CLAIM APPEAL by Pravin Sampat in the amount of \$639.78.

(Claimant is appealing the denial of his claim with the City for damages sustained to his vehicle from a pothole in the road located near 17th Street and Gage Boulevard on April 14, 2008.)

POLICY ISSUE:

Whether the City Council chooses to overturn the denial and pay Pravin Sampat the \$639.78 he requested in his claim or if they uphold the denial of the City Attorney based on the facts as presented at the appeal hearing.

STAFF RECOMMENDATION:

Denial of the claim appeal based on the fact finding review from the Street Maintenance section of the Public Works department.

BACKGROUND:

The claimant alleges that his vehicle was damaged by a pothole in the road while on Gage near 17th Street. A claim was filed with the City Clerk on July 9, 2008. The matter was investigated and revealed no notice of a pothole at this location prior to the incident. There is no indication of negligence on the part of the City, therefore, on September 3, 2008, the claim was denied. On September 23, 2008, the City Clerk received a request from the claimant to appeal the decision.

BUDGETARY IMPACT:

None, if denied.

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #6



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DATE: October 21, 2008

CONTACT PERSON: Eric B. Smith, Assistant City Attorney **DOCUMENT #:**

SECOND PARTY/SUBJECT: Duane L. Hazlett, Jr. **PROJECT #:**

CATEGORY/SUBCATEGORY 006 Communication / 005 Other

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A WORKERS' COMPENSATION SETTLEMENT for Duane L. Hazlett, Jr., in the amount of \$14,790.

POLICY ISSUE:

Whether the City Council wants to agree to settle a current Workers' Compensation Claim. The alternative would be to fully defend the matter through the Workers' Compensation system.

STAFF RECOMMENDATION:

Approve proposed settlement.

BACKGROUND:

The City Attorney's Office has reached a conditional agreement, subject to Council approval, to settle Duane Hazlett's Workers' Compensation claim in the amount of \$14,790.00.

BUDGETARY IMPACT:

\$14,790.00

SOURCE OF FUNDING:

Self-insured Workers' Compensation Fund

ATTACHMENTS:

No Attachments Available



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CONTACT PERSON: Eric Smith, Assistant City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: William White
PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A WORKERS' COMPENSATION SETTLEMENT for William White in the amount of \$29,670.75.

POLICY ISSUE:

Whether the City Council wants to agree to settle a current Worker's Compensation Claim. The alternative would be to fully defend the matter through the Worker's Compensation system.

STAFF RECOMMENDATION:

Staff recommends the Council approve the proposed settlement offer.

BACKGROUND:

The City Attorney's Office has reached a conditional agreement, subject to Council's approval, to settle William White's Worker's Compensation claim in the amount of \$29,670.75.

BUDGETARY IMPACT:

\$29,670.75

SOURCE OF FUNDING:

City of Topeka's self-insured Worker's Compensation fund.

ATTACHMENTS:

No Attachments Available



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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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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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October 8, 2008

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DATE: October 21, 2008
CONTACT PERSON: Steven R. Ebberts **DOCUMENT #:**
SECOND PARTY/SUBJECT: Court costs and fees and witness expenses **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 050 Courts
CIP PROJECT: No
ACTION OF COUNCIL: 10/07/08 First Reading. **JOURNAL #:** 08
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Sections 50-26 and 50-82 concerning court costs and fees and witness expenses and specifically repealing said original sections. Final Reading.

(Approval would provide the Municipal Court Judge with the authority and discretion to impose the cost of incarceration, court appointed attorney fees, warrant fees and other miscellaneous costs and expenses against persons charged and/or convicted in the Court. Approval would also clarify the core costs in the court and increase the amount paid to witnesses from \$5.00 to \$10.00 in an effort to offset increased costs in fuel and metered parking.)

POLICY ISSUE:

The policies to be considered with passage of this ordinance primarily include, but are not limited to, the assessment of costs to offenders adjudicated in the City of Topeka Municipal Court.

STAFF RECOMMENDATION:

Passage and approval of ordinance.

BACKGROUND:

This proposal stems from many discussions and requests by and between members of the City Council, the City Manager and Administration to impose more costs against persons either adjudicated guilty or charged in Municipal Court. It also reflects a change in State law authorizing courts to impose the costs of processing license reinstatement fees against defendants. Moreover, due to some complaints from the public, the proposal reflects a change in the printed structure of costs in the City ordinance in an effort to offer a more user friendly explanation of the court costs and fee structure. Finally it increases fees to assist witnesses with the rising costs associated with fuel and meter parking.

BUDGETARY IMPACT:

The majority of this ordinance is revenue and expense neutral because there are no changes to the **revenue** costs (the "grid"). Moreover, the proposal primarily codifies current court practices and assessments. Thus, there is little change with regard to revenue for all items except the aforementioned suspension processing fee and incarceration

expense. This cost has been anticipated in the Court's budget for 2009. There would likely be an increase in revenue to the general fund relating to the assessment of incarceration expense and the license suspension processing fee, but the revenue is expected to be less than \$100,000. There will be an increase in expenditures from the Court's budget to cover the costs of increased witness fees in the amount of approx. \$3000.

SOURCE OF FUNDING:

Please refer to the Budgetary Impact and Background narratives immediately above with regard to source of funding for witness fees.

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 50-26 and § 50-82 concerning court costs and fees and witness expenses and specifically repealing said original sections.

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

Section 1. That section 50-26, Court costs and fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Court costs and fees.

The following costs and fees ~~shall be charged~~ may be charged in the municipal court:

(1) Mandatory Costs. Unless otherwise prohibited by City ordinance or Kansas law, ~~persons who plead no contest, plead guilty, or defendants who are~~ convicted shall be assessed costs for the administration of justice in any ~~municipal court~~ case, ~~including~~ as follows:

a. ~~Each case, except as described in subsection b. without regard to the number of counts . . . \$61.00~~

b. ~~Each criminal misdemeanor case equivalent to an A or B misdemeanor as defined by state law or a misdemeanor defined by city ordinance . . . 128.00~~

(2) ~~For mileage, subpoena and witness costs for defense witnesses:~~

a. ~~Per day or any part thereof for an appearance . . . 5.00~~

b. ~~Plus, per mile actually driven over ten (10) miles (Reimbursement consistent with Internal Revenue Service allowed rate)~~

~~(3) For mileage driven by a law enforcement officer to serve a subpoena or warrant or to transport a person arrested or detained in the state under a warrant issued by the municipal court, per mile actually driven over ten (10) miles outside the city limits (Reimbursement consistent with Internal Revenue Service allowed rate)~~

~~(4) For each warrant issued . . . 25.00~~

~~(5) State mandated fees:~~

~~a. Judicial branch education fund (K.S.A. 12-4116 and amendments thereto): Each case, without regard to the number of counts, shall be assessed an amount fixed by order of the state supreme court. Funds collected pursuant to this assessment shall be distributed as required by state law.~~

~~b. Local law enforcement funds, (as required by state law): Each case, without regard to the number of counts, charging a criminal or public offense or charging an offense defined as a moving traffic offense pursuant to state law shall be assessed an amount fixed by state law. Funds collected shall be distributed as required by state law.~~

~~(6) Crime prevention fund . . . 3.50~~

~~(7) Police Department Equipment Fund . . . 5.00~~

<u>Description</u>	<u>Traffic – Moving Violations & Other Infractions</u>	<u>Parking Violations</u>	<u>Traffic – Non- moving</u>	<u>Class A or B Misdemeanors or Class C Assault</u>	<u>Adult Seatbelt Violations</u>
<u>Judicial Education Fund</u>	<u>.50</u>		<u>.50</u>	<u>.50</u>	
<u>Local Law Enforcement</u>	<u>1.00</u>			<u>1.00</u>	

<u>Training Fund</u>					
<u>Law Enforcement Center Training Fund</u>	<u>11.50</u>			<u>11.50</u>	
<u>Commission on Peace Officer Standards and Training Fund</u>	<u>2.50</u>			<u>2.50</u>	
<u>Juvenile Detention Facility</u>	<u>2.00</u>			<u>2.00</u>	
<u>Protection From Abuse Fund</u>	<u>.50</u>			<u>.50</u>	
<u>Crime Victims Assistance Fund</u>	<u>.50</u>			<u>.50</u>	
<u>Trauma Fund</u>	<u>1.00</u>			<u>1.00</u>	
<u>Crime Prevention Fund</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>	
<u>Seatbelt</u>					<u>None</u>
<u>General Fund</u>	<u>43.00</u>	<u>62.50</u>	<u>62.00</u>	<u>110.00</u>	
<u>TOTAL</u>	<u>66.00</u>	<u>66.00</u>	<u>66.00</u>	<u>133.00</u>	<u>-0-</u>

(2) Additional Costs. In addition, defendants who are convicted may be assessed the following costs:

A. Warrant Fees

For each warrant issued, unless waived for good cause by the judge . . . \$25.00

B. Incarceration Expenses

Unless waived for good cause by the judge, a fee for incarceration

56 expenses shall be assessed against a defendant in each case in which
57 said defendant is incarcerated pursuant to an order of the municipal court
58 judge. The incarceration fee referenced in this subsection shall be
59 determined by multiplying the then current daily rate of incarceration
60 charged to the City of Topeka by Shawnee County Department of
61 Corrections by the numbers of days actually served by the defendant.

62 C. Court Appointed Attorneys

63 Unless waived or reduced for good cause by the judge, court
64 appointed attorney fees shall be assessed by the court against a
65 defendant in each case in which a municipal court judge appoints counsel
66 for said defendant.

67 D. Mileage. Mileage, subpoena and witness costs for defense
68 witnesses shall be as set forth in § 50-82 of this code.

69 E. Miscellaneous Fees and Costs

70 Additional costs and fees may be assessed by the municipal court
71 for service of process, for transcripts and depositions, commission on
72 collections and credit/debit card transaction fees.

73 (83) Except as provided herein, the judge or clerk of the municipal court shall
74 remit at least monthly the appropriate assessments received pursuant to this section as
75 required by state law, supreme court order or City of Topeka ordinance.

76 (94) For the purpose of determining the amounts to be assessed according to
77 this section, if more than one (1) complaint is filed against one (1) individual arising out
78 of the same incident, all such complaints shall be considered as one (1) case.

79 Section 2. That section 50-82, Subpoenas; witnesses' expenses; abuse of
80 subpoenas, costs, of The Code of the City of Topeka, Kansas, is hereby amended by to
81 read as follows:

82 **Subpoenas; witnesses' expenses; abuse of subpoenas, costs.**

83 All parties shall be entitled to the use of subpoenas to compel attendance of
84 witnesses within the state. The municipal judge or clerk shall issue a subpoena which
85 may be served by any law enforcement officer, the city attorney or an assistant city
86 attorney, the municipal judge, or the clerk of the municipal court upon the named
87 person. Disobedience may constitute contempt.

