



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 28, 2008
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Bunten

Councilmembers

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

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

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

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

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

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:**
"National American Indian Heritage Month"

2. **PRESENTATIONS:**
"Fleet Services"

3. **ROLL CALL:**

4. **CONSENT AGENDA:**

A. **MINUTES** of the regular meeting of October 21, 2008

B. **APPLICATIONS:**

C. **Resolution - Hope Lutheran Church**

A RESOLUTION introduced by Councilmember Jack Woelfel, granting Hope Lutheran Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

This item was added at the meeting.

(Approval would grant a noise exception for an event at 2636 SE Minnesota Street during the hours of 10:00 a.m. and 2:00 p.m. on November 1, 2008.)

5. **PUBLIC HEARINGS:**

A. **Public Hearing and Ordinance - Establishing South Topeka Boulevard TIF District**



[ATTACHMENTS](#)

A PUBLIC HEARING to consider the establishment of a redevelopment district for the Southwest Topeka Boulevard Area.

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. 12-1770, et seq., as amended. Final Reading.

(Establishment of the TIF district and the subsequent approval of a redevelopment plan would allow for the issuance of TIF bonds to finance site preparation, property acquisition and public infrastructure improvements. Adoption of this ordinance does not commit the City to the expenditure of any monies or the issuance of TIF bonds. It allows the City to consider the redevelopment of the identified area pursuant to the TIF statutes.)

B. **Public Hearing and Ordinance - James Speier et al. (V08S/5)**



[ATTACHMENTS](#)

A PUBLIC HEARING relating to vacation request V08S/5 by James Speier to vacate 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.

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. Final 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.)

6. **UNFINISHED BUSINESS:**

A. **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. **Final 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.)

B. Resolution - Amending the 2008-2009 Capital Improvement Budget

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas and rescinding Resolution No. 8086.

This item was added at the meeting.

(Amends the 2008-2009 Capital Improvement Budget (CIB) to accommodate the change in funding for the Southwest Interceptor project.)

C. Resolution - Amending the 2008-2012 Capital Improvement Program

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting the 2008-2012 Capital Improvement Program for the City of Topeka, Kansas and rescinding Resolution No. 8087.

This item was added at the meeting.

(Amends the 2008-2012 Capital Improvement Program (CIP) to accommodate the change in funding for the Southwest Interceptor project.)

D. Project Budget, Ordinance and Notice of Intention - Sanitary Sewer Improvement Project No. T-401009.00 (HTE 409650)

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$1,960,000 and **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. **Final Reading.**

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 Section A12-1, and to borrow funds from the State of Kansas Loan Funds, or any combination thereof, to pay the cost of the project.

(Approval would 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.)

7. NEW BUSINESS:

A. Developer Agreement - Dultmeier Homes Company - Sewer Interceptor Project No. T-401009.00

 [ATTACHMENTS](#)

A DEVELOPER AGREEMENT between the City of Topeka and Chuck Dultmeier/Dultmeier Homes authorizing the Developer to participate in Sewer Interceptor Project No. T-401009.00.

(The developer's portion of the project cost is \$150,000. Approval would allow the developer to connect any residences constructed on the property to the City's sanitary sewer system upon completion of all conditions outlined in the agreement.)

B. Interlocal Agreement - USD No. 437 - Sewer Interceptor Project No. T-401009.00



[ATTACHMENTS](#)

AN INTERLOCAL AGREEMENT between the City of Topeka and Unified School District No. 437 authorizing a joint cooperation to construct a sanitary sewer interceptor, lines and pump stations to connect certain facilities owned by USD No. 437 to the City's sanitary sewer system.

(The agreement shall not become effective unless the City Council authorizes a project budget in the amount of \$1,960,000; a legally binding contract with a private developer to contribute \$150,000 towards the cost of the construction of the interceptor project. The District's portion of the project cost is \$310,000. The City's portion of the project cost is \$1,500,000 and will be funded by City of Topeka Revenue Bonds, State Loan Funds, or any other lawfully available funds.)

C. Resolution - City of Topeka 2009 Legislative Agenda



[ATTACHMENTS](#)

A RESOLUTION introduced by Deputy Mayor Jeff Preisner, adopting the City of Topeka's legislative agenda for the 2009 legislative session.

(Approval would adopt the City of Topeka's legislative agenda for the 2009 legislative session.)

D. Resolution - Purchase of Police and Fire Department Vehicles



[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. authorizing the transfer and expenditure of general improvement fund monies for the replacement of vehicles for the Topeka Police and Fire Departments.

(Approval would authorize an expenditure of \$182,150 from the General Improvement Fund for the purchase of police and fire vehicles. These monies were appropriated in the 2008 Operating Budget.)

E. Settlement Agreement - Target Corporation

APPROVING SETTLEMENT of the Target Corporation Lawsuit, the amendment to the agreement and specifically authorizing the City Manager to sign said amendment.

This item was added at the meeting.

8. FIRST READINGS:

A. Ordinance - Credit Union One (V08A/2)



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of platted alley right-of-way, located east of property at 610 SW 10th Avenue, City of Topeka, Shawnee County, Kansas. First Reading. (V08A/2) (Council District No. 1)

(Approval would vacate a strip of public alley and establish a necessary public utility easement.)

9. MISCELLANEOUS:

-

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

-

11. PUBLIC COMMENT:

-

12. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 7, 2008

+ Back Print

DATE: October 28, 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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CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"National American Indian Heritage Month"

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:

"Fleet Services"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

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ATTACHMENTS:

No Attachments Available



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CIP PROJECT: No

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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 29, 2008

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DATE: October 28, 2008

CONTACT PERSON: Councilmember Jack Woelfel **DOCUMENT #:**

SECOND PARTY/SUBJECT: Hope Lutheran Church **PROJECT #:**

CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: Approve **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Jack Woelfel, granting Hope Lutheran Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

This item was added at the meeting.

(Approval would grant a noise exception for an event at 2636 SE Minnesota Street during the hours of 10:00 a.m. and 2:00 p.m. on November 1, 2008.)

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #8

Item #9

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Blight Study](#)

[White Lakes area](#)

[District Plan](#)

[Resolution No. 8105](#)

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

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.

WHEREAS, the Council of the City of Topeka, Kansas, did hold a public hearing on the advisability of establishing a Redevelopment District Southwest Topeka Boulevard in Topeka, Kansas, said public hearing was held on October 28, 2008, in the City Council Chambers of City Hall, 214 E. 8th Street, at 6:00 p.m., as required by K.S.A. 12-1770, *et seq.*, as amended; and

WHEREAS, said public hearing was adjourned on the October 28, 2008; and

WHEREAS, notice of said public hearing was duly provided as required by K.S.A. 12-1772, as amended.

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

Section 1. That it finds the following described development district to be advisable and does hereby authorize and order said Redevelopment District to be made established with its findings as follows:

The legal description of the Redevelopment District is set forth as Exhibit "A," which is attached hereto and specifically incorporated herein. Additionally, the area contained therein is specifically established as the Southwest Topeka Boulevard Redevelopment District.

Section 2. The Southwest Topeka Boulevard Redevelopment District is a "blighted area" as defined under K.S.A. 12-1770a, as amended, in that the following factors

are present in the District:

- A. A substantial number of deteriorating structures;
- B. Predominance of defective or inadequate street layout;
- C. Unsanitary and unsafe conditions;
- D. Improper Subdivision or Obsolete Platting or Land Uses; and
- E. Conditions which create economic obsolescence.

Section 3. That the presence of the aforementioned factors in the Southwest Topeka Boulevard Redevelopment District substantially impairs or arrests the development and growth of the City of Topeka, constitutes an economic or social liability of the City of Topeka, or is a menace to the public health, safety, morals or welfare in its present condition and use.

Section 4. That because the Southwest Topeka Boulevard Redevelopment District is a “blighted area,” it constitutes an eligible area for redevelopment under K.S.A. 12-1770, *et seq.*, as amended.

Section 5. That the redevelopment of the Southwest Topeka Boulevard Redevelopment District is necessary to promote the general and economic welfare of the City of Topeka.

Section 6. That the Southwest Topeka Boulevard Redevelopment District Plan is hereby approved and described as follows:

South Topeka Proposed TIF District – District Plan

The *Topeka Land Use and Growth Management Plan – 2025* identifies this area as a sub-regional commercial corridor intended to provide goods and services to East and South Topeka for residents within a few miles proximity. Part of the area continues to serve as regional center for new auto sales in Northeast Kansas. The 2025 Plan indicates there are opportunities for redevelopment within the area, which would improve the area’s marketability and attractiveness as a commercial corridor. Appropriate land uses in this

corridor include a wide range of retail, highway commercial, office, multi-family residential, and some light industrial located in areas allowed by the various zoning districts contained in the City's zoning code. The area is predominantly zoned for high intensity commercial uses.

This report identifies the sub-area boundaries within the proposed TIF District and outlines some opportunities and issues for redevelopment of the area that continue along existing trends.

I. General Description of Project Area

The project area is generally bordered by SW 37th Street on the north side and then extends south along SW Topeka Blvd. The east side is bordered by the Burlington Northern Santa Fe Railroad. The west side is bordered by SW 38th Street, SW 39th Street, and the Interstate-470/Kansas Turnpike interchange. The southernmost boundary is approximately 1,200 feet south of the Kansas Turnpike overpass between SW Topeka Blvd and the BNSF railroad.

a. Sub-Area 1

This area includes property lying on the west side of SW Topeka Blvd between Interstate-470 and the Kansas Turnpike interchanges on the south, north, and east sides and including right-of-way south of I-470.

b. Sub-Area 2

This area includes property lying on the west side of SW Topeka Blvd bordered by SW 38th Street on the north side. SW 39th Street and Interstate-470 border the property on the south side.

c. Sub-Area 3

This area includes property lying south of SW 37th Street, bordered on the south and east sides by the S. Kansas Avenue extension and bordered on the west side by SW Topeka Blvd.

d. Sub-Area 4

This area includes property lying immediately south of the S. Kansas Avenue extension, bordered on the east side by the Burlington Northern Santa Fe Railroad and on the west side by SW Topeka Blvd. The southernmost boundary is approximately 650 feet south of the Kansas Turnpike overpass lying between SW Topeka Blvd and the BNSF railroad.

e. Sub-Area 5

This area includes property at the southwest corner of SW 37th Street and SW Topeka Blvd, all north of and including SW 38th Street. The west boundary line generally lays 1,300' west of SW Topeka Blvd.

f. Sub-Area 6 (White Lakes Mall)

This area is bordered on the north by SW Croix, on the east by SW Kansas, on the west by SW Topeka, and on the south by SW 37th Street.

101
102 **II. Sub-Area 1**
103

104 **a. Existing Conditions-** This area was former right-of-way for the Kansas
105 Turnpike and it is still owned by the Turnpike Authority. There are several
106 buildings located on the property, currently used by the Kansas State
107 Troopers. Sewer and water infrastructure already serve the buildings. The
108 property has excellent access and visibility from Interstate-470 and the
109 Kansas Turnpike.
110

111 **b. Uses and Zoning-** This area is a good location for retail, including but not
112 limited to, quick service restaurants, truck stop, gas stations, automobile and
113 vehicle dealerships, or other commercial businesses in need of high visibility
114 and access to highways. As former right-of-way, the area is zoned “R-1”
115 Single-Family Dwelling District and would require rezoning to allow for
116 highway commercial uses, as well as any other commercial uses.
117

118 **c. Issues related to redevelopment of the area-**

- 119 ➤ Zoning and platting
- 120 ➤ Utility adjustments
- 121 ➤ Right-of-way dedications and vacation
- 122 ➤ Combined access on to Topeka and cross access between lots
- 123 should be addressed.
- 124 ➤ Sidewalk and landscape public improvements along Topeka should
- 125 be addressed as this is at a significant entryway.
- 126 ➤ Demolish existing buildings and prepare site for new development (i.e.
- 127 platting, zoning, vacation)
- 128 ➤ KDOT and KTA review of any zoning, platting, or site development.
129

130 **III. Sub-Area 2**
131

132 **a. Existing Conditions-** This area was originally comprised of several lots and
133 developed for motel establishments, which have since been demolished.
134 Recently the sub-area was re-platted for a proposed automobile plaza. The
135 plat involved lot consolidation, vacating a segment of SW 39th Street,
136 dedicating a new cul-de-sac for SW 39th, and relocating utility easements.
137 The remainder of the sub-area is still comprised of four single-family
138 residences, the City water tower, offices, bar, mini-storage units, and a gas
139 station. Two of the residential properties have been rezoned to commercial
140 and will be included in the auto plaza development. Devon Avenue, west of
141 the proposed auto plaza is platted, but never constructed.
142

143 **b. Uses and Zoning-** The auto plaza will cover much of the remaining vacant
144 land within this sub-area, with some opportunity for additional development
145 within this area. Two remaining single-family zoned properties would require
146 rezoning to high intensity commercial. It seems probable that the auto plaza

or related commercial will eventually expand into these remaining two residential-zoned properties.

c. Issues related to redevelopment of the area-

- Landscaping and sidewalk public improvements are needed along Topeka.
- The two residential-zoned properties would involve rezoning to commercial, possibly re-platting, demolition, and utility adjustments if developed for commercial.
- Devon Avenue may require vacation.

IV. Sub-Area 3

a. Existing Conditions- This sub-area contains several older motels fronting Topeka Blvd, which are falling into disrepair. Other uses that have developed along Topeka and 37th include a gas station, banks, retail, office, and truck trailer parking. One residence still exists along Topeka, which was constructed in 1945. There are several landlocked parcels because Kansas Avenue was never constructed. The area consists of small lots stripped along Topeka Blvd., which may function better as commercial properties if combined with adjoining lots to allow for better access and site layout. Topeka Blvd. is void of landscaping. The businesses along 37th Street have developed with a grass landscape buffer area between the parking lot and street.

b. Uses and Zoning- The area is zoned primarily for high intensity commercial, which will accommodate retail and highway commercial uses. An existing PUD encompasses an older motel site and will need to be rezoned for further commercial uses. New uses and buildings within this area will include, but not be limited to, retail, restaurants, offices or other generally conforming uses acceptable to zoning ordinances available at the time of development. The older motels stripped along SW Topeka should be demolished. New motels, hotels and other highway commercial uses would be desirable at this location since it is within proximity to both the Kansas Turnpike and South U.S. 75 highway.

c. Issues related to redevelopment of the area-

- Re-platting to combine landlocked or undersized parcels and create more functional commercial lots.
- Extension of S. Kansas
- Rezoning of older Planned Unit Development originally developed for motel sites.
- Access controls on to Topeka should be re-considered with any lot consolidation or reconfiguration.
- Cross access should be addressed between properties with re-platting.

- Right-of-way dedication and vacation may be needed.
- Access points on to Kansas should be addressed.
- Landscaping and sidewalk public improvements should be addressed along Topeka and Kansas.
- Provide incentives to current business owners to put investments into their buildings and landscape amenities on their properties.
- Possible utility relocation/adjustments
- Incentives to renovate existing motels or demolish existing structures.
- Demolition of older buildings that are past renovating.

V. Sub-Area 4

- a. **Existing Conditions-** This area contains a mix of used automobile dealers, other automobile related uses, and an electric utility that may have developed without site or landscape plan review. The turnpike crosses over the area, which may be a challenge to development. The area consists of narrow and shallow lots that constrict development. The lots may function better for commercial if combined with adjoining lots to allow for better access and site layout. Just outside of this boundary, the landscaping and sidewalk at the 45th and Topeka Blvd Kwik Shop are examples of improvements that could be done by existing businesses within the entire project area.
- b. **Uses and Zoning-**The area is most suited for light industrial or highway commercial uses due to its location across from Frito Lay and at the I-470/Kansas Turnpike interchange. Planned uses include, but are not limited to, automobile related services, mini-storage, equipment or construction storage, contractor yards, and similar uses. Based upon surrounding land uses and zoning, a light industrial zoning district would also be appropriate for this sub-area. The sub-area is currently split between light industrial and high intensity commercial zonings.
- c. **Issues related to redevelopment of the area-**
 - Re-platting to combine undersized parcels and create more functional commercial lots.
 - Possible rezoning of the south half of the sub-area from C-4 to I-1, or its equivalent light industrial zoning classification.
 - Current access on to Topeka should be re-considered with lot consolidation or reconfiguration.
 - Cross access should be addressed between properties with re-platting.
 - Right-of-way dedication may be needed
 - Landscaping and sidewalk public improvements should be addressed along Topeka.