88 Fees and mileage of witnesses shall be ~~\$2.50~~ \$10.00 per day or any part thereof
89 for an appearance and ~~\$0.10~~ reimbursement per mile actually driven over ten miles.
90 Said mileage reimbursement rate shall be consistent with the then current Internal
91 Revenue Service allowed rate. The fees and mileage for the attendance of witnesses
92 shall be borne by the party calling the witness, excluding City police officers who are
93 exempt from receiving witness fees pursuant to this provision, except that if an accused
94 person is found not guilty, the city shall pay all such expenses: Provided, the municipal
95 judge may direct that fees and mileage of witnesses subpoenaed by the accused
96 person be charged against such person, if the judge finds that there has been an abuse
97 of the use of subpoenas by the accused person.

98 Section 3. That original § 50-26 and § 50-82 of the Code of the City of
99 Topeka, Kansas, are hereby specifically repealed.

100 Section 4. This ordinance shall take effect and be in force from and after its
101 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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September 22, 2008

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DATE:	October 21, 2008	DOCUMENT #:	N/A
CONTACT PERSON:	David Thurbopn, AICP	PROJECT #:	N/A
SECOND PARTY/SUBJECT:	Steve Stutzman		
CATEGORY/SUBCATEGORY	001 Appeals / 003 Other		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A DEMOLITION PERMIT REQUEST submitted by Steve Stutzman for property located at 324 SW Taylor Street, and located within 500 feet of the historical environs of Sumner Elementary School. (Council District No. 1)

(The State of Kansas Historic Preservation Office (SHPO) has determined that this property is a character-defining structure within the environs of Sumner Elementary School, and its demolition would encroach upon, damage or destroy these environs. The City Council must determine that no feasible alternatives exist to the proposed demolition before a demolition permit may be issued.)

POLICY ISSUE:

The State of Kansas Historic Preservation Office (SHPO) has determined that this property is a character-defining structure within the environs of Sumner Elementary School, and its demolition would encroach upon, damage or destroy these environs. The SHPO has determined that retaining 324 SW Taylor Street is important to preserving the historical context of Sumner Elementary School.

STAFF RECOMMENDATION:

The Planning Department recommends APPROVAL of the demolition permit ONLY if neither of the following two options are found to be a feasible alternative to the demolition:

- 1) Continued use of the property as a single-family home;
- 2) Relocation of the home to another suitable site.

The Topeka Landmarks Commission has not had an opportunity to review or comment on this proposed demolition.

BACKGROUND:

The property consists of a single-story wood-framed bungalow, dating approximately to the 1940s. The current property owner purchased the home after it had suffered significant interior damage from a fire. The owner also owns the adjacent properties to the north and south of this home, with his primary residence being 328 SW Taylor Street. It is the owner's intent to utilize the resulting vacant lot as a side-yard for his adjacent residence.

Item #12

BUDGETARY IMPACT:

Demolition of the home will remove the property from property tax rolls. Total appraised value for the property is \$5,640.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Photos](#)

[Aerialn Photo](#)

[Property Owner Letter](#)

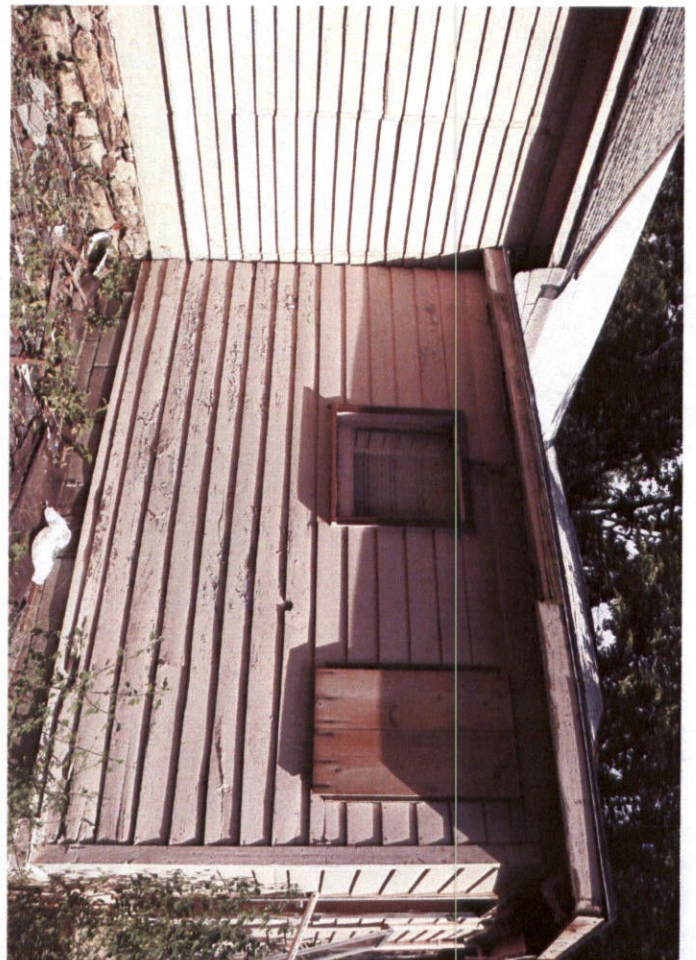
[SHPO Letter](#)

[Code Memo](#)

[Cost Estimate](#)











Sumner Elementary School

Taylor

324 SW Taylor Street

4th

4th

Polk

3rd

September 3, 2008

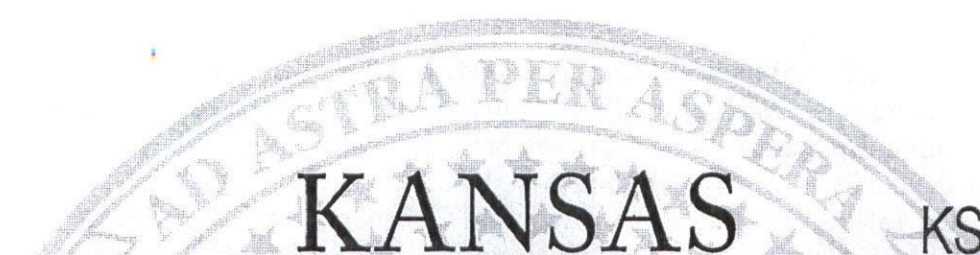
Topeka City Council
Topeka, KS

I recently purchased a house at 324 SW Taylor, Topeka, KS, 66603 and have requested permission to demolish it. It is approximately 700 sq ft and has been in an unlivable condition for six years. It's south wall is only 5' from my primary residence at 328 SW Taylor. I am the owner of all property adjacent to and including the house in question and am wanting to demolish the house to provide for yard space for my primary residence, and also believe that it will enhance the overall neatness and beauty of the block.

The Historical Society has ruled that this house has defining characteristics of the block and has denied permission to demolish the house. I am asking the Topeka City Council to overrule this decision and grant permission for demolition.

Sincerely,

Steve Stutzman
328 SW Taylor
Topeka, KS 66603
785-554-6878



KANSAS

KSR&C No. 08-08-209

Kansas State Historical Society
Jennie Chinn, *Executive Director*

KATHLEEN SEBELIUS, GOVERNOR

August 26, 2008

Steve Stutzman
328 SW Taylor
Topeka, KS 66603

RE: Proposed Demolition of 324 SW Taylor Within the Environs of National Register-Listed Sumner High School – Shawnee County

Dear Ms. Stutzman:

We have reviewed the materials received on August 26, 2008 regarding the above-referenced project 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 in the National Register of Historic Places and/or the Register of Kansas Places, or those properties that are located within 500 feet of the boundaries of historic properties or districts located within the corporate limits of a city are subject to review.

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

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

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

The environs of Sumner High School are defined by a grouping of closely related late 19th and early 20th century single-family residences. The house at 324 SW Taylor is a record of its time and helps to define the close spatial relationship of buildings surrounding Sumner High School. Therefore, demolition of this structure is considered an adverse effect.

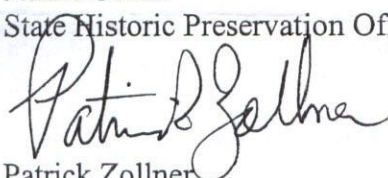
The statute states that the project cannot proceed until the local governing body has determined, based on a consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the project includes all possible planning to minimize harm to the historic property 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 Kim Norton at 785-272-8681, ext 225.

Sincerely,

Jennie Chinn

State Historic Preservation Officer

A handwritten signature in dark ink, appearing to read "Patrick Zollner", is written over the printed name.

Patrick Zollner

Director, Cultural Resources Division

Deputy State Historic Preservation Officer

CC: Tim Paris, City of Topeka



CITY OF TOPEKA

Property Code Enforcement Unit
620 SE Madison Unit 13
Topeka, KS 66607-1118

Phone (785) 368-3161
Fax (785) 368-3175
www.topeka.org

October 7, 2008

Steven Stutzman
328 SW Taylor Street
Topeka, Kansas 66603

Ref: 324 SW Taylor Street

The above referenced property has severe fire damage. At this time the house is totally uninhabitable. Items that require replacement are as follows:

1. Replace seven (7) windows with screens.
2. Replace the roof. There is fire damage to the rafters and sheeting and the shingles on the rear side of the house are very deteriorated.
3. The roof soffit on the south side of the house is missing and needs replaced when the roof is replaced.
4. The current sewer stack has improper installation and will require several additional feet added to the current stack.
5. The north exterior wall of the house bulges outward. The wall will need opened up and the sill plate inspected and adjusted as needed and the wall studs reset. Then the exterior siding will need addresses as well as the interior sheet rock.
6. The siding on the south exterior wall of the rear addition needs the rotted siding replaced.
7. The ceilings and walls of the kitchen, bathroom, and utility room are heavily fire damaged. The living room, dining room & the bedroom are heavily smoke damaged. All rooms need re-sheet rocked.
8. The kitchen sink and cabinets, toilet stool, bathing facility, lavatory sink and base cabinet all need replaced.
9. The electrical system, plumbing system, and heating system all need replaced.

Donald E. Carey
Property Code Enforcement Inspector
785-368-3173

Estimate of repair costs for 324 SW Taylor

Demo	\$5,600.00
all debris, drywall, lathe, fixtures, cabinets down to bare studs	
Trash removal	\$600.00
dumpster fees	
Replace burnt and rotting lumber throughout structure	\$2,550.00
labor and material	
Foundation repair	\$2,800.00
labor and material	
Repair rotted and damaged subfloor	\$1,120.00
labor and material	
Insulation	\$2,740.00
Walls and ceiling, labor and material	
Drywall	\$4,070.00
hang, tape, finish all walls and ceilings	
Interior paint	\$1,685.00
all interior walls and trim	
Exterior paint	\$1,050.00
all wood siding and trim	
Doors, interior and exterior	\$1,120.00
labor and material	
Windows	\$1,375.00
labor and material	
Trim	\$2,780.00
labor and material	
New roof	\$1,960.00
labor and material	
New Facia/soffit	\$930.00
labor and material	
Rebuild porch	\$1,370.00
floor, banister, and posts where rotted and damaged	
replace ceiling and skirting	
Plumbing	\$5,580.00
rough and finish, labor and material	
Heating/air	\$7,230.00
rough and finish, labor and material	
Electric	\$4,835.00
rough and finish, labor and material	
Kitchen/bath cabinets	\$9,500.00
cabinets, countertops, hardware	
labor to install	
Flooring	\$2,365.00
labor and material, tile in kitchen and bath	
labor and material, carpet remaining areas	
Total	\$61,260.00



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 7, 2008

+ Back Print

DATE: October 21, 2008

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

SECOND PARTY/SUBJECT: Drainage Improvement Project **PROJECT #:** T-151001-00 (HTE 150790)

CATEGORY/SUBCATEGORY 015 Petitions/001 Benefit District

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A PETITION, A PROJECT BUDGET in the amount of \$144,500 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Drainage Improvement Project No. T-151001.00 (HTE 150790) which provides for the preparation and implementation of an application for permit from the Army Corps of Engineers including mitigation for two retention facilities located in Lauren's Bay Estates, as more specifically described herein. (Council District No. 7)

(Approval would allow for construction of two retention pond facilities located in Block E and Block M, of Lauren's Bay Estates, which is southwest of SW 47th Street and SW Wanamaker Road. The project costs are to be paid 100% by the Improvement District.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Accept the Petition.
Adopt the Project Budget and Resolution of Advisability and Authorization as presented.

BACKGROUND:

The owners are petitioning to construct two retention facilities located in Block E and Block M, as platted in Lauren's Bay Estates. These two permanent wet-bottom ponds will provide an amenity to the neighborhood. Detention ponds are required for the development of Lauren's Bay Estates. However, detention ponds normally drain out completely over a period of time, and the developer would instead like to provide a permanent body of water. Included in this project are engineering costs, application preparation costs, application fees, mitigation implementation, and all other contingencies necessary to complete this project.

BUDGETARY IMPACT:

Project Budget: \$144,500.00

Item #13

The Improvement District consists of the following lots:

All in Lauren's Bay Estates

Block B, Lots 15 through 28

Block C, Lots 1 through 9

Block D, Lots 1 through 5 and Lots 7 through 25

Block E, Lots 1 through 9, Lots 12 through 23 and Lots 25 through 49

Block H, Lots 8 through 13

Block I, Lots 4 through 6

Block J, Lots 1 through 9 and Lots 15 through 22

Block K, Lots 1 through 4 and Lots 7 through 11

Block M, Lots 1 through 17, Lots 19 through 58,
Lots 60 through 72 and Lots 74 through 79

Block N, Lots 1 through 12 and Lots 14 through 49

Block O, Lots 1 through 7

Block P, Lots 1 through 8

Block Q, Lots 1 through 40 and Lots 42 through 53

Block R, Lots 1 and 2

On a unit basis (321 Lots with 1 unit per Lot).

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Project Budget](#)

[Debt Service](#)

[Petition](#)

[Vicinity Map](#)

PROJECT BUDGET
Project No. T- 151001.00 (HTE # 150790)
Retention Pond Facilities in Lauren's Bay Estates

LOCATION:

Block E and Block M, of Lauren's Bay Estates, southwest of SW 47th Street and SW Wanamaker Road.

DESCRIPTION OF PROJECT:

This project will construct two permanent wet-bottom ponds in Block E and Block M of Lauren's Bay Estates. Detention ponds are required for the development of Lauren's Bay Estates. However, these detention ponds would normally drain out completely over time, and the developer would instead like to provide retention ponds with a permanent body of water in them as an amenity for the neighborhood. The project will include engineering costs, application preparation costs and fees, mitigation implementation, and all other contingencies needed for a complete project.

This project is a Petition Project.

SOURCE OF FUNDS:

Costs are to be paid 100% by the Owners within the Improvement District. The method of assessment is on a unit basis for each of the 321 Lots within the District.

COST ESTIMATE:

	<u>District</u>	<u>Total</u>
Construction:	\$88,300.00	\$88,300.00
Design:	\$29,500.00	\$29,500.00
Construction Service Fees:		
<i>Construction Inspection:</i>	\$5,400.00	\$5,400.00
<i>Construction Staking:</i>	\$1,600.00	\$1,600.00
Administrative Fees:		
<i>Legal Dept. Admin.</i>	\$3,600.00	\$3,600.00
<i>Engineering Admin.</i>	\$2,500.00	\$2,500.00
Right-of-Way	\$0.00	\$0.00
Contingency Amount:	\$3,600.00	\$3,600.00
Temp. Notes & Cost of Issuance:	\$10,000.00	\$10,000.00
Total:	\$144,500.00	\$144,500.00

PROJECT ENGINEER: Shawn Bruns

GO Bond Cost of Project

PROJECT: T-151001.00 (HTE # 150790)

Interest rate	5.25%
Number of Years	20

Cost of Issuance	2.50%
Temp Note interest	5.000%

Principal	\$134,400
Plus Temp Note Interest	\$6,720
Plus Cost of Issuance	<u>\$3,360</u>
Total Project Budget	\$144,480

Annual Debt Service	\$11,840
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$236,809
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Difference Project Cost and Total Debt Service	\$102,409
--	-----------

GO Bonded Indebtedness as of December 2007	\$153,840,000
Heartland Park STAR Bonds	\$10,405,000
College Hill TIF	\$5,840,000
2007 Temporary Notes that Finance Future GO Bond projects	\$9,200,000
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$6,163,840
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	<u>3,799,745</u>
Total Indebtedness	<u><u>\$189,248,585</u></u>
Plus Project	\$189,393,065

IMPROVEMENT PROJECT

PETITION

THE MAYOR AND COUNCILMEMBERS
City of Topeka

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

DRAINAGE IMPROVEMENT PROJECT NO. T-151001.00; (HTE 150790)

A. GENERAL NATURE OF IMPROVEMENT:

To Prepare and Implement:

Application for Nationwide Permit, and Individual Permit if necessary, from the Army Corps of Engineers including mitigation for two retention facilities located in Block E and Block M, as platted in LAUREN'S BAY ESTATES. Included in this project are engineering costs, application preparation costs, application fees, mitigation implementation, and all other contingencies necessary to complete the project.

B. PROPOSED IMPROVEMENT DISTRICT:

Lots 15 through 28, inclusive, Block B; Lots 1 through 9, inclusive, Block C; Lots 1 through 5, inclusive, and Lots 7 through 25, inclusive, Block D; Lots 1 through 9, inclusive, and Lots 12 through 23, inclusive, and Lots 25 through 49 inclusive, Block E; Lots 8 through 13, inclusive, Block H; Lots 4, 5, and 6, Block I; Lots 1 through 9, inclusive, and Lots 15 through 22, inclusive, Block J; Lots 1 through 4, inclusive, and Lots 7 through 11, inclusive, Block K; Lots 1 through 17, inclusive, Lots 19 through 58, inclusive, Lots 60 through 72, inclusive, and Lots 74 through 79, inclusive, Block M; Lots 1 through 12, inclusive, and Lots 14 through 49, inclusive, Block N; Lots 1 through 7, inclusive, Block O; Lots 1 through 8, inclusive, Block P; Lots 1 through 40, inclusive, and Lots 42 through 53, inclusive, Block Q; Lots 1 and 2, Block R; all in LAUREN'S BAY ESTATES.

C. ESTIMATED OR PROBABLE COST:

\$144,500.00 (One Hundred Forty-four Thousand Five Hundred dollars)

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

D. METHOD OF ASSESSMENT:

On a unit basis for all lots or individual dwelling sites which are included in the improvement district. This project consists of 321 Lots with 1 unit per Lot.

E. APPORTIONMENT OF COSTS:

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

F. CERTIFICATION OF SIGNERS OF THE PETITION:

We understand, agree and certify:

- (i) That we own 100% of the property or properties included in the Improvement District; and
- (ii) That this Petition is one submitted pursuant to subsection (c) of K.S.A. 12-6a04, and amendments thereto; and
- (iii) That the proposed Improvement District does not include all properties which may be deemed to benefit from the proposed improvements; and
- (iv) That we may not withdraw our signature from this Petition after the City Council commences consideration of this Petition or later than seven (7) days after such filing, whichever occurs first; and
- (v) That we are willing to pay the costs of the proposed improvements; and
- (vi) That we hereby waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. *et seq.*, Further we request that the City Council adopt a Resolution authorizing the above described improvement; and
- (vii) That the parcels of property contained within the Improvement District may not be modified, changed or altered by replatting or other means until assessments have been levied; and
- (viii) That, in addition to the costs for the improvement, we will be responsible for paying all applicable rates, fees or charges for municipal services such as water, sanitary sewer or storm water management; and
- (ix) That, if the property is not owned by an individual or individuals, we have disclosed the name of the company, partnership, trust corporation or other entity which owns the property along with our title, position or office, and we have been duly authorized to execute this Petition on behalf of the entity.

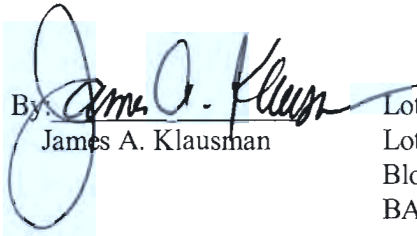
I, the undersigned, hereby certify that I have personally witnessed each and every person whose name appears on this document individually affix his or her signature and swear that the foregoing is true and correct to the best of my knowledge.

9/26/08
Date


Signature of Person Carrying Petition

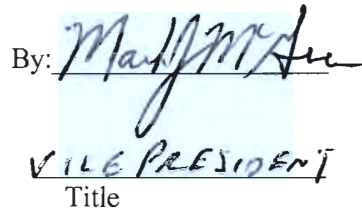
<i>Name of Property Owner</i>	<i>Name, Title and Signature of Person Executing Petition</i>	<i>Legal Description of Property Owned</i>	<i>Date</i>
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James A. Klausman
5817 SW Clarion Lakes
Way
Topeka, KS 66610

By: 
James A. Klausman

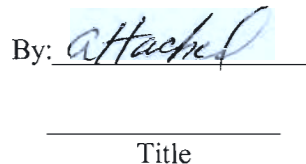
Lots 20 and 21, Block B;
Lots 19 through 22,
Block J; LAUREN'S
BAY ESTATES.

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

By: 
VILE PRESIDENT
Title

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

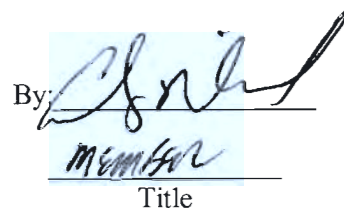
Red 5, LLC
1321 Wakarusa Drive
Lawrence, KS 66049

By: 

Title

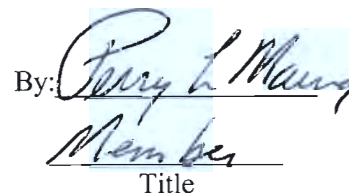
Lots 8 through 12, Block
H; Lots 4 and 5, Block J;
Lots 6, 7, and 8, Block
C, LAUREN'S BAY
ESTATES.

RAKD, LLC
3807 N Kansas Avenue
Topeka, KS 66617

By: 
member
Title

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

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

By: 
Member
Title

Lots 1 through 4, Block E;
Lots 6 through 10,
Block M, LAUREN'S
BAY ESTATES.