- Provide incentives to current property owners to put investments into their property/buildings.
- Possible utility relocation/adjustments
- Possible building demolition

VI. Sub-Area 5

- **Existing Conditions-** This sub-area is nearly built out with an auto plaza, multi-family dwelling complex, retail centers, auto repair, and Sonic Drive-In. Only one parcel remains vacant. However, the existing retail centers appear to contain sub-prime commercial and other “filler” uses (i.e. liquor store, express tax service, and quick cash place). The area is almost void of any landscaping, with the exceptions of Sonic and the apartment complex. The Sonic has constructed a new sidewalk along Topeka Blvd along with a landscaped area fronting the street, which could be an example of public improvements. The apartment complex appears in sound condition and has nicely landscaped grounds.
- **Uses and Zoning-** Prospects for this area are new retail and office uses, as well as to providing incentives to existing businesses to make improvements to their property/buildings or demolish these older strip malls and prepare the site for new development. Other retail and commercial developments are also appropriate.
- **Issues related to redevelopment of the area-**
 - Provide incentives to current property owners to put investments into their property/buildings.
 - Landscape and sidewalk public improvements along Topeka and 37th
 - Provide incentives to encourage new businesses to locate in existing vacant buildings/retail centers and renovate those buildings.
 - Possible building demolition, re-platting, and utility adjustments
 - Possible right-of-way dedication, vacation, and lot reconfiguration

VII. Sub-Area 6

- a. **Existing Conditions-** The sub-area includes White Lakes Mall. The property is currently split between C-4 and I-1 zoning. Current uses inside the mall include employment agencies, Department of Motor Vehicles annex, hair styling school, Dispatch church, various offices, extremely limited retail (jewelry store, walk-up snack bar, book store), and many vacant store fronts. The property has five outbuildings, which include Walgreen’s, Taco John’s, Burger King, retail strip center, bank. A restaurant, Las Fuentes, is attached to the south side of the mall structure. The mall has decent transit access, being on two bus routes, which run from approximately 6:00 am to 7:00 pm. The mall is nearly void of any restaurants within the enclosed structure. Landscaping amenities on the mall grounds are non-existent. A few trees

are scattered sporadically throughout the parking lot. The mall has tried to re-invent itself as an office environment, but few physical changes have occurred on the grounds itself. The area still contains a typical enclosed shopping mall surrounded by a massive parking lot. Another feature of the mall is that it has become a gathering and walking destination for senior citizens.

b. Uses and Zoning- Redevelopment of the mall site as an office park, such as, continued promotion of the mall for office uses, call centers, educational institutions, community college annexes, etc. Encourage limited commercial uses geared specifically toward the mall's primary function as an office park, such as, lunch restaurants, coffee shops, doctor's offices, accountant's offices, walk-up medical clinic, wellness center or gym geared toward senior citizens, dollar or variety store, small pharmacy, news stand, or other generally conforming uses. The City would work with a developer on structuring a PUD to accommodate the mix of office and limited commercial uses, as well as, to provide clear guidelines for developers for redevelopment opportunities for the mall.

c. Issues related to redevelopment of the area-

- Create more of an "office campus" environment rather than "offices within a vacant shopping mall" environment by reconfiguring the parking areas and structures.
- Break up the massive expanse of parking and provide more landscaped amenities and public space. (Ex: Provide trees and landscaped areas, benches, tables, pedestrian walkways, outdoor eating area for office employees.) This should occur particularly on the front side along Topeka.
- Provide well-lit and attractive lighting in parking areas.
- Reconfigure parking areas, so as to break up the massive parking expanse.
- Landscape and sidewalk public improvements along Topeka, Croix, and Kansas.
- Renovate the inside of the mall for office spaces rather than retail. Combine smaller vacant store fronts with adjoining ones so future office tenants will have more space. Prepare spaces so tenants can move right in rather than having to make renovations themselves. Some of the current vacant store fronts may be too small for office uses and would better for office if combined with adjoining store fronts.
- Facelift to outside and inside of mall (i.e. painting, remodeling, updating, taking out walls, etc.)
- Possible rezoning, platting, and vacation of utility easements and relocation of utilities
- Demolish some of the building to create outdoor space and to break up the main structure.

VIII. Phasing of Development- Timing of development will be developer driven. Public infrastructure improvements within each sub-area will depend upon specific project proposals submitted by individual developers. Anticipated public improvements include, but are not limited to, street construction; intersection adjustments; access controls, such as traffic signaling and construction of medians; public parking; utility (sewer and water) adjustments and extensions; land acquisition; and drainage improvements.

Section 7. That the Clerk is hereby directed to forthwith after the effective date of this Ordinance to provide a copy of this Ordinance by certified mail, return receipt requested, to the Board of Commissioners of Shawnee County, Kansas and Board of Education of Unified School District 501.

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 City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

EXHIBIT A

A district in the Southeast Quarter of Section 13 and in the Northeast and Southeast Quarters of Section 24, all in Township 12 South, Range 15 east of the 6th PM, and in the Southwest Quarter of Section 18 and in the Northwest and Southwest Quarters of Section 19, said Sections 18 and 19 being in Township 12 South, Range 16 east of the 6th PM, all in the City of Topeka, Shawnee County, Kansas, the boundary of which is described as: Beginning at the intersection of the West line of the Southwest Quarter of said Section 18 with a westerly extension of the North line of Croix Street; thence easterly on the North line of Croix Street and its extensions to an intersection with a line which is 70 feet normally and westerly distant from the Centerline of the right of way of the Burlington Northern and Santa Fe Railway; thence south-southwesterly parallel with the Centerline of said right of way to an intersection with the South line of said Southwest Quarter; thence westerly on the last said South line to an intersection with a line which is 75 feet normally and westerly distant from the Centerline of said right of way; thence south-southwesterly on the West line of the right of way of the Burlington Northern and Santa Fe Railway to an intersection with the East line of South Topeka Boulevard; thence westerly, normally to and from the East line of the Southeast Quarter of said Section 24 to an intersection with the West line of Topeka Boulevard; thence northerly on the West line of Topeka Boulevard and its extension to the Northeast corner of Block A of Seymour Subdivision; thence westerly on the North line of said Block A and its extension to an intersection with the West line of the East Half of the Southeast Quarter of said Section 24; thence northerly on the West line of said East Half to an intersection with the South line of the Northeast Quarter of said Section 24; thence northerly on the West line of the East Half of said Northeast Quarter to an intersection with the Southwest line of Lot 1, Block "B" in Dickinson Subdivision "C"; thence northwesterly on the Southwest line of Dickinson Subdivision "C" to the South corner of Lot 1, Block "A" in the last said subdivision; thence northeasterly on the Northwest tangent line of S.W. 38th Street and its extension to an intersection with the South line of Lot 12, Block 'A' in White Lakes Plaza Subdivision; thence westerly to the Southwest corner of said Lot 12; thence northerly on the West line of White Lakes Plaza Subdivision to the Northwest corner of Lot 16 in Block 'A' of the last said subdivision; thence northerly normally to and from the South line of the Southeast Quarter of said Section 13, to an intersection with a line which is 50 feet north of the South line of said Southeast Quarter; thence easterly on the North line of 37th Street to the Southeast corner of Tract "D" in Likins Foster Addition thence northerly on the West line of Topeka Boulevard and its extension to an intersection with an easterly prolongation of the North tangent line of Croix Street, also being an extension of the South line of Lot 1 in Bellaire Subdivision No. 2; thence easterly normal to the East line of the Southeast Quarter of said Section 13; thence southerly to the point of beginning.

BLIGHT STUDY

**FOR SOUTH TOPEKA
SW TOPEKA BOULEVARD,
TOPEKA, KANSAS**

Prepared by
RICHARD CAPLAN & ASSOCIATES

July 11, 2008

South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas

The purpose of this analysis is to determine if the proposed area along South Topeka Boulevard in South Topeka meets the criteria for the City of Topeka Governing Body to designate the area as “blighted,” necessary to create a Tax Increment Financing (TIF) project as a tool to assist with redevelopment in the area. The area involves a total of slightly more than 100 acres along SW Topeka Boulevard extending from SW 37th Street on the north to 41st Street on the south, west to SW Plaza Drive and east to a new extension of South Kansas Avenue. (See “Proposed TIF District Map.”)

K.S.A. Article 12-17 requires a “blighted area” to be defined and proven in order to be eligible to use the redevelopment tools provided in the Act. A majority of the nine (9) elements must be present in a proposed redevelopment district to meet the threshold of eligibility, showing that the proposed redevelopment area “(s)ubstantially impairs or arrests the development and growth of the municipality or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present *condition and use*.”

Executive Summary

This Blight Study prepared on behalf of the City of Topeka concludes that five (5) of the nine (9) criteria were satisfied and, therefore, meet the threshold of eligibility. (See Table A – “South Topeka Redevelopment District Blight Criteria Comparison.”) The nine statutory criteria to determine if an area is blighted are:

1. A substantial number of deteriorating structures;
2. Predominance of defective or inadequate street layout;
3. Unsanitary or unsafe conditions;
4. Deterioration of site improvements;
5. Tax or special assessment delinquency exceeding the fair market value of the real property;
6. Defective or unusual conditions of title including, but not limited to, cloudy or defective titles, multiple or unknown interests in the property;
7. Improper subdivision or obsolete platting or land use;
8. The existence of conditions which endanger life or property by fire or other causes;
9. Conditions which create economic obsolescence.

Five of these nine elements have been found to exist within the district. Therefore, the area meets the threshold to be found as “blighted.” This independent evaluation of the area and comparison to the criteria describes the characteristics leading to this conclusion. The following Table A summarizes the conclusions found associated with each of the nine criteria.

South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas

Table A - South Topeka Redevelopment District Blight Criteria Comparison

Statutory Criteria	Key Findings	Conclusions
1. Substantial number of deteriorating structures	* Considerable number of deteriorating buildings on SW Topeka Boulevard	SATISFIED
2. Predominance of defective or inadequate street layout	* Existing cul-de-sacs are not acceptable for commercial areas * Elimination of Topeka Boulevard/39 th Street intersection removed continuity in transportation network * Platted streets have not been constructed and existing connections have been removed	SATISFIED
3. Unsanitary or unsafe conditions	"Intensive Care" designation for public safety covering a majority of the area	SATISFIED
4. Deterioration of site improvements	* Scattered deterioration of curbs, gutters and sidewalks	Criteria NOT satisfied
5. Tax or special assessment delinquencies	* No delinquency exceeding the fair market present	Criteria NOT satisfied
6. Defective titles, multiple or unknown interests	* Multiple owners but no cloudy or defective titles or unknown interests	Criteria NOT satisfied
7. Improper subdivision or obsolete platting or land use	* Absence of smart growth practices * Predominance of weak sign and landscaping codes * Presence of strip commercial * Desire to strengthen the area's marketability	SATISFIED
8. Conditions which endanger life or property by fire or other causes	* Nine code violations among older properties have been cited since 2005	Criteria NOT satisfied
9. Conditions which create economic obsolescence	* Within a City of Topeka Enterprise Zone designated area	SATISFIED
TOTAL:		Satisfied: 5 Not Satisfied: 4 Majority: YES

A map of the proposed TIF District is found on the following page.



South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas

1. A Substantial Number of Deteriorating Structures

A majority of the district's buildings were constructed under outdated building codes. There are 39 existing structures among the 55 parcels in the proposed district. The age and condition of the commercial and residential structures vary widely. The median year of all of the buildings constructed is 1968, i.e. more than half of the structures, were 40 years or older. (See Table B – "Area Buildings by Year of Construction.") Multiple buildings located on one parcel (Ed Bozarth Chevrolet) range in age from 1970 construction to less than five years old.

At least two parcels have obsolete buildings that have been demolished or are awaiting demolition. In addition, several of the existing buildings are not occupied, partially vacant or have been converted to different uses than originally constructed.

Table B – Area Buildings by Year of Construction

Period Constructed	Number of Buildings	Percent of Total Buildings
1949 or earlier	3	8%
1950 – 1959	5	13%
1960 – 1969	13	33%
1970 – 1973	7	18%
1974 – 1979	3	8%
1980 – 1989	5	13%
1990 – 1999	2	5%
Since 2000	1	3%
TOTAL	39	100%

Source: Shawnee County Appraiser's Office.



Vacated and fenced 1960 service station on SW Topeka Boulevard.

The address of each building in the area and their current use are presented in Table C.

South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas
Table C - Proposed District Properties by Age and Use

<u>Owner</u>	<u>Phase</u>	<u>Property Address</u>	<u>Year Built</u>	<u>Current Use</u>
Kansas Turnpike Authority	1	3939 SW Topeka Blvd.	N / A	Storage materials
Harland W Clark	2	532 SW 39th Street	1953	Single family unit
Harland W Clark	2	540 SW 39th Street	1950	Single family unit
K-Air Inc.	2	580 SW 39th Street	1981	Tavern
Tyler Properties LLC	2	900 SW 39th Street	1969	Office
Arec 4 LLC	2	3825 SW Topeka Blvd.	1979	storage units
K-Air Inc.	2	3827 SW Topeka Blvd.	1960	closed gas station
K-Air Inc.	2	3847 SW Topeka Blvd.	N / A	Vacant
Wal-Mart Stores	2	900 block SW 37th Street	N / A	Vacant
Blind Tiger Enterprises	3	417 SW 37th Street	1900	Restaurant
James M Caplinger	3	501 SW 37th Street	1960	Retail
Capital City Investments	3	519 SW 37th Street	1979	Offices
Capitol Credit Union Service Org.	3	601 SW 37th Street	1982	Bank
Capital City State Bank & Trust	3	3706 SW Topeka Blvd.	1964	Bank
Maja Company Inc	3	3706 SW Topeka Blvd.	1986	office condo
Dillipkumar D Patel	3	3732 SW Topeka Blvd.	1962	Motel
Betty B. Vail	3	3736 SW Topeka Blvd.	1945	Single family unit
Betty B Vail	3	3738 SW Topeka Blvd.	1945	Tavern
Maja Company Inc	3	3740 SW Topeka Blvd.	1957	Auto services
City of Topeka	3	3800 SW Topeka Blvd.	N / A	Vacant
Ram S. & Vilma D Tak	3	3802 SW Topeka Blvd.	1959	Motel
Seema Properties	3	3810 SW Topeka Blvd.	1959	Retail
Larry W Jones	3	3824 SW Topeka Blvd.	1995	Convenience store
Larry W Jones	3	3840 SW Topeka Blvd.	1966	Vacant
DDC & M LLC	3	3846 SW Topeka Blvd.	1974	Motel
Betty B Vail	3	3700 block SW Topeka Blvd.	N / A	Vacant
Betty B Vail	3	3700 block SW Topeka Blvd.	N / A	Vacant
Betty B Vail	3	3700 block SW Topeka Blvd.	N / A	Vacant
Maja Company Inc	3	3700 block SW Topeka Blvd.	N / A	Vacant
Capital City State Bank & Trust	3	3700 block SW Topeka Blvd.	N / A	Vacant
State of Kansas	3	4000 block SW Topeka Blvd.	N / A	Vacant
Robert G Smith	4	4000 SW Topeka Blvd.	1980	car wash
Barb. Burkhardt & Robt. Vincent	4	4008 SW Topeka Blvd.	1966	Retail
Larry L Brown	4	4008 SW Topeka Blvd.	N / A	mobile home
Lindemuth Inc	4	4014 SW Topeka Blvd.	1966	Retail
Fraternal Investors	4	4024 SW Topeka Blvd.	1973	Warehouse
Fraternal Investors	4	4026 SW Topeka Blvd.	1989	Warehouse
David Robert Roenbaugh	4	4100 SW Topeka Blvd.	1968	Retail
Rito B Saenz	4	4110 SW Topeka Blvd.	1963	Warehouse
D. Robert Roenbaugh	4	4150 SW Topeka Blvd.	1961	auto services
D. Robert Roenbaugh	4	4200 SW Topeka Blvd.	N / A	Used car lot
Kansas Power & Light	4	4000 block SW Topeka Blvd.	N / A	Power substation
Metz Enterprises Inc	5	901 SW 37th Street	1969	Retail
Lindemuth Inc	5	905 SW 37th Street	1971	Retail
Plaza Investments Partners	5	921 SW 37th Street	1972	Office
John & Kathy Stueve	5	931 SW 37th Street	1971	auto services
Lindemuth Inc	5	3701 SW Plaza Drive	1973	Retail
BFS Retail & Coml. Operations	5	3701 SW Topeka Blvd.	1968	auto services
D.L.Rogers Corp.	5	3721 SW Topeka Blvd.	1994	Restaurant
Edward & Paula S Bozarth	5	3731 SW Topeka Blvd.	1970;2000+	New auto dealer
White Lakes Plaza Associates	5	3733 SW Plaza Drive	1973	Apartments
Lindemuth Inc	5	3700 block SW Plaza Drive	N / A	Vacant

South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas

In conclusion, there are an ample number of deteriorating structures in the study area to conclude that this criteria is satisfied.

2. Defective or Inadequate Street Layout

The transportation network in the area has been affected by the historic combination of residential and commercial development and the man-made interstate and railroad barriers. The transportation corridor centered on SW Topeka Boulevard from SW 37th Street south to the Kansas Turnpike overpass has long been recognized by local planners and engineers as having an inadequate street network. The area west of SW Topeka Boulevard – identified as Phases 2 and 5 on the map – currently contains three platted or existing cul-de-sacs which are generally not acceptable for commercial areas. The SW 39th Street cul-de-sac was installed with a KDOT improvement project that eliminated a direct connection from 39th Street to SW Topeka Boulevard. Although the elimination of the SW Topeka Boulevard / 39th Street intersection was a positive step for safety reasons, it removed all semblance of continuity in the local transportation network.