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

Charles F. Dultmeier Trust
Jon Rollenhagen
Susan Rollenhagen
Brian Dultmeier
Traci Dultmeier

3812 SW 40th Street
Topeka, KS 66610

By: Charles F. Dultmeier Trustee
By: Jon Rollenhagen
By: Susan Rollenhagen
By: Brian Dultmeier
By: Traci D. Dultmeier
Traci Dultmeier

Lots 7 through 25, Block D;
Lots 12 through 23 and Lots 25
through 49, Block E; Lots 16
through 17, Lots 19 through 72, and Lots 74 through 79,
Block M; Lots 1 through 12, and
Lots 14 through 49, Block N;
Lots 1 through 7, Block O;
Lots 1 through 8, Block P;
Lots 1 through 40, and Lots 42
through 58, Block Q; Lots 1
and 2, Block R, LAUREN'S BAY
ESTATES.

Brainstorm Development
Group, LLC

3031 SW Wanamaker Rd.
Topeka, KS 66614

By: Eugene Jani, Jr.

President
Title

Lots 1 through 5, and Lot 9, Block C;
Lots 1 through 5, Block D;
Lots 4, 5, and 6, Block I; Lots 2 and 3,
and Lots 6 through 9, and Lots 15
through 17, Block J;
Lots 1 through 8, and Lots 10 and 11,
Block K; LAUREN'S BAY ESTATES

CERTIFICATION OF PERSON CARRYING PETITION AND WITNESSING SIGNATURES

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

9/23/08
Date

Charles F. Dultmeier
Signature of Person Carrying Petition

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

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

James A. Klausman

5817 SW Clarion Lakes
Way
Topeka, KS 66610By: _____
James A. KlausmanLots 20 and 21, Block B;
Lots 19 through 22,
Block J; LAUREN'S
BAY ESTATES.

McGivern Realty, Inc.

3333 SE 21st Street
Topeka, KS 66607By: _____

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

Red 5, LLC

1321 Wakarusa Drive
Lawrence, KS 66049By: Sam D Campbell
Manager
TitleLots 8 through 12, Block
H; Lots 4 and 5, Block J;
Lots 6, 7, and 8, Block
C, LAUREN'S BAY
ESTATES.

RAKD, LLC

3807 N Kansas Avenue
Topeka, KS 66617By: _____

TitleLots 22 through 28, Block
B; Lot 13, Block H; Lots
1 and 18, Block J; Lot 9
Block K, LAUREN'S
BAY ESTATES.Lakeview Development,
LLC3323 SE 21st Street
Topeka, KS 66607By: _____

TitleLots 1 through 4, Block E;
Lots 6 through 10,
Block M, LAUREN'S
BAY ESTATES.

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

Page 3 of 4

9/23/08 Cancelled by Chack & L. Oulfin

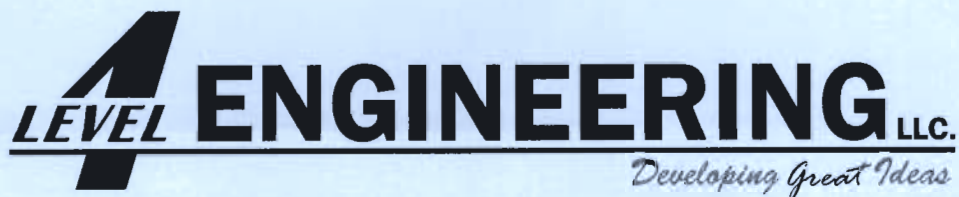
CERTIFICATION OF DEVELOPER

I, the undersigned developer of record of real estate located within the Improvement District, hereby certify:

- (i) That I have no financial interest in any property with delinquent special assessments anywhere within the City; and
- (ii) That I will notify, in writing, each and every purchaser of parcels of property within the Improvement District that the property is subject to special assessments to pay for the Improvement; and
- (iii) That I will notify in writing each and every purchaser of parcels of property within the Improvement District that in addition to the costs for the Improvement, the property owners will be responsible for paying all applicable rates, fees or charges for municipal services such as water, sanitary sewer or storm water management.

9/26/08
Date

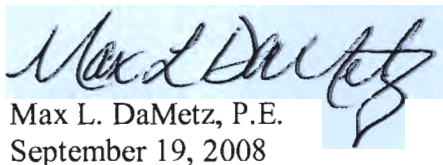
Chuck Carlson
Signature



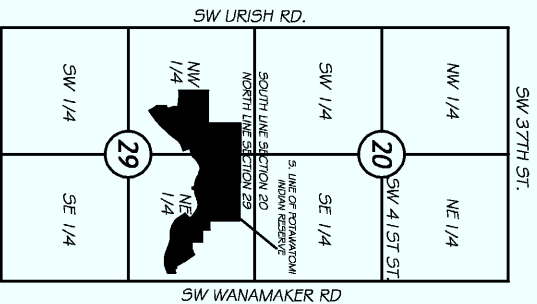
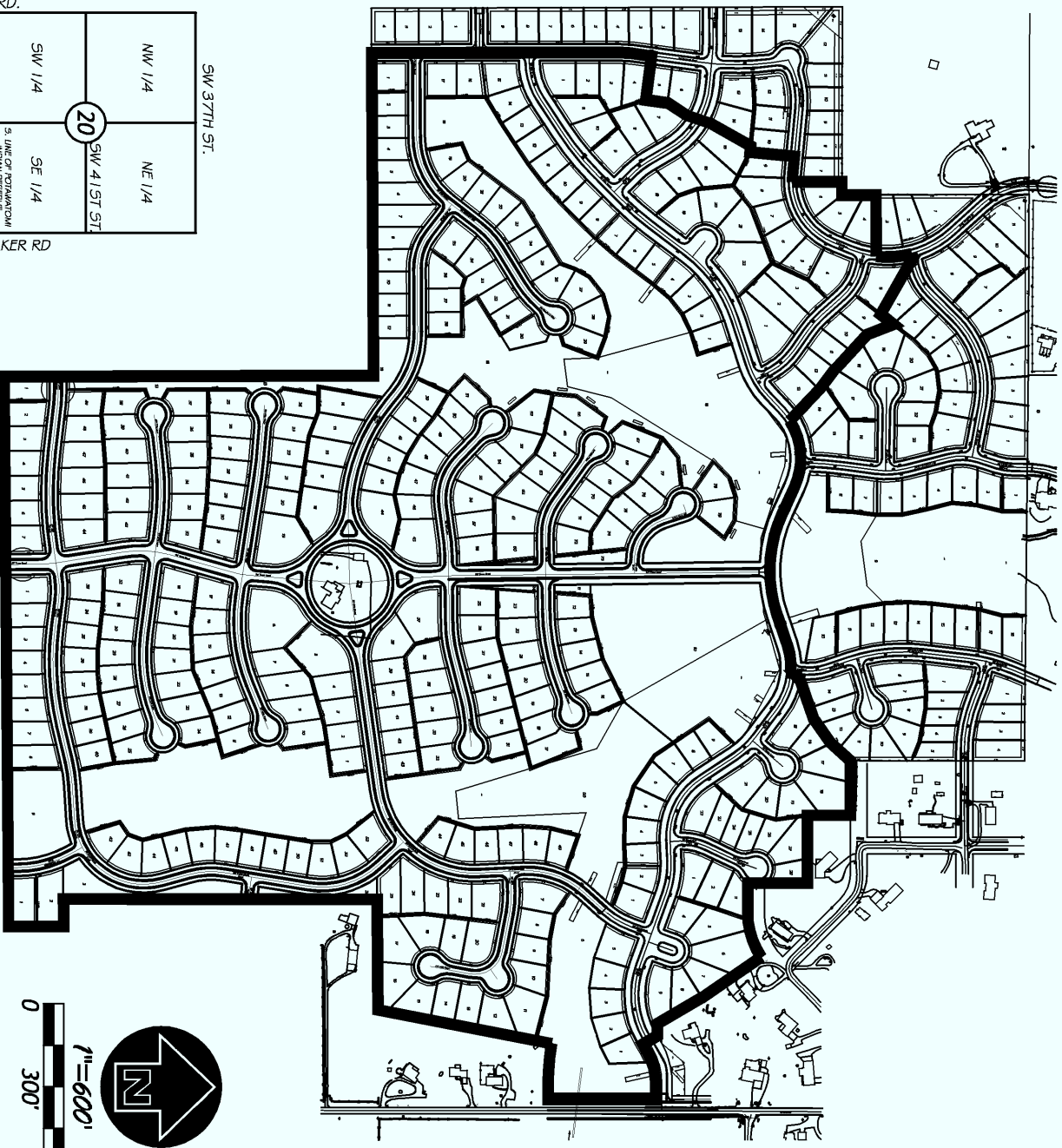
Project Budget
for
Lauren's Bay Estates
Army Corps of Engineers Application
And
Mitigation Implementation

1. Mitigation	\$88,300.00
2. Application Preparation.....	\$22,000.00
3. Coordination and Printing.....	\$ 7,500.00
4. Project Service Fees	
Inspection & Materials Testing	\$5,400.00
Project Engineer	\$2,600.00
5. Administrative Fees (2%).....	\$2,500.00
6. Legal Administrative Fees (3%)	\$3,600.00
7. Contingency (3%)	\$3,600.00
8. Interim Interest and Issuance of Bond (7.5%).....	\$9,000.00
Total	\$ 144,500.00

Prepared by:


Max L. DaMetz, P.E.
September 19, 2008

Lauren's Bay Estates Pond Benefit District Exhibit



SW 53RD ST.
LOCATION MAP

SECTION 28-12-15

Sheet 1 of 1



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 6, 2008

+ Back Print

DATE: October 21, 2008
CONTACT PERSON: Jim Langford
SECOND PARTY/SUBJECT:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting for the City of Topeka, Kansas, the 2009-2013 Capital Improvement Program and the 2009-2010 Capital Improvement Budget.

(The resolution approves both the 2009-2013 Capital Improvement Program (CIP), inclusive of the two-year Capital Improvement Budget (CIB) for 2009-2010.)

POLICY ISSUE:

To determine which projects should be included in the 2009-2013 Capital Improvement Plan.

STAFF RECOMMENDATION:

Approve the resolution.

BACKGROUND:

The City passes a five-year CIP and a two-year CIB 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](#)

Item #14

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting for the City of Topeka, Kansas, the 2009-2013 Capital Improvement Program and the 2009-2010 Capital Improvement Budget.

WHEREAS, the 2009-2013 Capital Improvement Program has been prepared by staff; and

WHEREAS, a 2009-2010 Capital Improvement Budget has been prepared and recommended to the City Manager; and

WHEREAS, the City Manager has considered and recommends approval of said Program and Budget to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Topeka, Kansas, approves and adopts the 2009-2013 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.

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.

The City Council shall not authorize any other capital improvement projects for the 2009-2010 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.

BE IT FURTHER RESOLVED, that Council of the City of Topeka, Kansas, approves and adopts the 2009-2010 Capital Improvement Budget consisting of the improvement projects and funding sources as contained in Attachment A, attached hereto.

Implementation of the projects contained in the 2009-2010 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 in the Capital Improvement Budget.

This Resolution shall become effective upon passage and approval by the City Council.

ADOPTED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

CIP Attachment A

2009 - 2013 Capital Improvement Program 2009-2010 Capital Improvement Budget	Approved 2009	Approved 2010	Approved 2011	Approved 2012	Approved 2013	Other Source	Other Contrib.
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Enterprise Funded Projects**Pub Wrks/Water Pollution Control Fund**

N Topeka Distributed Control Sys.	500,000	-	-	-	-	Operations	
Northland I Pump Station	750,000	-	-	-	-	Rev Bond	
Inflow/Infiltration correction Prg.	700,000	700,000	700,000	700,000	700,000	Operations	
SKRPS Project	1,500,000	4,000,000	-	-	-	SRF Loan	-
Southwest Interceptor	1,960,000	-	-	-	-	Bond/Develop	
Sewer Service Extension	-	1,000,000	1,000,000	1,000,000	1,000,000	Operations	
Grant/Jefferson Pump Station Rehab	800,000	4,800,000	7,000,000	-	-	Rev Bond	
Rehab/Replace Adams Interceptor	-	300,000	4,000,000	-	-	Rev Bond	
Rehab/Replace Pump Stations	1,000,000	-	1,000,000	1,000,000	1,000,000	fees	
N Topeka Pump Station	-	-	-	5,000,000	-	Rev Bond	
North Topeka WWTP Rehabilitation	-	-	-	750,000	4,250,000		
Rehab/Replace Main Interceptor	-	-	-	-	5,000,000		
Heartland Park Service Extension	-	-	-	-	1,800,000	RB--increase fees	
Subtotal Water Pollution Control	7,210,000	10,800,000	13,700,000	8,450,000	13,750,000		

Public Works/Stormwater Fund

Septic Tank Elimination Program	500,000	500,000	500,000	500,000	500,000	Operations	
Hwy 24 Storm Project	800,000	-	-	-	-	Operations	
Source Water Protection "Wanamaker Wetlands"	500,000	400,000	-	-	-	Operations	
SE 29th St Piping Replacement	300,000	-	-	-	-		
Furman Road Wetland	400,000	-	-	-	-	Operations	
Retrofit/New Storm Sewer System	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	Operations	-
Levee Work	251,000	251,000	1,444,000	2,101,000	2,101,000	Operations	
Subtotal Stormwater	3,751,000	2,151,000	2,944,000	3,601,000	3,601,000		

Public Works/Water Fund

Water Treatment Plant Rehabilitation	-	-	7,161,000	-	-	Rev Bond	
Skyline Dr-37th & Fairlawn to 41st and Wanamaker	-	-	1,210,000	-	-	Rev Bond	
California from 33rd to 41st Street	-	-	1,062,000	-	-	Rev Bond	
Reo -Kansas Ave to Topeka Blvd	-	-	605,000	-	-	Rev Bond	
17th & Belle Pressure Improvement	-	-	275,000	-	-	Rev Bond	
Berryton Rd 50th to 53rd	-	-	-	240,000	-	Rev Bond	-

CIP Attachment A

2009 - 2013 Capital Improvement Program 2009-2010 Capital Improvement Budget	Approved 2009	Approved 2010	Approved 2011	Approved 2012	Approved 2013	Other Source	Other Contrib.
34th & California to 29th & Golden	-	-	-	-	-	Rev Bond	-
Fairlawn, Skyline Dr to 45th	-	-	-	-	737,000	Rev Bond	-
45th St from Fairlawn to Gage	-	-	-	-	649,000	Rev Bond	-
12th St from Monroe to California	-	-	-	2,464,000	-	Rev Bond	-
Fairlawn Booster St-New East Pump	-	-	-	428,000	-	Rev Bond	-
W. Elevated Tank on Indian Hills Rd	-	-	-	-	5,545,000	Rev Bond	-
California-12th to 6th to Market	-	-	-	-	1,308,000	Rev Bond	-
41st & Cal E. to W. Edge and so. to 45th	-	-	-	1,064,000	-	Rev Bond	-
Southeast Elevated Tank	-	-	-	985,000	-	Rev Bond	-
Meriden Booster Station	-	-	-	406,000	-	Rev Bond	-
Subtotal Water	-	-	10,313,000	5,587,000	8,239,000		
Sub-Total Enterprise Fund	10,961,000	12,951,000	26,957,000	17,638,000	25,590,000		

General Improvement Fund

Housing & Neighborhood Dev.

Affordable Housing Projects Match	200,000	200,000	200,000	200,000	200,000	Fed HUD	4,000,000
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Police Department

Radios: Base, Mobile, and Portable	-	2,346,148	-	-	-		
Helicopter FLIR System	-	-	245,000	-	-		

Fire Department

Lease Pmt. on Breathing Apparati	100,000	100,000	-	-	-		
Digital Mobile and Portable Radios	-	708,128	-	-	-		

Zoo

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

Fleet Replacement Vehicles	600,000	1,000,000	1,000,000	1,000,000	1,000,000		
Rehab/Repair for City Facilities	-	300,000	300,000	400,000	400,000		-
PW-Sidewalk Repair 50-50	35,000	35,000	35,000	35,000	35,000	Assessments	175,000

Sub-Total General Improvement Fund	985,000	4,739,276	1,830,000	1,685,000	1,685,000		
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* 2009 GIF Adopted by appropriation in operating budget.

CIP Attachment A

2009 - 2013 Capital Improvement Program 2009-2010 Capital Improvement Budget	Approved 2009	Approved 2010	Approved 2011	Approved 2012	Approved 2013	Other Source	Other Contrib.
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Other Revenue Funded

Public Works/Parks & Rec

I-70 Beautification	650,000	-	-	-	-	KDOT/Private	650,000
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Zoo

Creatures of Darkness	1,200,000	-	-	-	-	FOTZ	1,200,000
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Sub-Total Other Revenue	1,850,000	-	-	-	-		
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GO Bonded Projects

Fire Department

Build Fire Station #13 (6th & Fairlawn)	116,375	3,340,000	-	-	-		
Refurbish Stations 3, 9 and 11	265,200	-	-	-	-		
Build Fire Station - Burn/Training Facility	-	847,000	1,000,000	-	-		
Subtotal	381,575	4,187,000	1,000,000	-	-		

Neighborhoods/Citywide

Neighborhood Infrastructure	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000		-
Citywide Neighborhood Infrastructure	-	528,000	590,000	595,000	595,000		
Fleet Maintenance Facility	-	-	-	700,000	1,400,000		
Subtotal	1,400,000	1,928,000	1,990,000	2,695,000	3,395,000		

Signals

STP Safety Projects	120,000	120,000	185,000	185,000	185,000	FHWA Safety	3,415,000
Signals Replacement	490,000	640,000	640,000	640,000	640,000		-
Traffic Controller Upgrade	102,400	102,400	-	-	-		-
Subtotal	712,400	862,400	825,000	825,000	825,000		

CIP Attachment A

2009 - 2013 Capital Improvement Program 2009-2010 Capital Improvement Budget	Approved 2009	Approved 2010	Approved 2011	Approved 2012	Approved 2013	Other Source	Other Contrib.
Streets							
ADA Street Curb Repair	500,000	500,000	500,000	350,000	350,000		-
SW 10th Sidewalk-Meadow to Civitan	-	-	250,000	-	-		
SW 29th Street and Fairlawn Rd	650,000	-	-	-	-	KDOT & STP	1,548,000
US HWY 24 and Topeka Blvd	-	1,500,000	-	-	-	Fed/KDOT	6,000,000
Wanamaker Rd: 29th to 33rd	-	250,000	-	3,050,000	-	STP	906,000
Wanamaker Rd: 33rd to 37th	-	-	250,000	100,000	2,900,000		
SW 6th Street - Gage to Westchester	-	-	-	300,000	250,000		
SW 6th Street - Westchester to Fairlawn	-	-	-	-	300,000		
Subtotal	1,150,000	2,250,000	1,000,000	3,800,000	3,800,000		
Bridges							
E 10th St. Bridge over Deer Creek	186,000	-	-	-	-	Federal BRM	322,000
Bridge SW 49th W over Topeka Blvd	84,000	70,000	286,000	-	-	Federal BRM	660,000
Bridge Overlay on SE 21st Street	-	-	-	300,000	-		
Bridge on Cherokee St over Ward Cr.	-	-	-	-	300,000		
Subtotal	270,000	70,000	286,000	300,000	300,000		
Parks & Recreation							
Trail Development	100,000	100,000	425,000	100,000	100,000		-
Playground Equipment	100,000	100,000	100,000	100,000	100,000		-
Ballfield Lighting (Phase 2)	444,000	-	-	-	-		
CC Window and Door Replacement	269,200	237,500	-	-	-		-
Bandshell Replacement	125,000	-	-	-	-		
Helen Hocker Office & Classroom	-	510,000	-	-	-		
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)	-	-	-	-	325,000		
Park Restrooms - B Shunga, M Palm, McDonald	-	-	308,100	-	-		
Gage Park Snyders' Cabin Shelter	-	-	614,800	-	-		
Gage Park Accessible Ball Field (NEW)	-	-	391,900	-	-		
Garfield Center Gym Floor Replace	-	-	-	-	120,000		
Park Maintenance Building	-	-	350,000	-	-		
Westlake Shelterhouse Renovation	-	-	-	-	456,300		
Water Spray Park – Crestview Park	-	-	-	1,022,900	-		
Gage Park Mini-Train Replacement	-	-	-	-	347,500		
Subtotal	1,038,200	1,307,500	2,299,800	1,372,900	1,448,800		

CIP Attachment A

2009 - 2013 Capital Improvement Program 2009-2010 Capital Improvement Budget	Approved 2009	Approved 2010	Approved 2011	Approved 2012	Approved 2013	Other Source	Other Contrib.
Zoo							
Tropical Rain Forest Roof	-	-	750,000	750,000	-		
Animals and Man Roof Replacement	150,000	-	-	-	-		
Autra/Asian Down Under Experience	-	-	1,500,000	-	-		
Subtotal	150,000	-	2,250,000	750,000	-		
Subtotal GO Bond Projects	5,102,175	10,604,900	9,650,800	9,742,900	9,768,800		
Contingency			500,000	500,000	500,000		
TOTAL GO Bond PROJECTS	5,102,175	10,604,900	10,150,800	10,242,900	10,268,800		
Total Annual Target	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000		
Difference Target to Subtotal	5,172,825	(329,900)	124,200	32,100	6,200		
Running Total	1,330,396	1,000,496	NA	NA	NA		
Benefit Districts/Special Assessments							
City Wide							
Special Assessment Financed Projects	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000		
Total CIP	21,398,175	30,795,176	41,437,800	32,065,900	40,043,800		



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 7, 2008

+ Back Print

DATE: October 21, 2008
CONTACT PERSON: JIM LANGFORD/KEJ **DOCUMENT #:**
SECOND PARTY/SUBJECT: WEEKLY EXPENDITURES **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 29, 2008, through October 5, 2008, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

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

STAFF RECOMMENDATION:

Adopt as presented.

BACKGROUND:

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

BUDGETARY IMPACT:

Approves expenditures for the period September 29, 2008, through October 5, 2008, in the amount of \$1,190,222.65.