Similarly, the platted SW Devon Avenue, which runs north from 39th Street to a cul-de-sac, is not conducive to a fully functioning street network and should, at minimum, connect directly to 38th Street and ideally on north to SW Plaza Drive. SW 38th Street, with a signalized intersection at SW Topeka Boulevard, should be evaluated for potential access east to intersect with the new S. Kansas Avenue extension, according to the City of Topeka's consulting engineer firm, Bartlett & West.



SW 39th Street cul-du-sac lacks access.

In conclusion, the transportation network in the district has been negatively affected by the historic combination of residential and commercial development and the interstate and railroad barriers. Platted streets have not been constructed, and existing connections have been removed. The area clearly suffers from an inadequate street network. Therefore, this criteria is satisfied.

South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas

3. Unsanitary or Unsafe Conditions

The area under evaluation has been assessed for public safety by the City of Topeka Police and Planning Departments as a part of the city's Neighborhood Health 2007 Assessment. Public safety for each neighborhood in Topeka is ranked by one of four categories:

- Intensive Care = 1.1 - 3.4 persons per Type I crime
- At Risk = 3.5 - 5.2 persons per Type I crime
- Out Patient = 5.3 - 8.4 persons per Type I crime
- Healthy = 8.5 or more persons per Type I crime.

The area under review is a part of two neighborhoods divided by SW Topeka Boulevard. The entire portion west of SW Topeka Boulevard is categorized as "intensive care" – the designation reflecting the highest Type I crime rate within the city. The area west of SW Topeka Boulevard contains 60 of the 100.3 acres of the study area, or 60 percent of the total area.



Unsecured and unsafe outdoor storage on SW Topeka Boulevard.

As a result of the study area's higher crime rate, the area is concluded to be in an "unsafe condition" thereby satisfying this criteria.

4. Deterioration of Site Improvements

Several curbs and gutters along SW 37th Street are deteriorating. Furthermore, SW Topeka Boulevard lacks standard site improvements routinely required in new developments – most notably sidewalks. However, there is not a sufficient amount of deterioration to conclude that this criteria is satisfied.

5. Tax or Special Assessment Delinquency

There is no evidence of this criteria existing in this area.

6. Defective or Unusual Conditions of Title

There is no evidence of this criteria existing in this area.

7. Improper Subdivision and Land Use

The area under evaluation has been reviewed in the context of the City of Topeka Land Use & Growth Management Plan 2025. This planning document serves as the city's comprehensive plan ("The Plan"), approved by the City Council on February 24, 2004.

There are several subdivision and land use issues in the comprehensive plan which speak directly to proposed redevelopment and the South Topeka Boulevard commercial corridor. More specifically, The Plan's assessment applicable to the area includes several elements.

1. Emphasis on Smart Growth – More Efficient Land Use

One of The Plan's objectives is "to encourage the redevelopment and to direct new developments to areas where existing urban services can be efficiently extended or provided. This infrastructure guided "Smart Growth" theme is designed to encourage more efficient use of land, to maximize the use of existing resources, reduce the tax burden, and to foster greater utilization of existing public facilities." The purpose of establishing a TIF District is to intensify land uses along the southern SW Topeka Boulevard corridor consistent with this objective.

2. Weak Sign Codes and No Landscaping

The Plan states that "both the Wanamaker Road and South Topeka Boulevard commercial corridors demonstrate weak sign codes and no landscaping standards. The City adopted a landscape code in 2002, but the age of the development along these commercial corridors predates this code. There are many commercial sites in the region that are possible redevelopment locations, including vacant commercially zoned land along some of the major thoroughfares. Not every commercial development can successfully use existing commercial properties." Therefore, new commercial development within the proposed District will adhere to commercial development code requirements with current sign and landscaping code standards.

3. Recommended Policies and Actions

There are three specific policies and actions recommended in The Plan that directly apply to the proposed TIF District:

- a. Encourage the redevelopment of older commercial and office sites and develop programs to encourage commercial/office redevelopment and a reduction in the vacancy rates for these properties.
- b. Adopt new sign regulations that allow reasonable signage while reducing sign clutter.

South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas

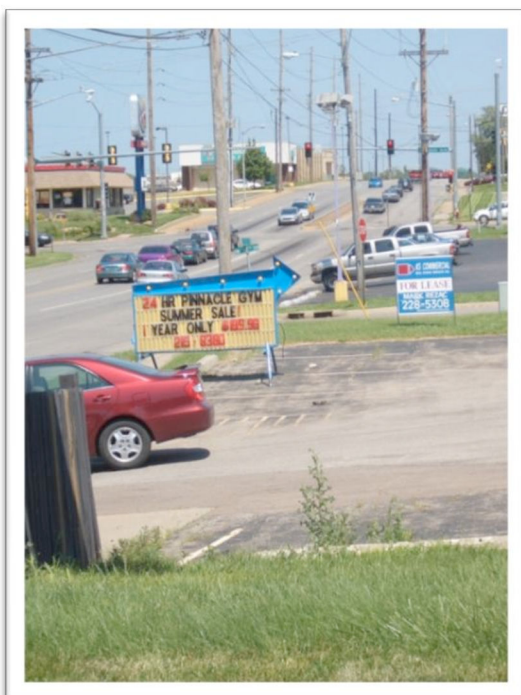
- c. Develop corridor plans and access management programs designed to improve the efficiency and safety of major roadways
- Redevelopment of the area will be required to conform to these adopted policies.

4. Reduce South Topeka Boulevard Strip Character

The Plan advocates that commercial development should not be 'stripped' along the arterial streets. It states that this pattern of development causes several undesirable results, including:

- a. A degradation of the primary purpose of the arterial's ability to move traffic;
- b. An increase in automobile related accidents as the number of driveways intersecting the arterial street increases;
- c. Excessive public costs due to the need for traffic control devices;
- d. A reduction of residential property values adjacent to the strip of commercial development, which can 'bleed' into the neighborhood and result in a destabilizing effect on a large portion of the neighborhood;
- e. The difficulty providing for the expansion of businesses that have developed in a strip pattern adjacent to residential development.

Strip commercial redevelopment within the District is not anticipated to be approved and redevelopment will ensure that the number and location of driveways, and inadequate landscaping and sidewalks will be remedied.



Strip commercial with outdated sign and landscaping codes on SW Topeka Boulevard.

5. Desire to Strengthen the Area's Marketability

South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas

The Plan states that “(b)efore the Wanamaker Corridor was developed commercially, South Topeka Boulevard was the premier regional shopping area. This area serves as a sub-regional shopping area for residents living within a few miles. Parts of this area also serve as a regional center for new car sales. It is anticipated that . . . this area will continue to act as a large sub-regional shopping center serving East and South Topeka and also continue to host a wide variety of auto dealerships serving a multi-county region in Northeast Kansas. It is also possible that some large commercial parcels in this corridor could undergo major redevelopment improvements . . . strengthening this area's marketability as well as attracting new customers.” Redevelopment will enhance the area's marketability.

Altogether, the combined presence of obsolete platting, improper subdivision and land use as evidenced by the absence of smart growth practices, a prevailing adherence to weak or outdated codes, the presence of strip commercial and the Comprehensive Plan's goal to strengthen the study area's marketability lead to the conclusion that the area meets this criteria and is, therefore, satisfied.

8. Conditions Which Endanger Life or Property

There is an insufficient evidence of this criteria existing in this area.

9. Conditions which Create Economic Obsolescence.

A majority of the proposed district is located within a City of Topeka designated Enterprise Zone. (A map of the City of Topeka Enterprise Zones is attached to this study.) The Enterprise Zones Act was enacted by the State of Kansas in 1990 to provide tax incentives to new and expanding businesses in areas needing redevelopment and revitalization. Areas within Topeka, and other jurisdictions, needed to meet specific conditions and criteria to secure such a designation, including being “economically distressed” by the city's governing body.



Closed service station on SW Topeka Boulevard reflecting economic obsolescence.

South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas

As a result of this existing and long-standing Enterprise Zone designation by the City of Topeka and annually validated by the State Department of Commerce, this criteria is satisfied.

Conclusion

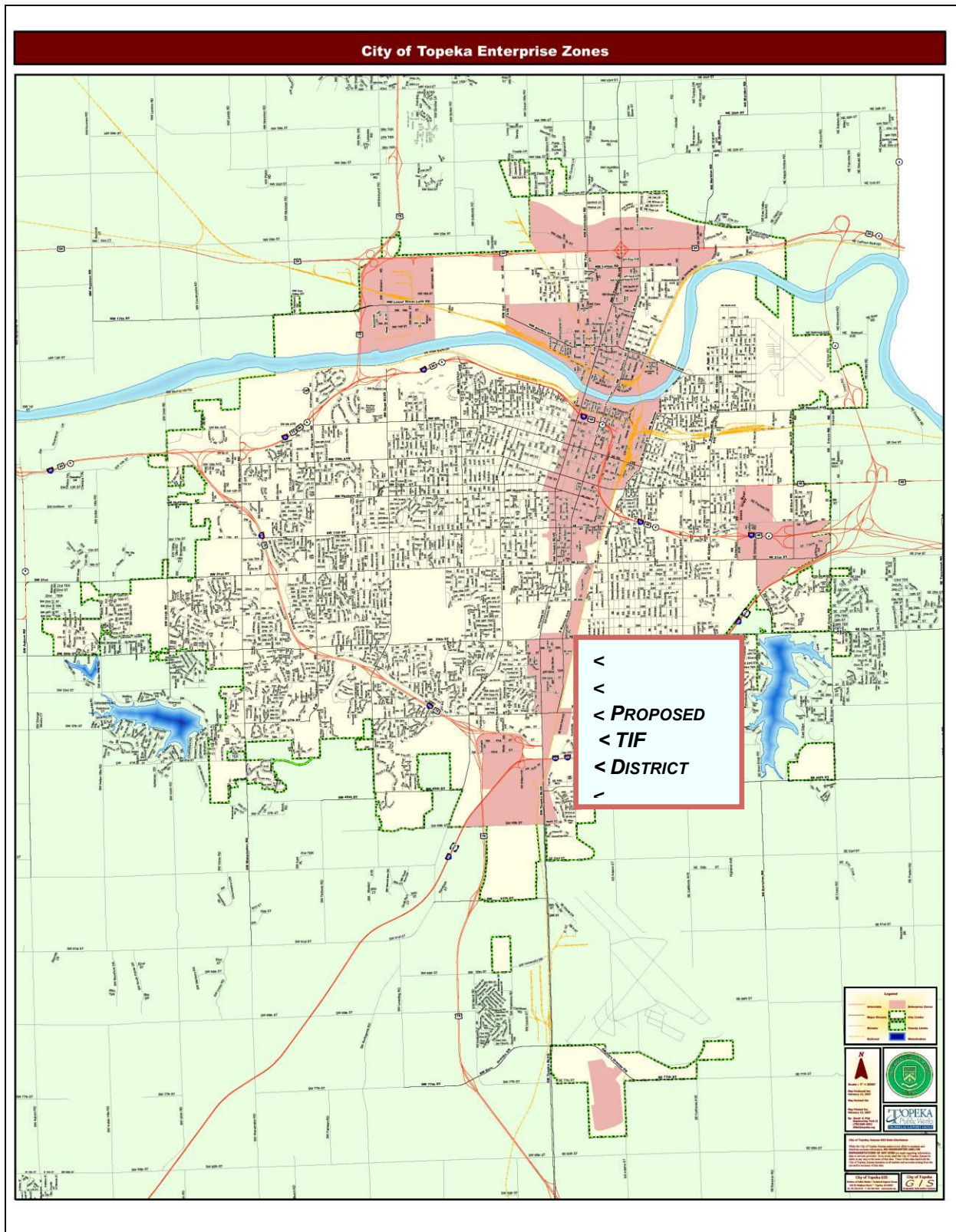
This analysis indicates that the area is blighted according to the statute criteria, having met five of the nine criteria conditions to qualify for the definition of blight.

The photographs on the following pages provided additional samples reflecting some of these findings.

Attachments:

- Map of City of Topeka Enterprise Zones
- Additional photos of Proposed TIF District reflecting evidence of blight
- Firm Description and Resume

South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas



South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas



Site of demolished motel waiting for redevelopment.



Deteriorating curb and gutter along SW 37th Street west of SW Topeka Boulevard.

South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas



Obsolete uses along SW Topeka Boulevard.



RICHARD CAPLAN & ASSOCIATES

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SINCE ITS FOUNDING IN 1987, RCA HAS SUCCESSFULLY COMPLETED OVER 250 ASSIGNMENTS YIELDING UNMATCHED EXPERIENCE IN LAND USE ECONOMICS. RCA ASSISTS PRIVATE DEVELOPERS, NON-PROFITS AND PUBLIC AGENCIES IN ASSESSING THE FUTURE ECONOMICS AND OUTCOMES OF REAL ESTATE PROJECTS AND ECONOMIC DEVELOPMENT PLANS.

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- CREATING PUBLIC/PRIVATE PARTNERSHIPS
- HIGHEST AND BEST USE DETERMINATION

RETAIL MARKET AND FINANCIAL FEASIBILITY ANALYSIS

- DEFINITION, IDENTIFICATION AND EVALUATION OF POTENTIAL MARKET SUPPORT
- SUPPLY AND DEMAND ANALYSIS
- COMMUNITY EVALUATIONS/ASSESSMENTS OF AREA'S MARKET OPPORTUNITIES
- IDENTIFYING TARGET MARKET FOR RETAIL, INDUSTRIAL, COMMERCIAL AND RESIDENTIAL PROJECTS

Economic Development Plans and Services

- TAX INCREMENT FINANCING ASSISTANCE INCLUDING BLIGHT STUDIES
- ECONOMIC AND FISCAL IMPACT ANALYSIS
- ECONOMIC DEVELOPMENT STRATEGIES
- ALTERNATIVE FINANCING STRATEGIES
- IMPLEMENTATION STRATEGIES
- FINANCIAL ANALYSIS AND REVENUE PROJECTIONS

RESUME

RICHARD CAPLAN & ASSOCIATES

1986 – present

Owner, Principal

Since 1986, own consulting firm specializing in market studies, financial and development analysis, strategic planning, interim and contract management services to cities and public non-profit associations. Provide management consulting services and projects to more than 50 counties and cities including management assessments and conduct strategic planning sessions for cities and counties. Predominant clients include small to medium sized municipalities and multi-jurisdictional entities.

A sample of Community and economic developments projects include:

- America's Smart Corridor - The firm has provided comprehensive services in preparing a unique economic development strategy for a 29 mile highway corridor linking seven rapidly growing cities focusing on high technology. Tasks included developing a multi-jurisdictional endorsement of goals and objectives; planning for all major interchanges using "smart growth" techniques; and preparation of a technology plan to guide public and private infrastructure investment to position the region of 350,000 persons as the leader in the Midwest region for technological investment.
- San Bernardino, California - The older downtown decided that a cultural and entertainment center was vital to the revitalization of the area. The firm prepared feasibility studies and financing strategies for several major components of the center leading to significant reinvestment in the area.
- Redlands, California - Richard Caplan & Associates advised the city's redevelopment agency on revitalization, public financing and marketing strategies for the major transformation of the city center into a successful mix of office, hotel and retail uses. The historic downtown has experienced a major turnaround since completion of the plan.
- Lawrence, Kansas - The firm successfully led the effort to redevelop the abandoned riverfront area into an outlet and office center including the city's first parking garage. Caplan & Associates also assisted the historic downtown with preparation of the plan for a major mixed use redevelopment which includes establishment of the city's first tax increment financing district
- Independence, Missouri - The historic downtown area and surrounding neighborhood had been experiencing years of decline. Caplan & Associates was part of a planning team engaged to prepare a comprehensive revitalization plan which included residential rehabilitation, construction of new housing, commercial and office market assessment and redevelopment strategies.
- Concordia, Kansas - The City of Concordia engaged Richard Caplan & Associates to execute a study to undertake a comprehensive evaluation of the central business district including a market analysis and strategies for recommending a revitalization process. Public participation played a key role in reaching a unified approach from the merchants, property owners and city officials.
- Chillicothe, Missouri - Caplan & Associates developed a detailed market analysis and financing plan for implementing major recommendations for the community as part of a planning team that included a parking, traffic study and urban design plan.

South Topeka Blight Study
SW Topeka Boulevard, Topeka, Kansas

Laventhol & Horwath, San Francisco

1984 - 1986

Manager

Managed firm's public sector consulting practice including management and financial consulting for firm's Northern California office. The national consulting firm offered diverse public financial management and development related consulting services to the public and private sectors; also conducted financial feasibility studies, and prepared alternative financing scenarios and market studies planning for alternative land uses.

Vail, Colorado

1979 - 1984

City Manager

Served as city manager of mountain resort municipality routinely demanding balanced environmental protection with servicing visitor-based industry. Vail is ranked as the national winter and summer recreation destination in the nation. The full service municipality of 4,500 permanent residents was incorporated in 1972 and operates with 135 employees and approximately 150 seasonal employees. Vail received ICMA Management Innovation award in 1978. Key efforts:

- Developed and implemented tourist, recreation and community diversification strategies.
- Initiated and successfully implemented public plaza renovation project; acquired and developed major parks.
- Successfully recruited first national hotel chains to city including setting up joint venture conference center between large hotel with area community college.
- Initiated and implemented major open space acquisition program after adoption of a real estate transfer tax.
- Balanced staffing and resources between summer and winter tourism.
- Founding president for resort communities association to improve understanding and support of state legislature for expanding public recreation facilities, affordable housing, transportation and tourism enhancement.