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Weekly Expenditures](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of September 29, 2008, through October 5, 2008, 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 1310 vendor checks written in this period	\$313,129.28
	Total vendor checks voided in this period (net)	(000.00)
	Total electronic transfers to vendors in this period	877,093.37
	Total net payroll to employees this period	000.00
	Total payroll related electronic transfers this period	<u>000,000.00</u>
	Total for expenditures in this period	<u>\$1,190,222.65</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

August 19, 2008

+ Back Print

DATE:	October 21, 2008		
CONTACT PERSON:	David Thurbon/Bill Fiander	DOCUMENT #:	N/A
SECOND PARTY/SUBJECT:	James Speier et al.	PROJECT #:	V08S/5
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 a portion of a platted 25-foot wide street right-of-way in Schmitt's Addition located about 136-feet west of SE Hancock Street and 125-feet south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas. First Reading. (V08S/5)
(Council District No. 3)

(Approval would vacate a portion of a 25-foot wide platted street right-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 the 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.
- The 25-foot right-of-way has remained undeveloped since platted in 1882.
- The applicants wish to construct a fence to adjoin their properties and establish a tow lot.
- AT&T, Westar, Cox Communications and the City have utilities within the street right-of-way. The ordinance reflects retention of a 25-foot wide utility easement.
- Approval of the vacation should not be construed to imply support for existing or subsequent land development.

BUDGETARY IMPACT:

N/A.

SOURCE OF FUNDING:

Item #16

N/A.

ATTACHMENTS:

[Application](#)

[Check-off Page](#)

[Aerial](#)

[Ordinance](#)

[Legal Advertisement](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of a platted 25-foot wide platted street right-of-way in Schmitt's Addition located about 136 feet west of SE Hancock Street and about 125 feet south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas. **(V08S/5) (Council District No. 3)**

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

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by James Speier et al., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted street right-of-way located within the City of Topeka, Shawnee County, Kansas:

That portion of Stella Street in Schmitt's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Northwest corner of Lot 192 on Washington Avenue; thence east-southeasterly on the South line of Stella Street and its extension to the Northwest corner of the East 3 feet of Lot 253 on Stella Street; thence north-northeasterly parallel with the East line of said Lot 253 to an intersection with the North line of Stella Street; thence west-northwesterly to the Southwest corner of Lot 239 on Sixth Avenue; thence south-southwesterly 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 October 28, 2008, 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 street right-of-way located within the City of Topeka, Kansas:

That portion of Stella Street in Schmitt's Addition to the City of Topeka, Shawnee County. Kansas, described as: Beginning at the Northwest corner of Lot 192 on Washington Avenue; thence east-southeasterly on the South line of Stella Street and its extension to the Northwest corner of the East 3 feet of Lot 253 on Stella Street; thence north-northeasterly parallel with the East line of said Lot 253 to an intersection with the North line of Stella Street; thence west-northwesterly to the Southwest corner of Lot 239 on Sixth Avenue; thence south-southwesterly 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 the retention of a utility easement 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:

That portion of Stella Street in Schmitt's Addition to the City of Topeka, Shawnee County. Kansas, described as: Beginning at the Northwest corner of Lot 192 on Washington Avenue; thence east-southeasterly on the South line of Stella Street and its extension to the Northwest corner of the East 3 feet of Lot 253 on Stella Street; thence north-northeasterly parallel with the East line of said Lot 253 to an intersection with the North line of Stella Street; thence west-northwesterly to the Southwest corner of Lot 239 on Sixth Avenue; thence south-southwesterly 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 _____, 2008.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____
Not To Be Codified X



V08S/5 James Speier et al.

CITY OF TOPEKA PLANNING DEPARTMENT

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

PLANNING OFFICE USE ONLY

Date Submitted <u>3/27/08</u>	Date Advertised _____
Application No. <u>V085/5</u>	Date of Public Hearing _____
TO BE COMPLETED BY CITY CLERK'S OFFICE	
Filing Fee \$ <u>250⁰⁰</u>	Receipt No. <u>39621</u>

TOPEKA, KANSAS
2008 APR 24 A 11:00
RECEIVED
CITY CLERK

APPLICATION

City Vacation of Streets, Alleys and Easements

- Applicant(s): James R. Speier
- Applicant's Mailing Address: 7831 S.E. Paulen Road
City Berryton State: KS Zip: 66409
- Telephone: Area Code: 785 No.: 862-9038
- Legal description of property requested to be vacated as prepared by the City of Topeka Department of Public Works: See description prepared by Bill McCarter, City of Topeka Engineer.

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

Lots 243 & 245 Block No. _____
In 6th Ave East Subdivision Schmitt's

Metes and Bounds Description, if unplatted: _____

This process was started in 2000 by Peter Lambertus; however, he could not get a signature from A.E. West. We have since bought that property & Mr. Lambertus'. See attached letters that Mr. Lambertus had received. Thanks!

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 X

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

8. Briefly, describe the proposed development of the subject property and your reasons for vacating the property: Erect fence to adjoin our
properties for tow lot.

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

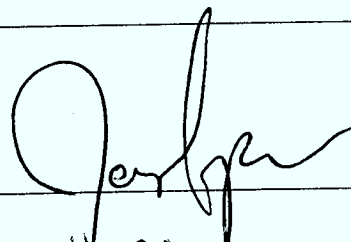
13. How are adjoining properties used? storage lot

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: _____

Signature of Applicant(s)


Kathleen M. Sperin

(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 _____

Street Address _____

City _____ State _____ Zip Code _____

Telephone No. () _____ Fax No. () _____



August 7, 2008

Re: Proposed Vacation of Stella Street, Topeka, Kansas

Ms. Cindy Johnson
City of Topeka Planning Department
620 S.E. Madison, 3rd Floor
Topeka, KS 66607

Dear Ms. Johnson:

BNSF Railway has no objection to the vacation of Stella Street in Topeka, Kansas.

Sincerely,


John Williams
General Manager

cc: Kathy Speler
783rd S.E. Paulen Road
Berryton, KS 66409

Please have the attached published in the Topeka Metro News in the Legal Advertising Section on September 26, 2008 and again on October 3, 2008.

IN THE MATTER OF THE PROPOSED VACATION OF:

Vacation of a portion of a platted 25-foot wide platted street right-of-way in Schmitt's Addition located about 136 feet west of SE Hancock Street and about 125 feet south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas. **(V08S/5) (Council District No. 3)**

NOTICE OF PUBLIC HEARING

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

To Whom It May Concern:

Public notice is hereby given that a petition has been filed by James Speier et al., owners of the concerned property, which includes a 25-foot wide strip of platted street right-of-way and praying that the street 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 October 28, 2008, 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.: **V08S/5** Location: **About 136' W. of SE Hancock St. & 125'
S. of SE 6th Avenue**

DEPARTMENTS:

- **Water Division:** X No Objection Objection
- **Engineering:** X No Objection Objection
Comments: There is a sanitary sewer in Stella Street which will require retention of the vacated right-of-way as an utility easement
- **Fire:** X No Objection Objection
- **Police:** X No Objection Objection
- **Shawnee County Refuse:** X No Objection Objection

UTILITY COMPANIES:

- **AT&T:** X No Objection Objection
Comments: AT&T has facilities on the south side of Stella running east/west. The facilities are on poles. At the southeast corner there's a pole with all 3 utilities attached. The pole is in line with the fence running north/south and on the west side of the alley. Our facilities turn south at this pole. We have no other facilities in the requested area. AT&T has no objection to the requested vacation of Stella St. as long as there's a utility easement for the current facilities.
- **Westar:** X No Objection Objection
- **Kansas Gas Service:** X No Objection Objection
- **Cox Communications:** X No Objection Objection

Cindy Johnson, Planner I

September 12, 2008



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 29, 2008

+ Back Print

DATE: October 21, 2008

CONTACT PERSON: Bill Fiander/David Thurbon **DOCUMENT #:** A08/3

SECOND PARTY/SUBJECT: Misty Harbor Estates Subdivision No. 4 **PROJECT #:**

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 001 Annexation

CIP PROJECT: No

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

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, located on the north side of SW 45th Street and approximately 450 feet east of the intersection of SW 45th Street and SW Misty Harbor Drive within unincorporated Shawnee County, Kansas, and contiguous to the City of Topeka corporate limits, and said land being annexed for all City purposes. **First Reading.** (A08/3) (Council District No. 7)

(Approval would authorize the annexation of a 5.99 acre-tract for 16 single-family residential lots. The property owner has granted their written consent to annexation.)

POLICY ISSUE:

The proposed annexation is consistent with the City's Comprehensive Plan policy for annexation since the property is contiguous with the city corporate limits, and is already adequately provided with municipal services.

STAFF RECOMMENDATION:

In conjunction with all City reviewing departments, staff recommends that this request be **APPROVED**.

BACKGROUND:

- The property is contiguous with the city corporate limits.
- The property owner has granted their consent to annexation which has been recorded with the plat.
- The property is already adequately provided with municipal services
- City Council options:
 - **Adopt** the Ordinance taking such land into and making it a part of the City for all City purposes and assigning it to City Council District No. 7; or
 - **Disapprove** the Ordinance and the site would not be annexed into the City of Topeka.

BUDGETARY IMPACT:

Upon annexation, the subject property will be made a part of the City for all City purposes. A detailed service plan is not required for "consent" annexations. Department comments are attached.

Item #17

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Department Comments](#)

[Ordinance](#)

[Aerial](#)

[Department Comment](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located on the north side of SW 45th Street and approximately 450' east of the intersection of SW 45th Street and SW Misty Harbor Drive, within unincorporated Shawnee County, Kansas, and contiguous to the City of Topeka corporate limits, and said land being annexed for all City purposes. **(A08/3)**
(Council District No. 7)

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

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520(a)(7), as amended, is hereby annexed and made a part of the City of Topeka, Kansas:

A tract in the East Half of the Southwest Quarter of Section 23, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as: Commencing at the Southeast corner of the East Half of said Southwest Quarter; thence on an assumed bearing of North 1°28'50" West on the East line of said Southwest Quarter, 30.00 feet to the point of beginning; thence South 87°36'52" West parallel with the South line of said East Half, 669.04 feet; thence North 1°29'46" West, 365.64 feet; thence North 88°30'14" East, 669.05 feet; thence South 1°28'50" East on the East line of said Southwest Quarter, 355.25 feet to the point of beginning.
Contains 5.54 acres, more or less.

Section 2. That all land described in Section 1 of this Ordinance is taken into and made a part of the City for all City purposes and is assigned to City Council District No. 7.

Section 3. 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, _____, 2008.