Simi Valley, California

1972 - 1979

Assistant City Manager

Simi Valley's population of 110,000 persons has a municipal budget of \$80 million and approximately 300 employees serve the city. City incorporated in 1969 without a municipal property tax creating need for innovative financing approaches by staff and elected officials. Simi Valley received ICMA Management Innovation Award in 1976. Successfully led effort to secure California state park designation. Other key efforts included:

- Successfully helped organize and manage city's first downtown improvement program and redevelopment project.
- Managed city's first CDBG program and city/county joint powers authority leading to development of the community's civic center complex.
- Performed key role in diversifying bedroom community to a well balanced municipality.

EDUCATION

M.A. Public Policy; University of California, Berkeley

B.A. University of California, Berkeley; Major: Political Science; honor student

RICHARD CAPLAN & ASSOCIATES

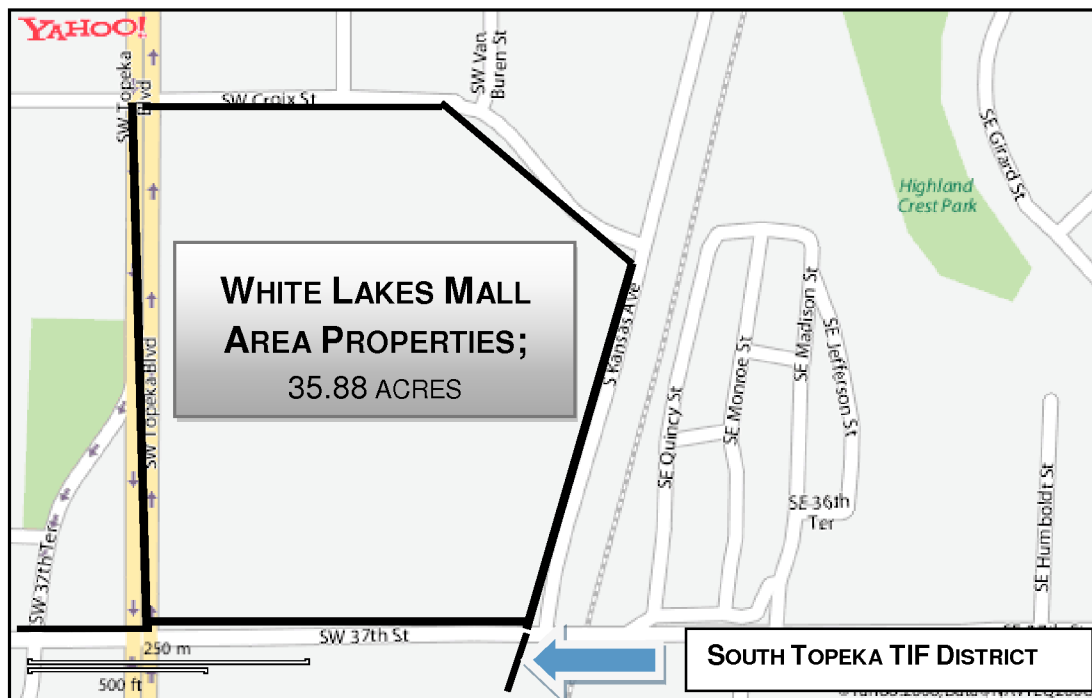
July 22, 2008

City of Topeka
Attn: Randy Speaker, Deputy City Manager
620 SE Madison
Topeka, KS 66603

Re: Inclusion of White Lakes Mall Area in
Proposed South Topeka TIF District

It is recommended that the area immediately north of the planned South Topeka TIF District, the White Lakes Mall area, that includes seven parcels south of SW Croix Street east of SW Topeka Avenue west of S. Kansas Avenue extending south to SW 37th Street also be included in the TIF District.

This area is attached to the proposed TIF District and includes the White Lakes Mall and several surrounding commercial uses. The entire area has been designated as a part of the City of Topeka Enterprise Zone and is, therefore, eligible to be included within the South Topeka TIF District.



More specifically, the area contains 502,812 square feet of buildings scattered among seven parcels with a combined total of 35.88 acres. The addresses, building and parcel sizes and current uses are presented in the following table. ("White Lakes Mall Area Properties")

RICHARD CAPLAN & ASSOCIATES

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White Lakes Mall Area Properties

Street Address	Building (sq. feet)	Parcel Size (sq. feet)	Use
3500 SW Topeka Boulevard	127,628	435,045	Commercial
3506 SW Topeka Boulevard	1,888	25,004	Restaurant
3600 SW Topeka Boulevard	345,323	920,526	Retail center
3600 SW Topeka Boulevard	2,673	10,000	Bank
3690 SW Topeka Boulevard	3,140	41,709	Restaurant
3696 SW Topeka Boulevard	13,620	74,620	Retail
420 SW 27 th Street	8,596	47,000	Utility service building
TOTAL	502,812 square feet	1,562,834 square feet; = 35.88 acres	

In conclusion, inclusion of these 35.88 acres for redevelopment is warranted to stimulate additional redevelopment to occur.

Respectfully submitted,

Richard Caplan

RICHARD CAPLAN & ASSOCIATES

RICHARD CAPLAN & ASSOCIATES

South Topeka Proposed TIF District – District Plan

The *Topeka Land Use and Growth Management Plan – 2025* identifies this area as a sub-regional commercial corridor intended to provide goods and services to East and South Topeka for residents within a few miles proximity. Part of the area continues to serve as regional center for new auto sales in Northeast Kansas. The 2025 Plan indicates there are opportunities for redevelopment within the area, which would improve the area's marketability and attractiveness as a commercial corridor. Appropriate land uses in this corridor include a wide range of retail, highway commercial, office, multi-family residential, and some light industrial located in areas allowed by the various zoning districts contained in the City's zoning code. The area is predominantly zoned for high intensity commercial uses.

This report identifies the sub-area boundaries within the proposed TIF District and outlines some opportunities and issues for redevelopment of the area that continue along existing trends.

I. General Description of Project Area

The project area is generally bordered by SW 37th Street on the north side and then extends south along SW Topeka Blvd. The east side is bordered by the Burlington Northern Santa Fe Railroad. The west side is bordered by SW 38th Street, SW 39th Street, and the Interstate-470/Kansas Turnpike interchange. The southernmost boundary is approximately 1,200 feet south of the Kansas Turnpike overpass between SW Topeka Blvd and the BNSF railroad.

a. Sub-Area 1

This area includes property lying on the west side of SW Topeka Blvd between Interstate-470 and the Kansas Turnpike interchanges on the south, north, and east sides and including right-of-way south of I-470.

b. Sub-Area 2

This area includes property lying on the west side of SW Topeka Blvd bordered by SW 38th Street on the north side. SW 39th Street and Interstate-470 border the property on the south side.

c. Sub-Area 3

This area includes property lying south of SW 37th Street, bordered on the south and east sides by the S. Kansas Avenue extension and bordered on the west side by SW Topeka Blvd.

d. Sub-Area 4

This area includes property lying immediately south of the S. Kansas Avenue extension, bordered on the east side by the Burlington Northern Santa Fe Railroad and on the west side by SW Topeka Blvd. The southernmost boundary is approximately 650 feet south of the Kansas Turnpike overpass lying between SW Topeka Blvd and the BNSF railroad.

e. Sub-Area 5

This area includes property at the southwest corner of SW 37th Street and SW Topeka Blvd, all north of and including SW 38th Street. The west boundary line generally lays 1,300' west of SW Topeka Blvd.

f. Sub-Area 6 (White Lakes Mall)

This area is bordered on the north by SW Croix, on the east by SW Kansas, on the west by SW Topeka, and on the south by SW 37th Street.

II. Sub-Area 1

- a. Existing Conditions-** This area was former right-of-way for the Kansas Turnpike and it is still owned by the Turnpike Authority. There are several buildings located on the property, currently used by the Kansas State Troopers. Sewer and water infrastructure already serve the buildings. The property has excellent access and visibility from Interstate-470 and the Kansas Turnpike.
- b. Potential Uses and Zoning-** This area would potentially make a good location for quick service restaurants, truck stop, gas stations, automobile and vehicle dealerships, or other commercial businesses in need of high visibility and access to highways. As former right-of-way, the area is zoned "R-1" Single-Family Dwelling District and would require rezoning to allow for highway commercial uses, as well as any other commercial uses.
- c. Issues related to redevelopment of the area-**
 - Zoning and platting
 - Utility adjustments
 - Right-of-way dedications and vacation
 - Combined access on to Topeka and cross access between lots should be addressed.
 - Sidewalk and landscape public improvements along Topeka should be addressed as this is at a significant entryway.
 - Demolish existing buildings and prepare site for new development (i.e. platting, zoning, vacation)
 - KDOT and KTA review of any zoning, platting, or site development.

III. Sub-Area 2

- a. Existing Conditions-** This area was originally comprised of several lots and developed for motel establishments, which have since been demolished. Recently the sub-area was re-platted for a proposed automobile plaza. The plat involved lot consolidation, vacating a segment of SW 39th Street, dedicating a new cul-de-sac for SW 39th, and relocating utility easements. The remainder of the sub-area is still comprised of four single-family residences, the City water tower, offices, bar, mini-storage units, and a gas station. Two of the residential properties have been rezoned to commercial and will be included in the auto plaza development. Devon Avenue, west of the proposed auto plaza is platted, but never constructed.
- b. Potential Uses and Zoning-** The auto plaza will cover much of the remaining vacant land within this sub-area, and therefore, leave little opportunity for additional development within this area. Two

remaining single-family zoned properties would require rezoning to high intensity commercial. It seems probable that the auto plaza will also eventually expand into these remaining two residential-zoned properties.

c. Issues related to redevelopment of the area-

- Landscaping and sidewalk public improvements are needed along Topeka.
- The two residential-zoned properties would involve rezoning to commercial, possibly re-platting, demolition, and utility adjustments if developed for commercial.
- Devon Avenue may require vacation.

IV. Sub-Area 3

a. Existing Conditions- This sub-area contains several older motels fronting Topeka Blvd, which are falling into disrepair. Other uses that have developed along Topeka and 37th include a gas station, banks, retail, office, and truck trailer parking. One residence still exists along Topeka, which was constructed in 1945. There are several landlocked parcels because Kansas Avenue was never constructed. The area consists of small lots stripped along Topeka Blvd., which may function better as commercial properties if combined with adjoining lots to allow for better access and site layout. Topeka Blvd. is void of landscaping. The businesses along 37th Street have developed with a grass landscape buffer area between the parking lot and street.

b. Potential Uses and Zoning- The area is zoned primarily for high intensity commercial, which is intended to accommodate highway commercial uses. An existing PUD encompasses an older motel site and will need to be rezoned for further commercial uses. New uses and buildings that should be encouraged within this area include retail, restaurants, offices or other generally conforming uses acceptable to zoning ordinances available at the time of development. The older motels stripped along SW Topeka should be demolished. New motels or hotels may be desired at this location since it is within proximity to both the Kansas Turnpike and South U.S. 75 highway.

c. Issues related to redevelopment of the area-

- Re-platting to combine landlocked or undersized parcels and create more functional commercial lots.
- Extension of S. Kansas
- Rezoning of older Planned Unit Development originally developed for motel sites.
- Access controls on to Topeka should be re-considered with any lot consolidation or reconfiguration.
- Cross access should be addressed between properties with re-platting.
- Right-of-way dedication and vacation may be needed.
- Access points on to Kansas should be addressed.
- Landscaping and sidewalk public improvements should be addressed along Topeka and Kansas.

- Provide incentives to current business owners to put investments into their buildings and landscape amenities on their properties.
- Possible utility relocation/adjustments
- Incentives to renovate existing motels or demolish existing structures.
- Demolition of older buildings that are past renovating.

V. Sub-Area 4

- a. Existing Conditions-** This area contains a mix of used automobile dealers, other automobile related uses, and an electric utility that may have developed without site or landscape plan review. The turnpike crosses over the area, which may be a challenge to development. The area consists of narrow and shallow lots that constrict development. The lots may function better for commercial if combined with adjoining lots to allow for better access and site layout. Just outside of this boundary, the landscaping and sidewalk at the 45th and Topeka Blvd Kwik Shop are examples of improvements that could be done by existing businesses within the entire project area.
- b. Potential Uses and Zoning-** The area is most suited for light industrial or highway commercial uses due to its location across from Frito Lay and at the I-470/Kansas Turnpike interchange. Potential uses include automobile related services, mini-storage, equipment or construction storage, contractor yards, and similar uses allowed under zoning. Based upon surrounding land uses and zoning, a light industrial zoning district would be most appropriate for this sub-area. The sub-area is currently split between light industrial and high intensity commercial zonings.
- c. Issues related to redevelopment of the area-**
 - Re-platting to combine undersized parcels and create more functional commercial lots.
 - Possible rezoning of the south half of the sub-area from C-4 to I-1, or its equivalent light industrial zoning classification.
 - Current access on to Topeka should be re-considered with lot consolidation or reconfiguration.
 - Cross access should be addressed between properties with re-platting.
 - Right-of-way dedication may be needed
 - Landscaping and sidewalk public improvements should be addressed along Topeka.
 - Provide incentives to current property owners to put investments into their property/buildings.
 - Possible utility relocation/adjustments
 - Possible building demolition

VI. Sub-Area 5

- a. Existing Conditions-** This sub-area is nearly built out with an auto plaza, multi-family dwelling complex, retail centers, auto repair, and Sonic Drive-In. Only one parcel remains vacant. However, the

existing retail centers appear to contain sub-prime commercial and other “filler” uses (i.e. liquor store, express tax service, and quick cash place). The area is almost void of any landscaping, with the exceptions of Sonic and the apartment complex. The Sonic has constructed a new sidewalk along Topeka Blvd along with a landscaped area fronting the street, which could be an example of public improvements. The apartment complex appears in sound condition and has nicely landscaped grounds.

- b. Potential Uses and Zoning-** Prospects for this area are to encourage new retail and office uses, as well as to provide incentives to existing businesses to make improvements to their property/buildings or demolish these older strip malls and prepare the site for new development. Other generally conforming uses acceptable to zoning ordinances that are available at the time of development would also be appropriate.
- c. Issues related to redevelopment of the area-**
 - Provide incentives to current property owners to put investments into their property/buildings.
 - Landscape and sidewalk public improvements along Topeka and 37th
 - Provide incentives to encourage new businesses to locate in existing vacant buildings/retail centers and renovate those buildings.
 - Possible building demolition, re-platting, and utility adjustments
 - Possible right-of-way dedication, vacation, and lot reconfiguration

VII. Sub-Area 6

- a. Existing Conditions-** The sub-area includes White Lakes Mall. The property is currently split between C-4 and I-1 zoning. Current uses inside the mall include employment agencies, Department of Motor Vehicles annex, hair styling school, Dispatch church, various offices, extremely limited retail (jewelry store, walk-up snack bar, book store), and many vacant store fronts. The property has five outbuildings, which include Walgreen’s, Taco John’s, Burger King, retail strip center, bank. A restaurant, Las Fuentes, is attached to the south side of the mall structure. The mall has decent transit access, being on two bus routes, which run from approximately 6:00 am to 7:00 pm. The mall is nearly void of any restaurants within the enclosed structure. Landscaping amenities on the mall grounds are non-existent. A few trees are scattered sporadically throughout the parking lot. The mall has tried to re-invent itself as an office environment, but few physical changes have occurred on the grounds itself. The area still contains a typical enclosed shopping mall surrounded by a massive parking lot. Another feature of the mall is that it has become a gathering and walking destination for senior citizens.
- b. Potential Uses and Zoning-** Redevelopment of the mall site as an office park, such as, continued promotion of the mall for office uses, call centers, educational institutions, community college annexes, etc.

Encourage limited commercial uses geared specifically toward the mall's primary function as an office park, such as, lunch restaurants, coffee shops, doctor's offices, accountant's offices, walk-up medical clinic, wellness center or gym geared toward senior citizens, dollar or variety store, small pharmacy, news stand, or other generally conforming uses. The redevelopment of the mall may require rezoning to a PUD to accommodate the mix of office and limited commercial uses, as well as, to provide clear guidelines for developers for redevelopment opportunities for the mall.

c. Issues related to redevelopment of the area-

- Create more of an "office campus" environment rather than "offices within a vacant shopping mall" environment by reconfiguring the parking areas and structures.
- Break up the massive expanse of parking and provide more landscaped amenities and public space. (Ex: Provide trees and landscaped areas, benches, tables, pedestrian walkways, outdoor eating area for office employees.) This should occur particularly on the front side along Topeka.
- Provide well-lit and attractive lighting in parking areas.
- Reconfigure parking areas, so as to break up the massive parking expanse.
- Landscape and sidewalk public improvements along Topeka, Croix, and Kansas.
- Renovate the inside of the mall for office spaces rather than retail. Combine smaller vacant store fronts with adjoining ones so future office tenants will have more space. Prepare spaces so tenants can move right in rather than having to make renovations themselves. Some of the current vacant store fronts may be too small for office uses and would better for office if combined with adjoining store fronts.
- Facelift to outside and inside of mall (i.e. painting, remodeling, updating, taking out walls, etc.)
- Possible rezoning, platting, and vacation of utility easements and relocation of utilities
- Demolish some of the building to create outdoor space and to break up the main structure.

VIII. Phasing of Development- Timing of development will be developer driven. Public infrastructure improvements within each sub-area will depend upon specific project proposals submitted by individual developers. Anticipated public improvements include, but are not limited to, street construction; intersection adjustments; access controls, such as traffic signaling and construction of medians; public parking; utility (sewer and water) adjustments and extensions; land acquisition; and drainage improvements.

Legal Description

A district in the Southeast Quarter of Section 13 and in the Northeast and Southeast Quarters of Section 24, all in Township 12 South, Range 15 east of the 6th PM, and in the Southwest Quarter of Section 18 and in the Northwest and Southwest Quarters of Section 19, said Sections 18 and 19 being in Township 12 South, Range 16 east of the 6th PM, all in the City of Topeka, Shawnee County, Kansas, the boundary of which is described as: Beginning at the intersection of the West line of the Southwest Quarter of said Section 18 with a westerly extension of the North line of Croix Street; thence easterly on the North line of Croix Street and its extensions to an intersection with a line which is 70 feet normally and westerly distant from the Centerline of the right of way of the Burlington Northern and Santa Fe Railway; thence south-southwesterly parallel with the Centerline of said right of way to an intersection with the South line of said Southwest Quarter; thence westerly on the last said South line to an intersection with a line which is 75 feet normally and westerly distant from the Centerline of said right of way; thence south-southwesterly on the West line of the right of way of the Burlington Northern and Santa Fe Railway to an intersection with the East line of South Topeka Boulevard; thence westerly, normally to and from the East line of the Southeast Quarter of said Section 24 to an intersection with the West line of Topeka Boulevard; thence northerly on the West line of Topeka Boulevard and its extension to the Northeast corner of Block A of Seymour Subdivision; thence westerly on the North line of said Block A and its extension to an intersection with the West line of the East Half of the Southeast Quarter of said Section 24; thence northerly on the West line of said East Half to an intersection with the South line of the Northeast Quarter of said Section 24; thence northerly on the West line of the East Half of said Northeast Quarter to an intersection with the Southwest line of Lot 1, Block "B" in Dickinson Subdivision "C"; thence northwesterly on the Southwest line of Dickinson Subdivision "C" to the South corner of Lot 1, Block "A" in the last said subdivision; thence northeasterly on the Northwest tangent line of S.W. 38th Street and its extension to an intersection with the South line of Lot 12, Block 'A' in White Lakes Plaza Subdivision; thence westerly to the Southwest corner of said Lot 12; thence northerly on the West line of White Lakes Plaza Subdivision to the Northwest corner of Lot 16 in Block 'A' of the last said subdivision; thence northerly normally to and from the South line of the Southeast Quarter of said Section 13, to an intersection with a line which is 50 feet north of the South line of said Southeast Quarter; thence easterly on the North line of 37th Street to the Southeast corner of Tract "D" in Likins Foster Addition thence northerly on the West line of Topeka Boulevard and its extension to an intersection with an easterly prolongation of the North tangent line of Croix Street, also being an extension of the South line of Lot 1 in Bellaire Subdivision No. 2; thence easterly normal to the East line of the Southeast Quarter of said Section 13; thence southerly to the point of beginning.

(Published in the Topeka Metro News September 24, 2008)

RESOLUTION NO. 8105

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., setting the public hearing for Establishment of a Redevelopment District for the Southwest Topeka Boulevard district.

BE IT RESOLVED by the Council of the City of Topeka, Kansas, that a public hearing shall be held by the Governing Body of the City of Topeka, Kansas, on the advisability of the establishment of a redevelopment district for the Southwest Topeka Boulevard District; said hearing to be held on October 28, 2008, in the City Council Chambers of City Hall, 214 E. 8th Street, at 6:00 p.m., as provided by K.S.A. § 12-1770, *et seq.*, as amended.

BE IT FURTHER RESOLVED that the City Clerk shall publish the following notice of such public hearing in the official City newspaper and give notice to all affected persons and entities in the manner provided by K.S.A. § 12-1772, as amended.

NOTICE OF PUBLIC HEARING:

Notice is hereby given that the Council of the City of Topeka, Kansas, will meet for the purpose of holding a public hearing as provided by K.S.A. § 12-1770, *et seq.*, as amended, in the City Council Chambers of City Hall 214 E. 8th Street, at 6:00 p.m. on October 28, 2008, to consider the advisability of the establishment of a redevelopment district for the Southwest Topeka Boulevard area described as follows:

A. PROPOSED BOUNDARIES OF THE DISTRICT:

A district in the Southeast Quarter of Section 13 and in the Northeast and Southeast Quarters of Section 24, all in Township 12 South, Range 15 east of the 6th PM, and in the Southwest Quarter of Section 18 and in the Northwest and Southwest Quarters of Section 19, said Sections 18 and 19 being in Township 12 South, Range 16 east of the 6th PM, all in the City of Topeka,

Shawnee County, Kansas, the boundary of which is described as: Beginning at the intersection of the West line of the Southwest Quarter of said Section 18 with a westerly extension of the North line of Croix Street; thence easterly on the North line of Croix Street and its extensions to an intersection with a line which is 70 feet normally and westerly distant from the Centerline of the right of way of the Burlington Northern and Santa Fe Railway; thence south-southwesterly parallel with the Centerline of said right of way to an intersection with the South line of said Southwest Quarter; thence westerly on the last said South line to an intersection with a line which is 75 feet normally and westerly distant from the Centerline of said right of way; thence south-southwesterly on the West line of the right of way of the Burlington Northern and Santa Fe Railway to an intersection with the East line of South Topeka Boulevard; thence westerly, normally to and from the East line of the Southeast Quarter of said Section 24 to an intersection with the West line of Topeka Boulevard; thence northerly on the West line of Topeka Boulevard and its extension to the Northeast corner of Block A of Seymour Subdivision; thence westerly on the North line of said Block A and its extension to an intersection with the West line of the East Half of the Southeast Quarter of said Section 24; thence northerly on the West line of said East Half to an intersection with the South line of the Northeast Quarter of said Section 24; thence northerly on the West line of the East Half of said Northeast Quarter to an intersection with the Southwest line of Lot 1, Block "B" in Dickinson Subdivision "C"; thence northwesterly on the Southwest line of Dickinson Subdivision "C" to the South corner of Lot 1, Block "A" in the last said subdivision; thence northeasterly on the Northwest tangent line of S.W. 38th Street and its extension to an intersection with the South line of Lot 12, Block 'A' in White Lakes Plaza Subdivision; thence westerly to the Southwest corner of said Lot 12; thence northerly on the West line of White Lakes Plaza Subdivision to the Northwest corner of Lot 16 in Block 'A' of the last said subdivision; thence northerly normally to and from the South line of the Southeast Quarter of said Section 13, to an intersection with a line which is 50 feet north of the South line of said Southeast Quarter; thence easterly on the North line of 37th Street to the Southeast corner of Tract "D" in Likins Foster Addition thence northerly on the West line of Topeka Boulevard and its extension to an intersection with an easterly prolongation of the North tangent line of Croix Street, also being an extension of the South line of Lot 1 in Bellaire Subdivision No. 2; thence easterly normal to the East line of the Southeast Quarter of said Section 13; thence southerly to the point of beginning.

B. PROPOSED DISTRICT PLAN:

South Topeka Proposed TIF District – District Plan

The *Topeka Land Use and Growth Management Plan – 2025* identifies this area as a sub-regional commercial corridor intended to provide goods and services to East and

South Topeka for residents within a few miles proximity. Part of the area continues to serve as regional center for new auto sales in Northeast Kansas. The 2025 Plan indicates there are opportunities for redevelopment within the area, which would improve the area's marketability and attractiveness as a commercial corridor. Appropriate land uses in this corridor include a wide range of retail, highway commercial, office, multi-family residential, and some light industrial located in areas allowed by the various zoning districts contained in the City's zoning code. The area is predominantly zoned for high intensity commercial uses.

This report identifies the sub-area boundaries within the proposed TIF District and outlines some opportunities and issues for redevelopment of the area that continue along existing trends.

I. General Description of Project Area

The project area is generally bordered by SW 37th Street on the north side and then extends south along SW Topeka Blvd. The east side is bordered by the Burlington Northern Santa Fe Railroad. The west side is bordered by SW 38th Street, SW 39th Street, and the Interstate-470/Kansas Turnpike interchange. The southernmost boundary is approximately 1,200 feet south of the Kansas Turnpike overpass between SW Topeka Blvd and the BNSF railroad.

a. Sub-Area 1

This area includes property lying on the west side of SW Topeka Blvd between Interstate-470 and the Kansas Turnpike interchanges on the south, north, and east sides and including right-of-way south of I-470.

b. Sub-Area 2

This area includes property lying on the west side of SW Topeka Blvd bordered by SW 38th Street on the north side. SW 39th Street and Interstate-470 border the property on the south side.

c. Sub-Area 3

This area includes property lying south of SW 37th Street, bordered on the south and east sides by the S. Kansas Avenue extension and bordered on the west side by SW Topeka Blvd.

d. Sub-Area 4

This area includes property lying immediately south of the S. Kansas Avenue extension, bordered on the east side by the Burlington Northern Santa Fe Railroad and on the west side by SW Topeka Blvd. The southernmost boundary is approximately 650 feet south of the Kansas Turnpike overpass lying between SW Topeka Blvd and the BNSF railroad.

e. Sub-Area 5

This area includes property at the southwest corner of SW 37th Street and SW Topeka Blvd, all north of and including SW 38th Street. The west

boundary line generally lays 1,300' west of SW Topeka Blvd.

f. Sub-Area 6 (White Lakes Mall)

This area is bordered on the north by SW Croix, on the east by SW Kansas, on the west by SW Topeka, and on the south by SW 37th Street.

II. Sub-Area 1

a. Existing Conditions- This area was former right-of-way for the Kansas Turnpike and it is still owned by the Turnpike Authority. There are several buildings located on the property, currently used by the Kansas State Troopers. Sewer and water infrastructure already serve the buildings. The property has excellent access and visibility from Interstate-470 and the Kansas Turnpike.

b. Uses and Zoning- This area is a good location for retail, including but not limited to, quick service restaurants, truck stop, gas stations, automobile and vehicle dealerships, or other commercial businesses in need of high visibility and access to highways. As former right-of-way, the area is zoned "R-1" Single-Family Dwelling District and would require rezoning to allow for highway commercial uses, as well as any other commercial uses.

c. Issues related to redevelopment of the area-

- Zoning and platting
- Utility adjustments
- Right-of-way dedications and vacation
- Combined access on to Topeka and cross access between lots should be addressed.
- Sidewalk and landscape public improvements along Topeka should be addressed as this is at a significant entryway.
- Demolish existing buildings and prepare site for new development (i.e. platting, zoning, vacation)
- KDOT and KTA review of any zoning, platting, or site development.

III. Sub-Area 2

a. Existing Conditions- This area was originally comprised of several lots and developed for motel establishments, which have since been demolished. Recently the sub-area was re-platted for a proposed automobile plaza. The plat involved lot consolidation, vacating a segment of SW 39th Street, dedicating a new cul-de-sac for SW 39th, and relocating utility easements. The remainder of the sub-area is still comprised of four single-family residences, the City water tower, offices, bar, mini-storage units, and a gas station. Two of the residential properties have been rezoned to commercial and will be included in the auto plaza development. Devon Avenue, west of the proposed auto plaza is platted, but never constructed.

b. Uses and Zoning- The auto plaza will cover much of the remaining vacant land within this sub-area, with some opportunity for additional development within this area. Two remaining single-family zoned properties would require rezoning to high intensity commercial. It seems probable that the auto plaza or related commercial will eventually expand into these remaining two residential-zoned properties.

c. Issues related to redevelopment of the area-

- Landscaping and sidewalk public improvements are needed along Topeka.
- The two residential-zoned properties would involve rezoning to commercial, possibly re-platting, demolition, and utility adjustments if developed for commercial.
- Devon Avenue may require vacation.

IV. Sub-Area 3

a. Existing Conditions- This sub-area contains several older motels fronting Topeka Blvd, which are falling into disrepair. Other uses that have developed along Topeka and 37th include a gas station, banks, retail, office, and truck trailer parking. One residence still exists along Topeka, which was constructed in 1945. There are several landlocked parcels because Kansas Avenue was never constructed. The area consists of small lots stripped along Topeka Blvd., which may function better as commercial properties if combined with adjoining lots to allow for better access and site layout. Topeka Blvd. is void of landscaping. The businesses along 37th Street have developed with a grass landscape buffer area between the parking lot and street.

b. Uses and Zoning- The area is zoned primarily for high intensity commercial, which will accommodate retail and highway commercial uses. An existing PUD encompasses an older motel site and will need to be rezoned for further commercial uses. New uses and buildings within this area will include, but not be limited to, retail, restaurants, offices or other generally conforming uses acceptable to zoning ordinances available at the time of development. The older motels stripped along SW Topeka should be demolished. New motels, hotels and other highway commercial uses would be desirable at this location since it is within proximity to both the Kansas Turnpike and South U.S. 75 highway.

c. Issues related to redevelopment of the area-

- Re-platting to combine landlocked or undersized parcels and create more functional commercial lots.
- Extension of S. Kansas
- Rezoning of older Planned Unit Development originally developed for motel sites.

- Access controls on to Topeka should be re-considered with any lot consolidation or reconfiguration.
- Cross access should be addressed between properties with re-platting.
- Right-of-way dedication and vacation may be needed.
- Access points on to Kansas should be addressed.
- Landscaping and sidewalk public improvements should be addressed along Topeka and Kansas.
- Provide incentives to current business owners to put investments into their buildings and landscape amenities on their properties.
- Possible utility relocation/adjustments
- Incentives to renovate existing motels or demolish existing structures.
- Demolition of older buildings that are past renovating.

V. Sub-Area 4

a. Existing Conditions- This area contains a mix of used automobile dealers, other automobile related uses, and an electric utility that may have developed without site or landscape plan review. The turnpike crosses over the area, which may be a challenge to development. The area consists of narrow and shallow lots that constrict development. The lots may function better for commercial if combined with adjoining lots to allow for better access and site layout. Just outside of this boundary, the landscaping and sidewalk at the 45th and Topeka Blvd Kwik Shop are examples of improvements that could be done by existing businesses within the entire project area.

b. Uses and Zoning-The area is most suited for light industrial or highway commercial uses due to its location across from Frito Lay and at the I-470/Kansas Turnpike interchange. Planned uses include, but are not limited to, automobile related services, mini-storage, equipment or construction storage, contractor yards, and similar uses. Based upon surrounding land uses and zoning, a light industrial zoning district would also be appropriate for this sub-area. The sub-area is currently split between light industrial and high intensity commercial zonings.

c. Issues related to redevelopment of the area-

- Re-platting to combine undersized parcels and create more functional commercial lots.
- Possible rezoning of the south half of the sub-area from C-4 to I-1, or its equivalent light industrial zoning classification.
- Current access on to Topeka should be re-considered with lot consolidation or reconfiguration.
- Cross access should be addressed between properties with re-platting.