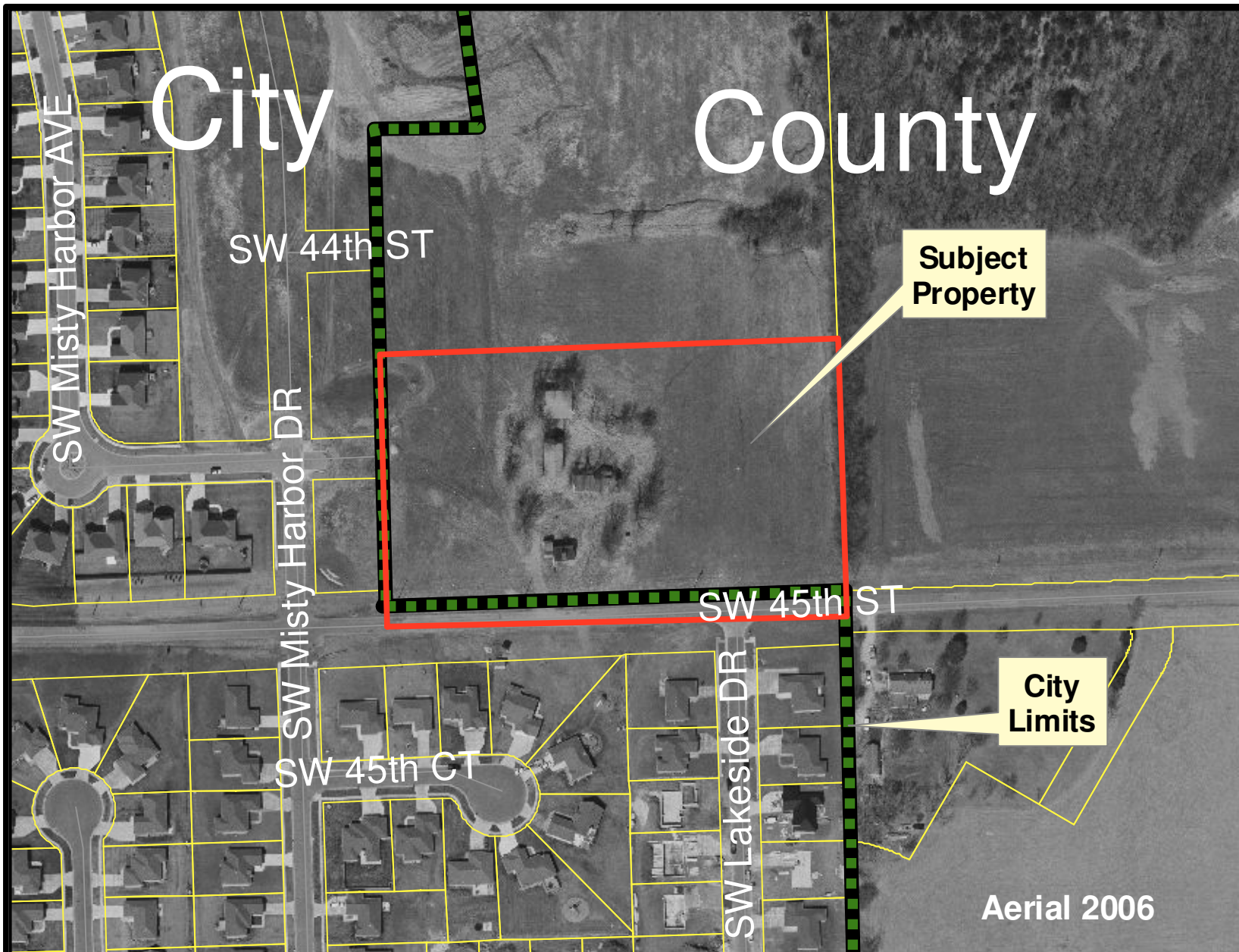
William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X



A08/3 Annexation of Misty Harbor Estates Subdivision No. 4

MISTY HARBOR ESTATES SUBDIVISION NO. 4 – PROPOSED ANNEXATION DEPARTMENT COMMENTS

City Engineering

1. No comments received (assumes no objection to this annexation).

Traffic Operations

1. No comments received (assumes no objection to this annexation).

Water Pollution Control

1. No comments received (assumes no objection to this annexation).

Water Department

1. The Water Division has no problem with this annexation. There is an existing 12" water main along the north side of SW 45th Street, also a dead end 6" water main on the southeast corner of SW Misty Harbor Dr. & SW 44th Terrace. that will need to be extended into and thru the area in order to provide service and fire protection. All water main extensions will be at developer expense.

Police Department

1. The area designated as Misty Harbor Estates Subdivision is located north of SW 45th Street and east of SW Misty Harbor Avenue. It is zoned for single family dwellings, with approximately 16 lots. The total number of acres it encompasses is 6.08. This would give the area an estimated population of 37 persons and a police radio call load estimated at 48 calls annually.
2. The Topeka Police Department would use existing services to answer police calls in this area. It would be assigned to current patrol zone 4. Zone 4 has a north boundary of 17th Street and an east boundary of Gage Avenue with the west and south boundaries being the city limits. Once Misty Harbor area starts generating police calls, the territory and zone configuration may need to be re-evaluated due to the estimated response time within the zone.

Fire Department

1. The Topeka Fire Department has three fire stations that would provide fire protection to this area. They are Fire Station #10, which is 1.77 miles away, Station #8, which is 4.10 miles away and Station #12 (Car 103), which is 6.39

miles away. The average drive time for the arriving companies is: Engine 10 and Truck 10 estimated drive time 4 to 5 minutes; Engine 8 and Truck 8 estimated drive time 7 to 9 minutes; and Car 103 estimated drive time 10 minutes.

2. This annexation would not present additional challenges to the timely delivery of fire and other emergency services provided by the Topeka Fire Department. This area is just outside of the 4-minute drive time area from the closest Topeka fire station. Stations that provide second, third and fourth arriving companies are further away and require approximately 7 to 9 minutes drive time.

Parks and Recreation

1. Parks and Recreation of Topeka has no problem providing services to the proposed annexation area known as Misty Harbor Estates Subdivision No. 4.



CITY OF TOPEKA

Transportation Operations
927 NW Harrison St.
Topeka, KS 66608
Tel: (785) 368-3913

Traffic Operations Section



Carlos Salazar, Manager
Email: csalazar@topeka.org
Fax: (785) 368-3936
www.topeka.org

MEMORANDUM

TO: Dean W. Diediker, Planner II
Planning Department

FROM: Carlos J. Salazar, Manager
Traffic Operations
Ed Winton, Superintendent

Cc: Transportation Operations
Linda Voss, Traffic Engineer
Engineering Division

SUBJECT: [A08/3] Misty Harbor Estates Subdivision No. 4 Annexation

DATE: October 9, 2008

The Traffic Operations Section has reviewed the submitted proposed annexation plan. The Traffic Operations Section will be able to provide appropriate traffic control signing and street name signs when needed. The contractor will pay for all costs associated with the fabrication of these signs. Please be advised that the current procedure is that the City does not provide streetlights immediately but residents may request them through the Traffic Operations Section for installation when funding is available.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 1, 2008

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

DATE: October 21, 2008

CONTACT PERSON: Jeff Hunt

DOCUMENT #:

SECOND PARTY/SUBJECT: Sanitary Sewer
Improvement

PROJECT #: T-401009-00 (HTE 409650)

CATEGORY/SUBCATEGORY

CIP PROJECT: Yes

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-401009.00 (HTE 409650) for the construction of the Southwest Interceptor approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the State of Kansas Loan Funds to pay the cost thereof. First Reading.

(Authorizing \$1,960,000 to allow for the construction of a new sanitary interceptor line to extend sanitary sewer coverage into an area southwest of Topeka. The improvements will begin near the SW 49th Street and Gage Boulevard intersection and extend to the SW 61st Street and Wanamaker Road intersection.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Project Budget and Adopt the Ordinance as presented.

BACKGROUND:

This project will extend sanitary sewer coverage into an area southwest of Topeka, beginning near the intersection of SW 49th Street and Gage Boulevard and extending to near the intersection of SW 61st Street and Wanamaker Road. It will serve approximately 2000 acres including several buildings for the Auburn-Washburn School District. The project will include sanitary sewer lines of various sizes, trenching and backfill, street crossings, manholes, rock excavation, and all other appurtenances needed for a complete project.

Item #18

Construction of the new interceptor line will allow USD 437 connection of certain District facilities to the City's sanitary sewer system in order for the District to eliminate its lagoon systems serving the High School/Middle School complex and the Jay Shideler Elementary School/Shuler Education Center complex pursuant to a Kansas Department of Health and Environment (KDHE) administrative order.

This project is listed in the 2008 and 2009 Capital Improvement Budget (CIB).

BUDGETARY IMPACT:

Project Budget: \$1,960,000.00

SOURCE OF FUNDING:

City of Topeka: \$1,500,000.00 -- Revenue Bonds, State Loan Funds, or any combination thereof, or any other lawfully available funds. The authorizing language includes General Obligation (GO) Bonds in case temporary note financing is necessary, but GO Bonds would not be used as a final financing instrument.

USD 437: \$310,000.00 -- Cash by Agreement

Private Developer: \$150,000.00 -- Cash by Agreement

ATTACHMENTS:

[Debt Service](#)

[Vicinity Map](#)

[Fact Sheet](#)

[Project Budget](#)

[Notice of Intent](#)

[Ordinance](#)

GO Bond Cost of Project

PROJECT: T-401009.00 (HTE 409650)

Interest rate	5.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	5.000%

Principal	\$1,401,875
Plus Temp Note Interest	\$70,094
Plus Cost of Issuance	<u>\$28,038</u>
Total Project Budget	\$1,500,007

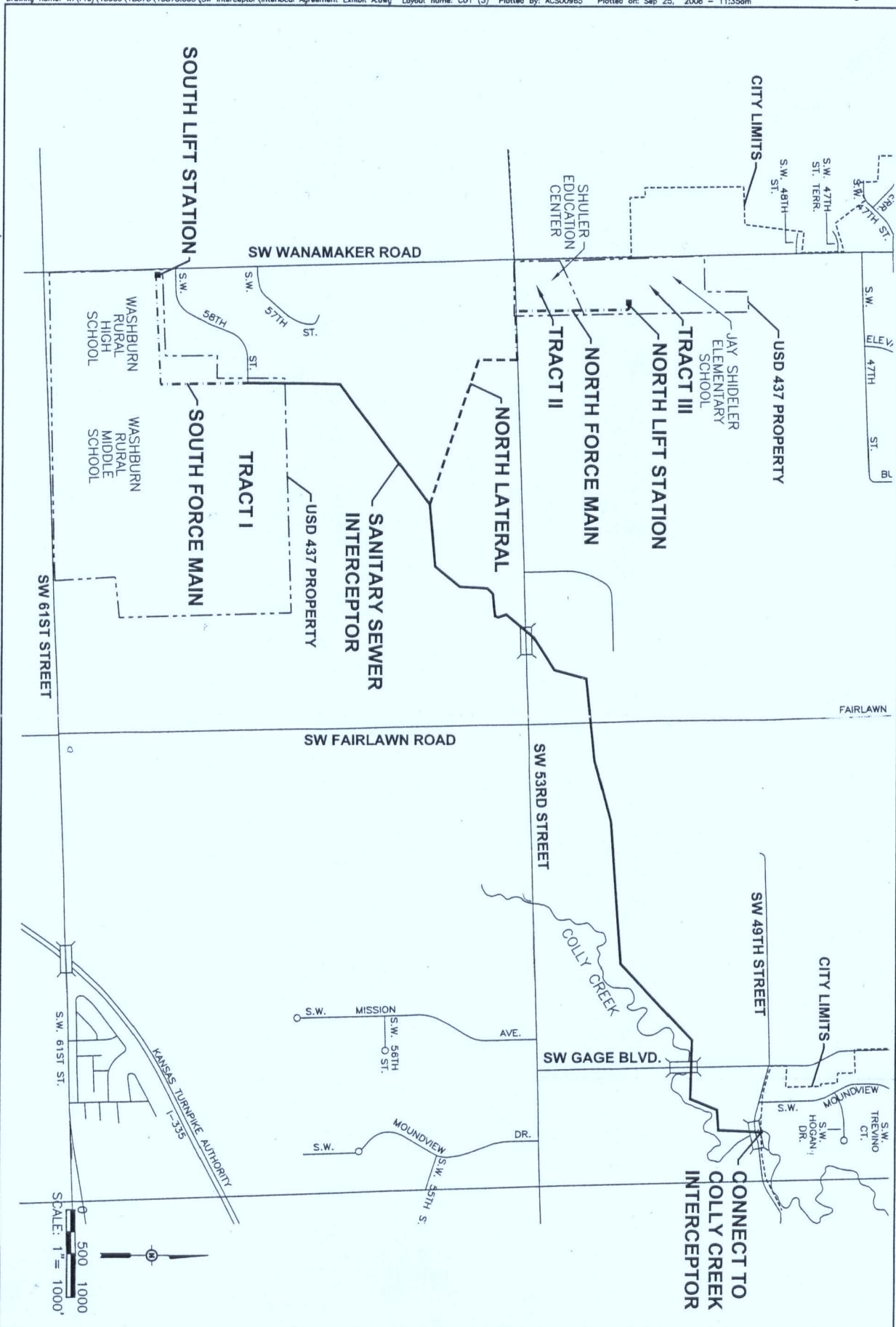
Annual Debt Service	\$122,929
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$2,458,580
---	-------------