- Right-of-way dedication may be needed
- Landscaping and sidewalk public improvements should be addressed along Topeka.
- Provide incentives to current property owners to put investments into their property/buildings.
- Possible utility relocation/adjustments
- Possible building demolition

VI. Sub-Area 5

- **Existing Conditions-** This sub-area is nearly built out with an auto plaza, multi-family dwelling complex, retail centers, auto repair, and Sonic Drive-In. Only one parcel remains vacant. However, the existing retail centers appear to contain sub-prime commercial and other “filler” uses (i.e. liquor store, express tax service, and quick cash place). The area is almost void of any landscaping, with the exceptions of Sonic and the apartment complex. The Sonic has constructed a new sidewalk along Topeka Blvd along with a landscaped area fronting the street, which could be an example of public improvements. The apartment complex appears in sound condition and has nicely landscaped grounds.
- **Uses and Zoning-** Prospects for this area are new retail and office uses, as well as to providing incentives to existing businesses to make improvements to their property/buildings or demolish these older strip malls and prepare the site for new development. Other retail and commercial developments are also appropriate.
- **Issues related to redevelopment of the area-**
 - Provide incentives to current property owners to put investments into their property/buildings.
 - Landscape and sidewalk public improvements along Topeka and 37th
 - Provide incentives to encourage new businesses to locate in existing vacant buildings/retail centers and renovate those buildings.
 - Possible building demolition, re-platting, and utility adjustments
 - Possible right-of-way dedication, vacation, and lot reconfiguration

VII. Sub-Area 6

- a. **Existing Conditions-** The sub-area includes White Lakes Mall. The property is currently split between C-4 and I-1 zoning. Current uses inside the mall include employment agencies, Department of Motor Vehicles annex, hair styling school, Dispatch church, various offices, extremely limited retail (jewelry store, walk-up snack bar, book store), and many vacant store fronts. The property has five outbuildings, which include Walgreen’s, Taco John’s, Burger King, retail strip center, bank. A restaurant, Las Fuentes, is attached to the south side of the mall structure. The mall has decent transit access,

being on two bus routes, which run from approximately 6:00 am to 7:00 pm. The mall is nearly void of any restaurants within the enclosed structure. Landscaping amenities on the mall grounds are non-existent. A few trees are scattered sporadically throughout the parking lot. The mall has tried to re-invent itself as an office environment, but few physical changes have occurred on the grounds itself. The area still contains a typical enclosed shopping mall surrounded by a massive parking lot. Another feature of the mall is that it has become a gathering and walking destination for senior citizens.

b. Uses and Zoning- Redevelopment of the mall site as an office park, such as, continued promotion of the mall for office uses, call centers, educational institutions, community college annexes, etc. Encourage limited commercial uses geared specifically toward the mall's primary function as an office park, such as, lunch restaurants, coffee shops, doctor's offices, accountant's offices, walk-up medical clinic, wellness center or gym geared toward senior citizens, dollar or variety store, small pharmacy, news stand, or other generally conforming uses. The City would work with a developer on structuring a PUD to accommodate the mix of office and limited commercial uses, as well as, to provide clear guidelines for developers for redevelopment opportunities for the mall.

c. Issues related to redevelopment of the area-

- Create more of an "office campus" environment rather than "offices within a vacant shopping mall" environment by reconfiguring the parking areas and structures.
- Break up the massive expanse of parking and provide more landscaped amenities and public space. (Ex: Provide trees and landscaped areas, benches, tables, pedestrian walkways, outdoor eating area for office employees.) This should occur particularly on the front side along Topeka.
- Provide well-lit and attractive lighting in parking areas.
- Reconfigure parking areas, so as to break up the massive parking expanse.
- Landscape and sidewalk public improvements along Topeka, Croix, and Kansas.
- Renovate the inside of the mall for office spaces rather than retail. Combine smaller vacant store fronts with adjoining ones so future office tenants will have more space. Prepare spaces so tenants can move right in rather than having to make renovations themselves. Some of the current vacant store fronts may be too small for office uses and would better for office if combined with adjoining store fronts.
- Facelift to outside and inside of mall (i.e. painting, remodeling, updating, taking out walls, etc.)

- Possible rezoning, platting, and vacation of utility easements and relocation of utilities
- Demolish some of the building to create outdoor space and to break up the main structure.

VIII. Phasing of Development- Timing of development will be developer driven. Public infrastructure improvements within each sub-area will depend upon specific project proposals submitted by individual developers. Anticipated public improvements include, but are not limited to, street construction; intersection adjustments; access controls, such as traffic signaling and construction of medians; public parking; utility (sewer and water) adjustments and extensions; land acquisition; and drainage improvements.

C. DESCRIPTION AND MAP AVAILABLE FOR INSPECTION:

A description and map of the proposed Southwest Topeka Boulevard Redevelopment District are available for inspection at the office of the Topeka City Clerk on Monday through Friday, except holidays during regular business hours from 8:00 a.m. to 5:00 p.m.

D. PUBLIC HEARING/FINDINGS TO BE CONSIDERED/RECESS:

During said hearing, that the City Council will consider findings necessary for the establishment of the Redevelopment District. The hearing may be recessed from time to time by the City Council to allow for the presentation and consideration of relevant information to make its findings.

E. POSTHEARING PROCEDURE:

The City Council may upon conclusion of the public hearing pass an ordinance establishing the Redevelopment District pursuant to the requirements contained in K.S.A. §12-1771, as amended.

379 ADOPTED and APPROVED by the City Council September 16, 2008.

380 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

386 ATTEST:

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391 _____
Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 15, 2008

+ Back Print

DATE:	October 28, 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:	10/21/08 First Reading.	JOURNAL #:	08
		PAGE #:	

DOCUMENT DESCRIPTION:

A PUBLIC HEARING relating to vacation request V08S/5 by James Speier to vacate 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.

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. Final 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:

N/A.

ATTACHMENTS:

[Application](#)

[Check-off Page](#)

[Aerial](#)

[Ordinance](#)

[Legal Advertisement](#)

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

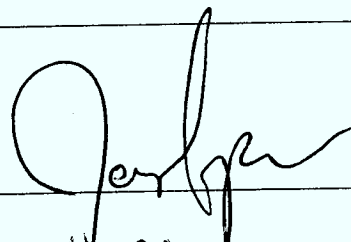
13. How are adjoining properties used? storage lot

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

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



V08S/5 James Speier et al.

(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

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**



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 15, 2008

+ Back Print

DATE:	October 28, 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:	10/21/08 First Reading.	JOURNAL #:	08
		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. **Final 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 #11

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Department Comments](#)

[Ordinance](#)

[Aerial](#)

[Department Comment](#)

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.

(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.

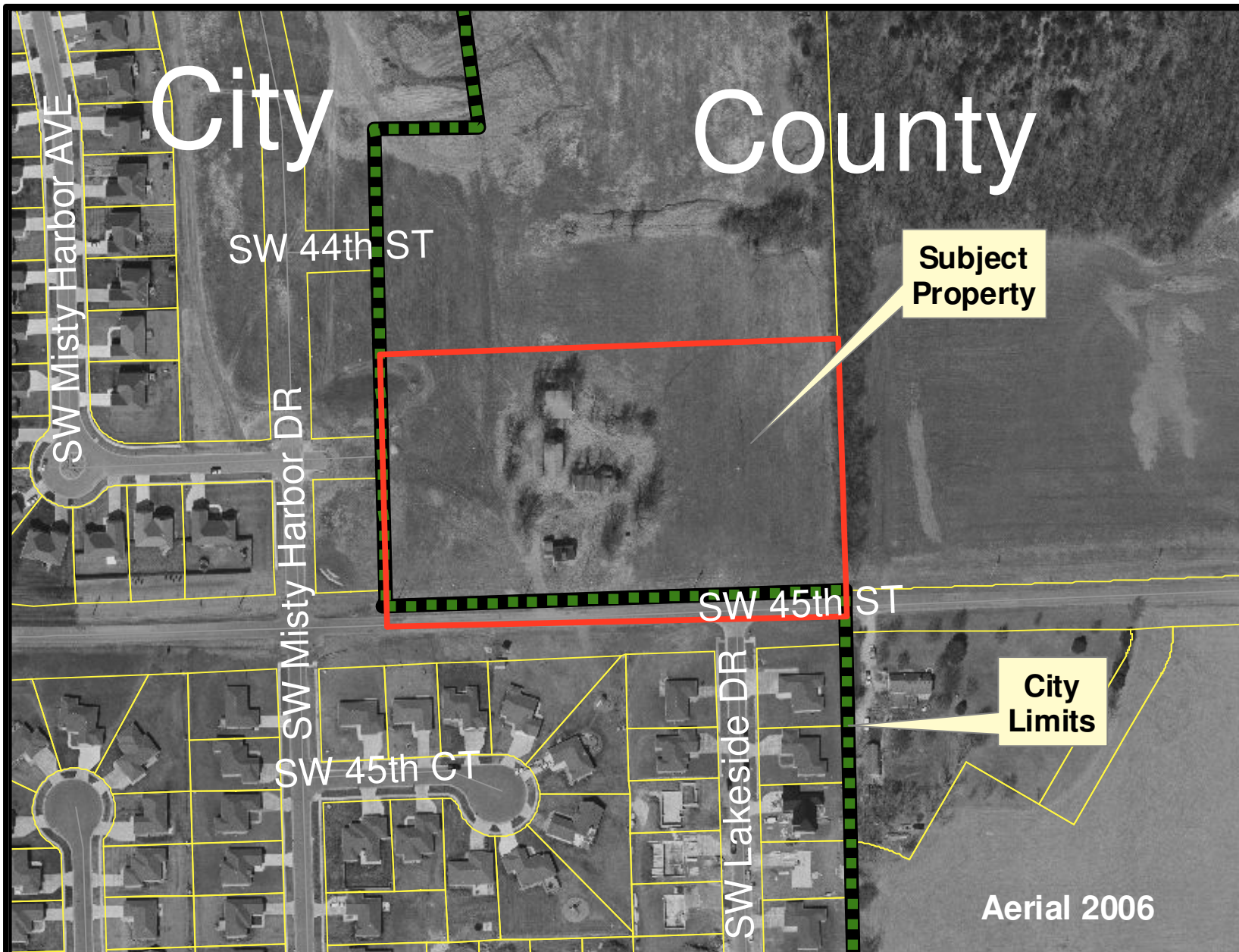
William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X



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



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 27, 2008

+ Back Print

DATE: October 28, 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., adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas and rescinding Resolution No. 8086.

This item was added at the meeting.

(Amends the 2008-2009 Capital Improvement Budget (CIB) to accommodate the change in funding for the Southwest Interceptor project.)

POLICY ISSUE:

Having the CIB match up with project budgets.

STAFF RECOMMENDATION:

Approve the resolution.

BACKGROUND:

The Southwest Interceptor Project is in the current CIB financed with \$1.5 million from revenue bonds or state revolving loan monies. The amendment would accommodate an additional \$150,000 from a private developer and \$310,000 from USD 437.

BUDGETARY IMPACT:

None.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Resolution](#)

[Attachment A](#)

Item #12

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas and rescinding Resolution No. 8086.

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

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

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

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

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

BE IT FURTHER RESOLVED, that City of Topeka Resolution No. 8086 is hereby rescinded.

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

28 ADOPTED and APPROVED by the City Council _____.

29 CITY OF TOPEKA, KANSAS

30

31

32

William W. Bunten, Mayor

33 ATTEST:

34

35

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37 _____
Brenda Younger, City Clerk

CIB Attachment A

2008 - 2009 Capital Improvement Budget	Adopted 2008	Adopted 2009	Other Source	Other Contrib.
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Enterprise Funded Projects**Pub Wrks/Water Pollution Control Fund**

Rehab Oakland Plant Phase 2	7,243,243	-	SRF Loan	-
Deer Creek Force Main	4,581,500	-	SRF Loan	-
N Topeka Distributed Control Sys.	1,000,000	-	Operations	
Inflow/Infiltration correction Prg.	700,000	700,000	Operations	
SKRPS Project	500,000	4,500,000	SRF Loan	-
Southwest Interceptor	150,000	1,810,000	Developer/USD437	460,000
Sewer Service Extension	-	-	Operations	
Grant/Jefferson Pump Station Rehab	-	800,000	Rev Bond	
N Topeka Pump Station	1,000,000	-	Rev Bond	
Subtotal Water Pollution Control	15,174,743	7,810,000		

Public Works/Stormwater Fund

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

Public Works/Water Fund

Water Treatment Plant Rehabilitation	2,500,000	2,500,000		
Indian Hills Rd-33d to 41st, E to Sherwood Tower	1,325,000	-		
Portage Route - Water Treatment Plant	300,000	-		
Wanamaker	120,000	980,000		
California from 33rd to 41st Street	105,000	860,000		
Reo -Kansas Ave to Topeka Blvd	67,000	483,000		
17th & Belle Pressure Improvement	28,000	222,000		
Burlingame, 49th to 57th, E to Tpk Blvd	-	580,000		
Croco Rd 36th to North of 45th	-	110,000		
Subtotal Water	4,445,000	5,735,000		

Sub-Total Enterprise Fund	23,119,743	16,545,000		
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General Improvement Fund**Housing & Neighborhood Dev.**

Affordable Housing Projects	200,000	200,000	Fed HUD	1,600,000
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Police Department

Fleet Replacement Vehicles	-	650,000		
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CIB Attachment A

2008 - 2009 Capital Improvement Budget	Adopted 2008	Adopted 2009	Other Source	Other Contrib.
Fire Department				
Lease Pmt. on Breathing Apparati	100,000	100,000		
Fleet Replacement Vehicles	353,850	750,000		
Zoo				
Zoo Infrastructure	-	50,000		
City Wide Projects (except utilities)				
ERP Purchase Payment	-	643,000		
Rehabilitation and Repair for City Facilities	-	300,000		
PW-Sidewalk Repair 50-50	25,000	35,000	Assessments	60,000
Washburn Lane Parkway	-	100,000	ISTEA Fed	400,000
All Other Projects and Expenses	446,150	-		
Sub-Total General Improvement Fund	1,125,000	2,828,000		

Other Revenue Funded

Zoo				
Animal Kingdom/Hertpetarium	1,000,000	-	FOTZ	1,000,000
Creatures of the Night	-	675,000	FOTZ	675,000
Sub-Total Other Revenue	1,000,000	675,000		

GO Bonded Projects

Fire Department				
Refurbish Stations 1, 6 and 7	318,240	-		
Build Fire Station #13 (6th & Fairlawn)	500,000	-		
Refurbish Stations 3, 9 and 11	-	265,200		
Subtotal	818,240	265,200		
Neighborhoods/Citywide				
Neighborhood Infrastructure	1,400,000	1,400,000		
City Wide Facilities ADA	519,000	-		
Subtotal	1,919,000	1,400,000		
Signals				
STP Safety Projects	78,000	120,000	FHWA Safety	1,890,000
Signals Replacement	-	490,000		
Traffic Controller Upgrade	102,400	102,400		
Subtotal	180,400	712,400		

CIB Attachment A

2008 - 2009 Capital Improvement Budget	Adopted 2008	Adopted 2009	Other Source	Other Contrib.
Streets				
California: 29th to 33rd-Mill and Overlay	300,000	-		
California: Sidewalk KTA Bridge to 38th and 37th to Long	250,000	-		
Street Repair Projects	2,620,000	-		
ADA Street Curb Repair	500,000	500,000		
Elevation Parkway	-	2,450,000		
SW 29th Street and Fairlawn Rd	800,000	500,000	KDOT	1,548,000
Subtotal	4,470,000	3,450,000		
Bridges				
Bridge E. 10th St.-over Shunga	-	-	FHWA STP	1,504,200
Topeka Blvd. Over Soldier Cutoff	157,040	-	FHWA STP	1,134,360
E 10th St. Bridge over Deer Creek	35,000	186,000	FHWA STP	224,500
Bridge SW 49th W or Topeka Blvd	-	84,000	FHWA STP	660,000
Subtotal	192,040	270,000		
Parks & Recreation				
Trail Development	100,000	100,000		
Playground Equipment	-	100,000		
Golf Course Pump Station	125,000	-		
Gage Park Playland Renovation	315,000	-		
Water Spray Park - Jackson Park	250,000	-		
Ballfield Lighting (Phase 2)	-	444,000		
CC Window and Door Replacement	-	269,200		
Bandshell Replacement	-	125,000		
Subtotal	790,000	1,038,200		
Zoo				
Upgrade HVAC Tropical Rain Forest	150,000	-		
Subtotal	150,000	-		
Subtotal GO Bond Projects	8,519,680	7,135,800		
Contingency	-	-		
TOTAL GO Bond PROJECTS	8,519,680	7,135,800		
Total CIB	33,764,423	27,183,800		



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 27, 2008

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DATE: October 28, 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 the 2008-2012 Capital Improvement Program for the City of Topeka, Kansas and rescinding Resolution No. 8087.

This item was added at the meeting.

(Amends the 2008-2012 Capital Improvement Program (CIP) to accommodate the change in funding for the Southwest Interceptor project.)

POLICY ISSUE:

Having the CIP match up with project budgets.

STAFF RECOMMENDATION:

Approve the resolution.

BACKGROUND:

The Southwest Interceptor Project is in the current CIP financed with \$1.5 million from revenue bonds or state revolving loan monies. The amendment would accommodate an additional \$150,000 from a private developer and \$310,000 from USD 437.

BUDGETARY IMPACT:

None.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Resolution](#)

[Resolution](#)

Item #13

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and
4 adopting the 2008-2012 Capital Improvement Program for the City of
5 Topeka, Kansas and rescinding Resolution No. 8087.
6

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

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

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

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

19 BE IT FURTHER RESOLVED, that City of Topeka Resolution No. 8087 is hereby
20 rescinded.

21 ADOPTED and APPROVED by City Council _____.

22 CITY OF TOPEKA, KANSAS
23
24

25 _____
26 William W. Bunten, Mayor

27 ATTEST:
28
29

30 _____
31 Brenda Younger, City Clerk

CIP Attachment A

2008 - 2012 Capital Improvement Program	Adopted CIB 2008	Adopted CIB 2009	Adopted 2010	Adopted 2011	Adopted 2012	Other Source	Other Contrib.
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Enterprise Funded Projects**Pub Wrks/Water Pollution Control Fund**

Rehab Oakland Plant Phase 2	7,243,243	-	-	-	-	SRF Loan	-
Deer Creek Force Main	4,581,500	-	-	-	-	SRF Loan	-
N Topeka Distributed Control Sys.	1,000,000	-	-	-	-	Operations	-
Inflow/Infiltration correction Prg.	700,000	700,000	700,000	700,000	700,000	Operations	-
SKRPS Project	500,000	4,500,000	-	-	-	SRF Loan	-
Southwest Interceptor	150,000	1,810,000	-	-	-	Developer/USD437	460,000
Sewer Service Extension	-	-	1,000,000	1,000,000	1,000,000	Operations	-
Grant/Jefferson Pump Station Rehab	-	800,000	1,800,000	10,000,000	-	Rev Bond	-
Rehab/Replace Adams Interceptor	-	-	300,000	4,000,000	4,000,000	Rev Bond	-
Rehab/Replace Pump Stations	-	-	-	1,000,000	1,000,000	fees	-
N Topeka Pump Station	1,000,000	-	-	-	5,000,000	Rev Bond	-
Heartland Park Service Extension	-	-	-	-	1,800,000	RB--increase fees	-
Subtotal Water Pollution Control	15,174,743	7,810,000	3,800,000	16,700,000	13,500,000		

Public Works/Stormwater Fund

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

Public Works/Water Fund

Water Treatment Plant Rehabilitation	2,500,000	2,500,000	-	-	-		-
Indian Hills Rd-33d to 41st, E to Sherwood Tower	1,325,000	-	-	-	-		-
Portage Route - Water Treatment Plant	300,000	-	-	-	-		-
Skyline Dr-37th & Fairlawn to 41st and Wanamaker	120,000	980,000	-	-	-		-
California from 33rd to 41st Street	105,000	860,000	-	-	-		-
Reo -Kansas Ave to Topeka Blvd	67,000	483,000	-	-	-		-
17th & Belle Pressure Improvement	28,000	222,000	-	-	-		-
Burlingame, 49th to 57th, E to Tpk Blvd	-	580,000	1,500,000	1,913,000	-		-

CIP Attacment A

2008 - 2012 Capital Improvement Program	Adopted CIB 2008	Adopted CIB 2009	Adopted 2010	Adopted 2011	Adopted 2012	Other Source	Other Contrib.
Croco Rd 36th to North of 45th	-	110,000	1,057,000	-	-		-
Berryton Rd 50th to 53rd	-	-	218,000	-	-		-
34th & California to 29th & Golden	-	-	275,000	-	-		-
29th Street - Golden to Granger	-	-	275,000	-	-		-
Fairlawn, Skyline Dr to 53d, E to Burl.	-	-	80,000	590,000	-		-
45th St from Fairlawn to Gage	-	-	-	590,000	-		-
12th St from Monroe to California	-	-	215,000	2,025,000	-		-
Croco Rd from 29 to 36	-	-	-	1,167,000	-		-
Fairlawn Booster St-New East Pump	-	-	-	407,000	-		-
W. Elevated Tank on Indian Hills Rd	-	-	-	435,000	5,110,000		-
Disinfection Modification at WTP	-	-	-	-	2,988,200		-
California-12th to 6th to Market	-	-	-	140,000	1,049,000		-
41st & Cal E. to W. Edge and so. to 45th	-	-	-	-	1,064,000		-
Kirkclawn Booster St-Modify Pump Units	-	-	-	-	320,000		-
Warehouse - Water Treatment Plt	-	-	-	-	1,180,000		-
Subtotal Water	4,445,000	5,735,000	3,620,000	7,267,000	11,711,200		
Sub-Total Enterprise Fund	23,119,743	16,545,000	10,120,000	26,617,000	29,511,200		

General Improvement Fund**Housing & Neighborhood Dev.**

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

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

Fire Department

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

Zoo

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

ERP Purchase Payment	-	643,000	643,000	643,000	643,000		
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CIP Attacment A

2008 - 2012 Capital Improvement Program	Adopted CIB 2008	Adopted CIB 2009	Adopted 2010	Adopted 2011	Adopted 2012	Other Source	Other Contrib.
Rehab/Repair for City Facilities	-	300,000	350,000	500,000	500,000		-
PW-Sidewalk Repair 50-50	25,000	35,000	35,000	35,000	35,000	Assessments	165,000
Washburn Lane Parkway	-	100,000	-	-	-	ISTEA Fed	400,000
All Other Projects and Expenses	446,150	-	-	-	-		
Sub-Total General Improvement Fund	1,125,000	2,828,000	5,838,000	2,868,000	2,898,000		

Other Revenue Funded

Zoo

Animal Kingdom/Hertpetarium	1,000,000	-	-	-	-	FOTZ	1,000,000
Creatures of the Night	-	675,000	-	-	-	FOTZ	675,000

Sub-Total Other Revenue	1,000,000	675,000	-	-	-		
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GO Bonded Projects

Fire Department

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

Neighborhoods/Citywide

Neighborhood Infrastructure	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000		-
City Wide Facilities ADA	519,000	-	-	-	-		
Citywide Neighborhood Infrastructure	-	-	598,000	590,000	595,000		
College Hill Parking Lot 2007	-	-	-	-	-		
Subtotal	1,919,000	1,400,000	1,998,000	1,990,000	1,995,000		

Signals

STP Safety Projects	78,000	120,000	120,000	185,000	185,000	FHWA Safety	1,890,000
Signals Replacement	-	490,000	640,000	640,000	640,000		-
Traffic Controller Upgrade	102,400	102,400	102,400	-	-		-
Subtotal	180,400	712,400	862,400	825,000	825,000		

CIP Attachment A

2008 - 2012 Capital Improvement Program	Adopted CIB 2008	Adopted CIB 2009	Adopted 2010	Adopted 2011	Adopted 2012	Other Source	Other Contrib.
Streets							
California: 29th to 33rd-Mill and Overlay	300,000	-	-	-	-		-
California: Sidewalk KTA Bridge to 38th and 37th to Long	250,000	-	-	-	-		
Street Repair Projects	2,620,000	-	-	-	-		
ADA Street Curb Repair	500,000	500,000	500,000	500,000	360,000		-
SW 10th Sidewalk-Meadow to Civitan Elevation Parkway	-	-	-	250,000	-		
	-	2,450,000	3,000,000	2,840,000	-		
SW 29th Street and Fairlawn Rd	800,000	500,000	-	-	-	KDOT	1,548,000
US HWY 24 and Topeka Blvd	-	-	1,500,000	-	-	Fed/KDOT	6,000,000
Wanamaker Rd: 29th to 33rd	-	-	250,000	100,000	3,050,000		
Wanamaker Rd: 33rd to 37th	-	-	-	250,000	100,000		
SW 6th Street - Gage to Westchester	-	-	-	-	300,000		
Subtotal	4,470,000	3,450,000	5,250,000	3,940,000	3,810,000		
Bridges							
Topeka Blvd. Over Soldier Cutoff	157,040	-	-	-	-	FHWA STP	1,134,360
E 10th St. Bridge over Deer Creek	35,000	186,000	-	-	-	FHWA STP	224,500
Bridge SW 49th W or Topeka Blvd	-	84,000	70,000	286,000	-	FHWA STP	660,000
Bridge Overlay on SE 21st Street	-	-	-	-	300,000		
Subtotal	192,040	270,000	70,000	286,000	300,000		
Parks & Recreation							
Trail Development	100,000	100,000	100,000	100,000	100,000		-
Playground Equipment	-	100,000	100,000	100,000	100,000		-
Golf Course Pump Station	125,000	-	-	-	-		
Gage Park Playland Renovation	315,000	-	-	-	-		
Water Spray Park - Jackson Park	250,000	-	-	-	-		
Ballfield Lighting (Phase 2)	-	444,000	-	-	-		
CC Window and Door Replacement	-	269,200	237,500	95,000	-		-
Bandshell Replacement	-	125,000	-	-	-		
Helen Hocker Office & Classroom	-	-	400,000	-	-		
Gage Park ADA Walkways	-	-	150,000	-	150,000		
Oakland Center Gym Floor Replace.	-	-	110,000	-	-		
Parks System Security Lightning	-	-	210,000	-	-		
Gage Park Victorian Lighting (Phase 1)	-	-	-	255,000	-		
Park Restrooms - B Shunga, M Palm	-	-	-	308,100	-		
Gage Park Snyders' Cabin Shelter	-	-	-	614,800	-		

CIP Attachment A

2008 - 2012 Capital Improvement Program	Adopted CIB 2008	Adopted CIB 2009	Adopted 2010	Adopted 2011	Adopted 2012	Other Source	Other Contrib.
Gage Park Accessible Ball Field (NEW)	-	-	-	291,900	-		
Garfield Center Gym Floor Replace	-	-	-	112,900	-		
Park Maintenance Building	-	-	-	250,000	-		
Westlake Shelterhouse Renovation	-	-	-	456,300	-		
Water Spray Park – Crestview Park	-	-	-	-	843,700		
Subtotal	790,000	1,038,200	1,307,500	2,584,000	1,193,700		
Zoo							
Upgrade HVAC Tropical Rain Forest	150,000	-	-	-	-		
Tropical Rain Forest Roof	-	-	-	-	1,500,000		
Animals and Man Roof Replacement	-	-	-	150,000	-		
Subtotal	150,000	-	-	150,000	1,500,000		
Subtotal GO Bond Projects	8,519,680	7,135,800	9,487,900	9,775,000	9,773,700		
Contingency	-	-	-	500,000	500,000		
TOTAL GO Bond PROJECTS	8,519,680	7,135,800	9,487,900	10,275,000	10,273,700		
Total Annual Target	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000		
Difference Target to Subtotal	1,755,320	3,139,200	787,100	-	1,300		
Running Total	(3,842,429)	(703,229)	83,871	NA	NA		
Total CIP	33,764,423	27,183,800	25,445,900	39,760,000	42,682,900		



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 15, 2008

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DATE:	October 28, 2008	DOCUMENT #:	
CONTACT PERSON:	Jeff Hunt	PROJECT #:	T-401009-00 (HTE 409650)
SECOND PARTY/SUBJECT:	Sanitary Sewer Improvement		
CATEGORY/SUBCATEGORY			
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	10/21/08 First Reading.	JOURNAL #:	08
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$1,960,000 and 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. Final Reading.

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 Section A12-1, and to borrow funds from the State of Kansas Loan Funds, or any combination thereof, to pay the cost of the project.

(Approval would 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.

Item #14

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.

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

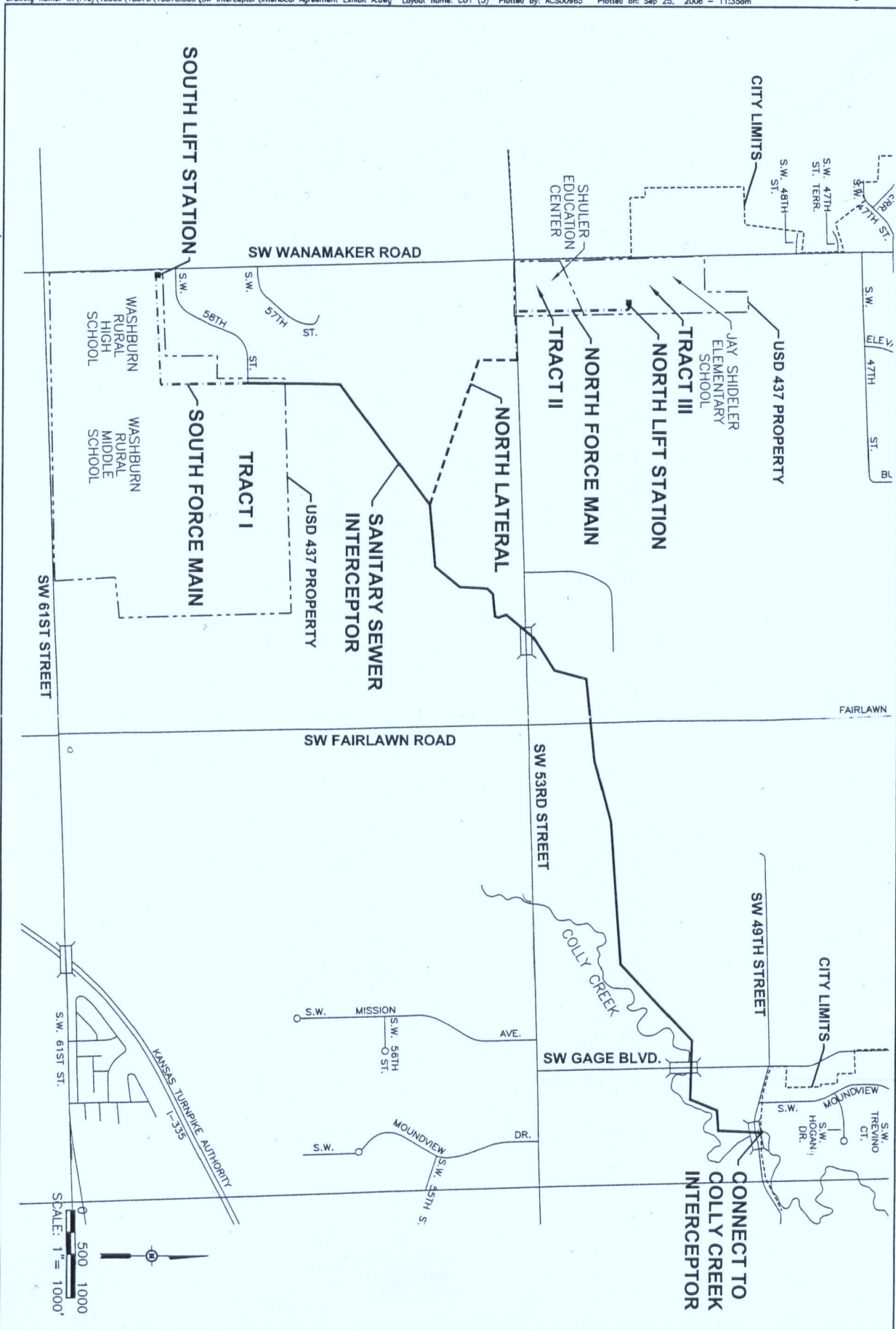
Annual Debt Service	\$122,929
Annual Debt Service as Percent of Total	8.2%

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>	City of Topeka	USD 437 & Private Developer	Total
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



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 1, 2008

+ Back Print

DATE:	October 28, 2008	DOCUMENT #:	
CONTACT PERSON:	Mike Teply	PROJECT #:	T-401009.00 (H.T.E. 409650)
SECOND PARTY/SUBJECT:	Chuck Dultmeier / Dultmeier Homes Company		
CATEGORY/SUBCATEGORY	007 Contracts and Amendments/019 Purchase of Land		
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	Approve and Adopt	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A DEVELOPER AGREEMENT between the City of Topeka and Chuck Dultmeier/Dultmeier Homes authorizing the Developer to participate in Sewer Interceptor Project No. T-401009.00.

(The developer's portion of the project cost is \$150,000. Approval would allow the developer to connect any residences constructed on the property to the City's sanitary sewer system upon completion of all conditions outlined in the agreement.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve and Adopt

BACKGROUND:

City and Unified School District (USD) 437 desire to construct a sanitary sewer interceptor, lines and pump stations to connect certain facilities owned by District to City's sanitary sewer system.

Developer desires to connect any residences constructed on the Property to the City's sanitary sewer system. In consideration for this right, Developer desires to participate in the City and District's interceptor sewer project.

BUDGETARY IMPACT:

Estimate: Total cost \$1,960,000.00
City of Topeka to pay: \$1,500,000.00
District to pay: \$310,000.00
Private Developer to pay: \$150,000.00

SOURCE OF FUNDING:

Item #15

2008 & 2009 Capital Improvement Budgets -This project will be funded by City of Topeka - Revenue Bonds, State Loan Funds, General Obligation Bonds, or any combination thereof, or other lawfully available funds.

ATTACHMENTS:

[Agreement](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

CITY OF TOPEKA CONTRACT NO. _____

AGREEMENT

THIS AGREEMENT entered into this _____ day of _____, 2008,
by and between the City of Topeka, a duly organized municipal corporation hereinafter
referred to as the "City" and Chuck Dultmeier/Dultmeier Homes Company, hereinafter
referred to as the "Developer."