Difference Project Cost and Total Debt Service	\$1,056,705
--	-------------

GO Bonded Indebtedness as of December 2007	\$153,840,000
Heartland Park STAR Bonds	\$10,405,000
College Hill TIF	\$5,840,000
2007 Temporary Notes that Finance Future GO Bond projects	\$9,200,000
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$6,163,840
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	<u>3,799,745</u>
Total Indebtedness	<u><u>\$189,248,585</u></u>
Plus Project	\$190,748,592

Drawing name: W:\Proj\15000\15875\15875.005\SW Interceptor\Interlocal Agreement Exhibit A.dwg Layout name: C01 (3) Plotted by: ACS00965 Plotted on: Sep 25, 2008 - 11:35am



CITY OF TOPEKA AND USD 437 INTERLOCAL AGREEMENT
SW INTERCEPTOR CONCEPT ALIGNMENT
EXHIBIT 'A'

FACT SHEET

Sanitary Sewer Improvement Project No. T 401009-00

General Nature of Improvements:

This project will extend sanitary sewer coverage into the area southwest of Topeka. The project will serve approximately 2,000 acres, including several buildings for the Auburn-Washburn School District. The project will include sanitary sewers from varying in size, related trenching and backfill, street crossing, standard manholes, rock excavation, design, survey, easement acquisition, inspection and related appurtenances needed for a complete project.

City Project Engineer: Jeff Hunt, P.E.

Construction Inspection: TBD

Construction Staking: TBD

Design Engineer: TBD

Cost: Project Budget - \$1,960,000.00

Financing: \$1,500,000 – City of Topeka
 \$310,000 – Auburn – Washburn School District USD 437
 \$150,000 – Private Developer

Remarks:

PROJECT BUDGET
Project No. T 401009-00
South West Interceptor

LOCATION:

A sanitary sewer line from near the intersection of SW 49th Street and SW Gage, to near the intersection of SW 61st Street and SW Wanamaker Road

DESCRIPTION OF PROJECT:

This project will extend sanitary sewer coverage into the area southwest of Topeka. The project will serve approximately 2,000 acres, including several buildings for the Auburn-Washburn School District. The project will include sanitary sewers from varying in size, related trenching and backfill, street crossing, standard manholes, rock excavation, design, survey, easement acquisition, inspection and related appurtenances needed for a complete project.

This project is listed in the 2008 and 2009 Capital Improvement Budgets.

SOURCE OF FUNDS:

City of Topeka - Revenue Bonds, State Loan Funds, General Obligation Bonds, or any combination thereof, or any other lawfully available funds; USD 437 - Cash by Agreement; Private Developer - Cash by Agreement

<u>COST ESTIMATE:</u>	<u>City of Topeka</u>	<u>USD 437 & Private Developer</u>	<u>Total</u>
Construction:	\$703,843.00	\$460,000.00	\$1,163,843.00
Design:	\$103,797.00	\$0.00	\$103,797.00
Construction Service Fees:			
<i>Construction Inspection:</i>	\$139,661.00	\$0.00	\$139,661.00
<i>Construction Staking:</i>	\$58,192.00	\$0.00	\$58,192.00
Administrative Fees:			
<i>Legal Dept. Admin.</i>	\$58,192.00	\$0.00	\$58,192.00
<i>Engineering Admin.</i>	\$23,277.00	\$0.00	\$23,277.00
Right-of-Way	\$146,654.00	\$0.00	\$146,654.00
Contingency Amount:	\$34,915.00	\$0.00	\$34,915.00
Temp. Notes & Cost of Issuance:	\$81,469.00	\$0.00	\$81,469.00
Loan Fund Debt Reserve	\$150,000.00		\$150,000.00
Total:	\$1,500,000.00	\$460,000.00	\$1,960,000.00

PROJECT ENGINEER: Jeff Hunt

(Published in the Topeka Metro News _____)

NOTICE OF INTENTION

NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make improvements under Improvement Project No. T-401009.00 (HTE #409650) which provides for the construction of the Southwest Interceptor and to issue and sell revenue bonds of said City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto, and to issue general obligation bonds pursuant to City of Topeka Code § A12-1, and to borrow funds from the State of Kansas Loan Funds, or any combination thereof, to pay the cost of the project.

Notice is hereby given that as provided by Ordinance No. _____ of the City of Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends to make improvements to the City-owned water, water pollution control, and stormwater utility system (the "System") under Improvement Project No. T-401009.00 (HTE #409650) which provides for extending the sanitary sewer coverage into the area southwest of Topeka by constructing the Southwest Interceptor. This project will include, but is not limited to, sanitary sewers varying in size, related trenching and backfill, street crossing, standard manholes, rock excavation, design, survey, easement acquisition, inspection and any related appurtenances needed for a complete project (the "Project").

Notice is further given that as provided by Ordinance No. _____ of the City, the Governing Body of the City intends to issue and sell one or more separate series of revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto, and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to borrow funds from the State of Kansas Loan Funds, or any combination thereof, payable from revenues of the System, in an aggregate principal amount not to exceed one million five hundred thousand dollars (\$1,500,000.00) and to so improve the System and make

public improvements to the City by completing the Project.

Unless written protests against the proposed Project signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen (15) days after the publication of this Notice, the Governing Body will proceed in accordance with the intention as set forth above to complete the Project and issue and sell its revenue bonds and/or general obligation bonds and/or borrow funds from the State of Kansas Loan Funds, payable from revenues of the System as above stated.

Done by order and direction of the Council of the City of Topeka, Shawnee County, Kansas, this _____ day of _____, 2008

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-401009.00 (HTE #409650) for the construction of the Southwest Interceptor approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code § A12-1, and authorizing the borrowing of funds from the State of Kansas Loan Funds to pay the cost thereof.

WHEREAS, the City is a municipality as defined by K.S.A. 10-101 and 10-1201 *et seq.* and all amendments thereto; and

WHEREAS, the City is authorized by the laws of the State of Kansas to issue and sell revenue bonds of the City for the improvement of its water, water pollution control, and stormwater utility system (the "System") pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto; and

WHEREAS, it is deemed by the governing body of the City to be necessary and advisable that the City to improve its System by extending the sanitary sewer coverage into the area southwest of Topeka by constructing the Southwest Interceptor. This project will include, but is not limited to, sanitary sewers varying in size, related trenching and backfill, street crossing, standard manholes, rock excavation, design, survey, easement acquisition, inspection and any related appurtenances needed for a complete project and doing all things necessary and incidental thereto (the "Project") and that the preliminary plans,

specifications and cost estimates for the Project heretofore duly prepared and filed in the office of the City Clerk of said City, which estimates show a total cost of the improvements to be approximately one million nine hundred sixty thousand dollars (\$1,960,000.00), of which one million five hundred thousand dollars (\$1,500,000.00) will be funded by the City and four hundred sixty thousand dollars (\$460,000.00) will be funded by USD 437 and a private developer, be approved; and

WHEREAS, it is found by the governing body that such Project will not cause a duplication of existing utility service furnished by a private utility; and

WHEREAS, the City of Topeka, Shawnee County, Kansas, is authorized pursuant to City of Topeka Code § A12-1, to issue general obligation bonds for the purposes of paying for improvement, repair or extension to the City's sanitary sewage disposal system; and

WHEREAS, the City desires to issue and sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the State of Kansas Loan Funds to fund the cost of the improvements or any combination thereof.

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

Section 1. That the estimates of costs of the Project as contained in the project budget, in the total amount of one million nine hundred sixty thousand dollars (\$1,960,000.00) which are set out on the project budget attached hereto and on file in the office of the City Clerk of said City, be and the same are hereby approved.

Section 2. That the general nature of the Project is as follows:

To extend the sanitary sewer coverage into the area southwest of Topeka by constructing the Southwest Interceptor. This project will include, but is not limited to,

sanitary sewers varying in size, related trenching and backfill, street crossing, standard manholes, rock excavation, design, survey, easement acquisition, inspection and any related appurtenances needed for a complete project.

Section 3. That notice be given by the governing body of the City of its intention to complete the Project in accordance with the plans, specifications and cost estimates and to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the State of Kansas Loan Funds in a total amount not exceeding one million five hundred thousand dollars (\$1,500,000.00) to pay the cost thereof. Such notice shall be signed by the Mayor and attested by the City Clerk and shall be published in the official City newspaper. Such notice shall describe the nature of the proposed improvements and shall state the amount of revenue and/or general obligation bonds proposed to be issued and/or loan funds to be borrowed, or any combination thereof for the payment of the cost of the project and otherwise, the notice shall be in the form as provided by law.

Section 4. That unless written protests against such proposed improvements signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen (15) days after publication of the notice herein authorized, the City both reasonably expects and intends to finance the costs as hereinbefore described from the proceeds of revenue bonds and/or general obligation bonds and/or loan funds or any combination thereof, payable from the rates, fees and charges of the System. The City does hereby express its official intent to reimburse any expenditures made in connection with the Project from System enterprise fund, or obligations incurred by, on or after the date which is sixty (60) days before the effective date of this Ordinance from the proceeds of its revenue bonds as aforesaid in the maximum principal amount previously

described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the expression of the governing body's official intent regarding the matters described herein, will be available, for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

Section 5. That this Ordinance shall take effect and be in force from and after its adoption by the Council of the City by at least a two-thirds (2/3) vote of the members thereof and publication in the official City newspaper.

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 22, 2008

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

DATE: October 21, 2008
CONTACT PERSON: Randy Speaker
SECOND PARTY/SUBJECT:
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 004 Public Improvements
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., establishing a Redevelopment District for the Southwest Topeka Boulevard District in Topeka, Kansas, pursuant to K.S.A. 12-1773, et seq., as amended. First Reading.

This item was added at the meeting.

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 7, 2008

+ Back Print

DATE: October 21, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 7, 2008

+ Back Print

DATE: October 21, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 7, 2008

+ Back Print

DATE: October 21, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 7, 2008

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DATE: October 21, 2008

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