WHEREAS, Developer is the owner of a certain tract of land, hereinafter referred
to as the "Property," described as follows:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH,
RANGE 15 EAST OF THE 6TH P.M. IN SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33; THENCE N 89°56'27" E,
865.00 FEET ALONG THE NORTH LINE OF SAID SECTION FOR THE POINT OF BEGINNING;
THENCE CONTINUING N 89°56'27" E, 482.50 FEET; ;THENCE S 00°24'35" W, 693.40 FEET; THENCE
N 89°56'27" E, 600.00 FEET; THENCE N 00°24'35" E, 693.40 FEET TO A POINT ON THE NORTH LINE
OF SAID SECTION; THENCE N 89°56'27" E, 487.23 FEET; THENCE S 00°26'56" W, 693.40 FEET;
THENCE N 89°56'27" E, 200.00 FEET; THENCE S 00°26'56" W, 340.00 FEET; THENCE N 89°56'27" E,
14.00 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER, SAID POINT BEING 1033.40 FEET
SOUTH OF THE NORTHEAST CORNER OF SAID QUARTER; THENCE S 00°26'56" E, 1628.51 FEET
TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N 89°57'47" W, 1322.53
FEET ALONG THE SOUTH LINE OF SAID QUARTER TO THE SOUTHWEST CORNER OF THE EAST
HALF OF SAID NORTHWEST QUARTER; THENCE N 0°24'35" E, 426.0 FEET (425.23 FEET, MEAS.)
ALONG THE WEST LINE OF SAID EAST HALF; THENCE WEST PARALLEL TO THE SOUTH LINE OF
THE WEST HALF OF SAID NORTHWEST QUARTER, 663.82 FEET (N 89°57'53" W, 663.30 FEET
MEAS.); THENCE NORTH PARALLEL TO THE WEST LINE OF SAID QUARTER, 990.0 FEET (N
00°22'26" E, 989.68 FEET, MEAS.) TO A POINT 660 FEET EAST OF THE WEST LINE AND 1416 FEET
NORTH OF THE SOUTH LINE OF SAID QUARTER; THENCE WEST PARALLEL TO THE SOUTH LINE
OF SAID QUARTER 660.0 FEET (N 89°56'30" W, 659.73 FEET, MEAS.) TO A POINT 1416 FEET
NORTH (1415.95 FEET MEAS.) OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER;
THENCE N 00°22'40" E, 60.0 FEET ALONG THE WEST LINE OF SAID QUARTER; THENCE EAST
PARALLEL TO THE SOUTH LINE OF SAID QUARTER, 660.0 FEET (S 89°56'30" E, 659.74 FEET,
MEAS.); THENCE NORTH PARALLEL TO THE WEST LINE OF SAID QUARTER 594.0 FEET (N
00°22'26" E, 594.21 FEET, MEAS.); THENCE ON A CURVE TO THE RIGHT WHICH HAS A RADIUS
OF 294.92 FEET, AN ARC DISTANCE OF 256.87 FEET, SAID CURVE HAVING A LONG CHORD
BEARING N 25°19'33" E, 248.83 FEET; THENCE N 50°16'39" E, 33.96 FEET; THENCE ON A CURVE
TO THE LEFT WHICH HAS A RADIUS OF 212.85 FEET, AN ARC DISTANCE OF 186.97 FEET, SAID
CURVE HAVING A LONG CHORD BEARING N 25°06'47" E, 181.02 FEET; THENCE N 00°03'06" W,
179.11 FEET TO THE POINT OF BEGINNING. CONTAINING 100.97 ACRES MORE OR LESS.

and

WHEREAS, Developer desires to develop the Property for residential uses and desires that those residences be connected to the City's sanitary sewer system; and

WHEREAS, Developer is willing to pay one hundred fifty thousand dollars (\$150,000.00) to defray the cost of a certain interceptor sewer project as well as construct and convey to the City a lateral sewer line across the Property; and

WHEREAS, the parties desire to enter into an agreement setting forth the rights and responsibilities of each.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN THE PARTIES AGREE AS FOLLOWS:

1. Nature of Project.

City and Unified School District (USD) 437 desire to construct a sanitary sewer interceptor, lines and pump stations to connect certain facilities owned by District to City's sanitary sewer system. The general location and routing of said sanitary sewer improvements is more specifically set forth on Exhibit A specifically incorporated herein. Developer desires to connect any residences constructed on the Property to the City's sanitary sewer system. In consideration for this right, Developer desires to participate in the City and District's interceptor sewer project.

2. City's Responsibilities.

It is understood and agreed by the parties that City shall be responsible for all aspects of the design, bidding and construction of a sanitary sewer interceptor from approximately SW 49th and SW Gage to approximately SW 61st and SW Wanamaker Road, more specifically set forth on Exhibit A. Developer shall pay for a portion of the construction of said interceptor as more fully set forth herein.

3. Developer's Responsibilities.

It is further understood and agreed that Developer shall, at its sole cost and expense, construct a lateral sewer line along with any private service lines necessary to connect residences within the Developer's property to City's sanitary sewer system as more specifically set forth on Exhibit A.

4. Duration and Termination.

This Agreement shall commence upon completion of all conditions precedent set forth herein, execution and shall terminate upon the completion of construction of all facilities and improvements contemplated herein, acceptance for maintenance of such facilities by City and payment of all costs required herein. Notwithstanding the foregoing, the permanent easements, consents to annexation and Developer's right to connect its residences to the City's system shall survive the termination of this Agreement. The parties further agree and understand that upon receipt of construction bids, if there are not sufficient funds within the approved project budget, this Agreement shall be terminated and of no further force or effect.

5. Conditions Precedent.

It is understood and agreed by the parties that this Agreement is conditioned upon and shall not become effective unless the City Council authorizes a project budget in the amount of one million nine hundred sixty thousand dollars (\$1,960,000.00) and the City and USD 437 enter into an interlocal agreement for the construction of the project. Further, this Agreement is conditioned upon the City Council granting an

exception to the actual annexation requirement set forth in City of Topeka Code § 146-256 to permit Developer to connect to the City's sanitary sewer system with only a consent to annexation for the Property.

6. Cost, expenses and fees.

A. It is estimated that the total cost of constructing the interceptor sewer will be one million nine hundred sixty thousand dollars (\$1,960,000.00). The interceptor project cost includes, but is not limited to, engineering, design, materials, construction, staking, inspection, property acquisition, administration, contingency, and financing. The parties agree that City will pay one million five hundred thousand dollars (\$1,500,000.00) of the interceptor project cost and Developer will pay one hundred fifty thousand dollars (\$150,000.00) with District contributing three hundred ten thousand dollars (\$310,000.00) under the terms of a separate agreement. Should the actual cost of the interceptor project as constructed be less than the original budgeted amount of one million nine hundred sixty thousand dollars (\$1,960,000.00), the amount of contribution to the interceptor project cost stated above shall be reduced by an amount equal to each party's prorated share of the construction cost. Developer will pay its share of the interceptor project cost, one hundred fifty thousand dollars (\$150,000), to City on or before September 1, 2009.

B. Developer shall be solely responsible for all costs associated with the construction of the lateral sewer lines and private service lines as set forth on Exhibit A. The lateral sewer line and service line project cost includes, but is not limited to, engineering, design, materials, construction, staking, inspection,

property acquisition, administration, contingency, and financing. City shall not make any payment to Developer towards these costs.

C. In addition to Developer's share of the interceptor project costs and the costs of constructing lateral sewer service lines, Developer or individual owners of the lots shall pay to City all standard connection (system) fees associated with connecting to the City's sanitary sewer system and shall be responsible for payment of the fees and rates for sanitary sewer service at rates and fees established by the City Council.

7. Construction Standards and Specifications/Acceptance and Maintenance.

A. All facilities, lines and improvements contemplated under this Agreement shall be constructed in accordance with the City of Topeka technical specifications promulgated by the City engineer. Upon completion of construction, Developer shall donate to City the lateral sewer line. After acceptance by City, City shall be responsible for maintenance of the lateral sewer line but City shall have no obligation to maintain Developer's private service lines.

B. Developer understands and agrees that it shall furnish City with a complete set of as built plans depicting the completed construction of the lateral sewer line within thirty (30) days of completion of construction of said improvement.

8. Easements.

Developer shall at its own expense acquire all permanent utility easements and other necessary property interests necessary for the construction, repair and maintenance of the lateral sewer line. Further, Developer shall ensure that all easements specifically provide City the right of access as well as the right to maintain, repair and reconstruct the improvements and facilities located therein. Developer shall donate all easements and property interests to City at no cost. The permanent utility easements shall be in substantially the same form as that set forth as Exhibit B-Lateral Sewer Line, which is incorporated herein. Said easements and City's right of access to the facilities and improvements shall survive the termination of this Agreement.

9. Consent to Annexation/ Connection of Developer's Facilities to City Sanitary Sewer System.

Developer will provide City with a written irrevocable consent to annexation of all tracts of land which have residences which will connect to City's sanitary sewer system, attached hereto as Exhibit C. City shall have the right, at its sole discretion, to annex said land at any time. The written irrevocable consent to annexation and City's right to annex shall survive the termination of this Agreement. Further, it is understood and agreed by the parties that Developer shall be permitted to connect any existing or future facilities located within the area described in said consent to annexation to the City's system without the actual annexation of land as provided for in City of Topeka Code § 146-256(c)(6)(ii). All future connections shall be subject to the connection fees, rates and charges then in existence. The permission for future connections of Developer's

facilities located within the area subject to the consent to annexation shall survive the termination of this Agreement,

10. Due Diligence/Responsibilities of Penalties and Fees.

City and Developer understand the time sensitive nature of the project and both parties will pursue the construction of the project in a reasonable manner. City will not be responsible for any expenses, fees or costs incurred by Developer for delay in City constructing the interceptor project.

11. Future Connections to Interceptor/System.

City shall have sole and absolute control over any future connections to the interceptor mains or laterals or City's sanitary sewer system. All such connections shall comply with all requirements of City then in effect including, but not limited to, annexation or consent to annexation, fees, rates and charges. Except as specifically set forth in Section 9, neither Developer nor any other party shall have a right to connect to the City's system without complying with all applicable City requirements.

12. Rights of Third Parties.

Nothing contained herein shall be construed as creating any rights of any party who is not party to this Agreement.

13. Transfer and Assignment.

Developer shall not assign any interest in this Agreement and shall not transfer any interest in the same.

14. Relationship Between Parties.

Nothing contained herein shall be construed or held to make City a partner, joint venturer, or associate of Developer in the conduct of its business, nor shall either party

be deemed the agent of the other, it being expressly understood and agreed that the relationship between the parties hereto is and shall at all times remain contractual as provided by the terms and conditions of this Agreement.

15. Entire Agreement.

This Agreement constitutes the entire agreement of the parties, supersedes any and all prior agreements between the parties, and neither party shall rely upon any verbal representations, either expressed or implied, not specifically stated herein. This Agreement shall not be amended or modified except by written agreement of both parties.

16. Execution in Counterparts.

This Agreement may be executed in several counterparts, all of which together shall constitute one original agreement.

17. Due Authorization.

By signing this Agreement, representative of the Developer thereby represents that he or she is duly authorized by the organization to execute this Agreement on behalf of Developer, and that Developer agrees to be bound by the provisions of this Agreement.

IN WITNESS WHEREOF, the parties have hereto executed this Agreement as of
the day and year first above written.

CITY OF TOPEKA, KANSAS

Norton N. Bonaparte, Jr., City Manager

ATTEST:

Brenda Younger, City Clerk

DULTMEIER HOMES COMPANY

Chuck Dultmeier, Trustee, C.F. Dultmeier Trust

Jon Rollenhagen

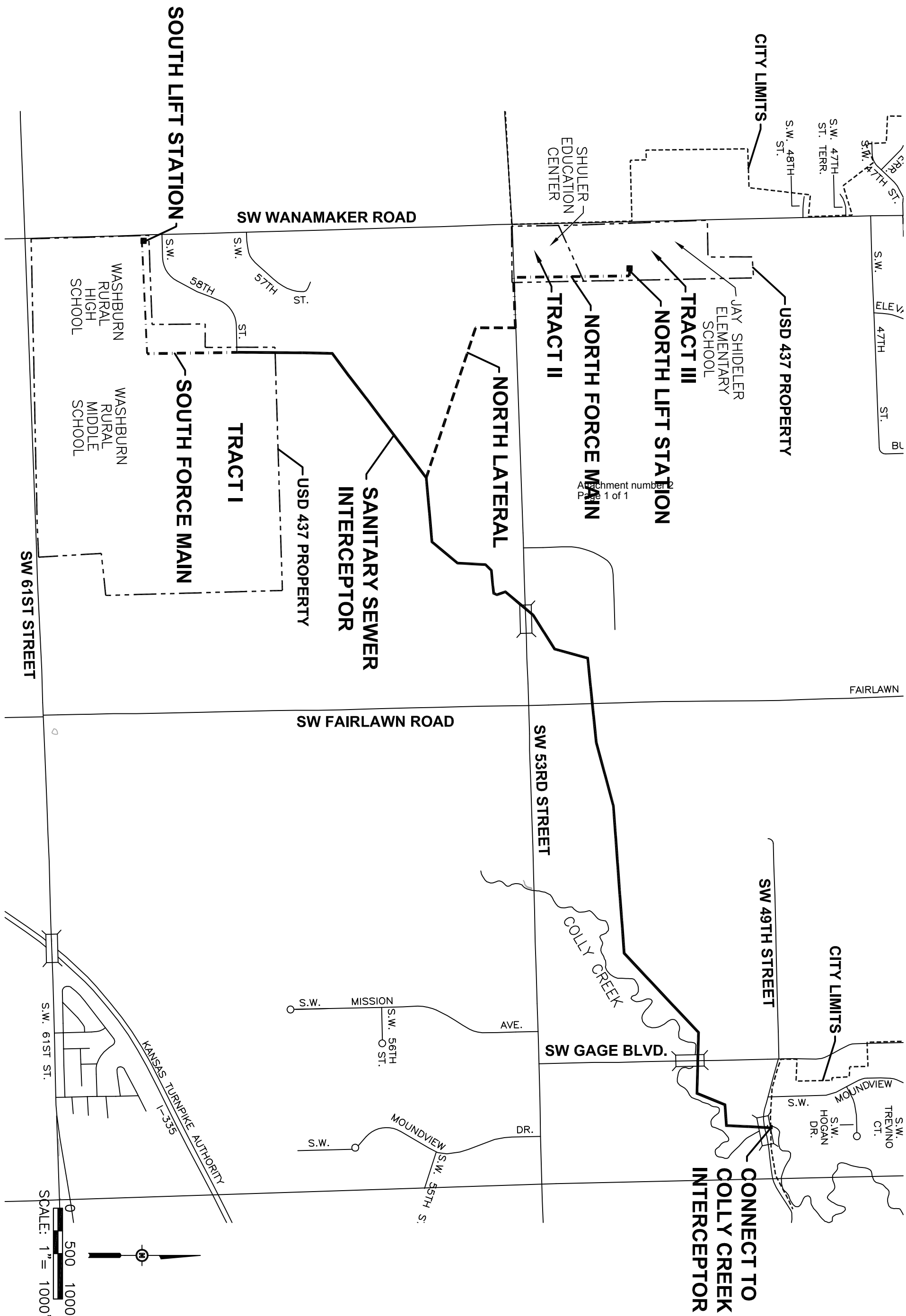
Susan Rollenhagen

B. F. Dultmeier

Traci Dultmeier

APPROVED AS TO FORM AND LEGALITY

DATE _____ BY _____



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

BARTLETT & WEST

PHONE 888.200.6464

KDOT Project No.

**PERMANENT PUBLIC
IMPROVEMENT
EASEMENT**

THIS INDENTURE, Made this _____ day of _____, 200__ by and between

hereinafter referred to as Landowner; and THE CITY OF TOPEKA, a municipal corporation,
hereinafter referred to as City.

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

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

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

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

KDOT Project No.

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

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

Easement No. _____

For Project No. _____

KDOT Project No.

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__,
before me, the undersigned, a notary public in and for the County and State aforesaid, came

who _____ personally known to me to be the same person____ who executed the within
instrument of writing, and such person____ duly acknowledged the execution of the same.

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

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__,
before me, the undersigned, a notary public in and for the County and State aforesaid, came
_____, _____ President of _____,
a corporation duly organized, incorporated and existing under and by virtue of the laws of the
State of _____, who is personally known to me to be such officer, and
who is personally known to me to be the same person who executed, as such officer, the within
instrument of writing on behalf of said corporation, and such person duly acknowledged the
execution of the same to be the act and deed of said corporation.

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

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

KDOT Project No.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____, _____ of _____, L.L.C., who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same on behalf of said Limited Liability Company.

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

Notary Public

My commission expires:

Consent to Annexation

Now this ____ day of _____ 20 _____. Chuck Dultmeier, Trustee, C. F. Dultmeier
Trust; Jon Rollenhagen; Susan Rollenhagen; B. F. Dultmeier and Traci Dultmeier as
owner of record of the following described real estate, does hereby evidence its complete and irrevocable
consent to annexation by the City of Topeka, in accordance with the laws of the State of Kansas of the
following described property to wit:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M. IN SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33; THENCE N 89°56'27" E, 865.00 FEET ALONG THE NORTH LINE OF SAID SECTION FOR THE POINT OF BEGINNING; THENCE CONTINUING N 89°56'27" E, 482.50 FEET; ;THENCE S 00°24'35" W, 693.40 FEET; THENCE N 89°56'27" E, 600.00 FEET; THENCE N 00°24'35" E, 693.40 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION; THENCE N 89°56'27" E, 487.23 FEET; THENCE S 00°26'56" W, 693.40 FEET; THENCE N 89°56'27" E, 200.00 FEET; THENCE S 00°26'56" W, 340.00 FEET; THENCE N 89°56'27" E, 14.00 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER, SAID POINT BEING 1033.40 FEET SOUTH OF THE NORTHEAST CORNER OF SAID QUARTER; THENCE S 00°26'56" E, 1628.51 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N 89°57'47" W, 1322.53 FEET ALONG THE SOUTH LINE OF SAID QUARTER TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID NORTHWEST QUARTER; THENCE N 0°24'35" E, 426.0 FEET (425.23 FEET, MEAS.) ALONG THE WEST LINE OF SAID EAST HALF; THENCE WEST PARALLEL TO THE SOUTH LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER, 663.82 FEET (N 89°57'53" W, 663.30 FEET MEAS.); THENCE NORTH PARALLEL TO THE WEST LINE OF SAID QUARTER, 990.0 FEET (N 00°22'26" E, 989.68 FEET, MEAS.) TO A POINT 660 FEET EAST OF THE WEST LINE AND 1416 FEET NORTH OF THE SOUTH LINE OF SAID QUARTER; THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID QUARTER 660.0 FEET (N 89°56'30" W, 659.73 FEET, MEAS.) TO A POINT 1416 FEET NORTH (1415.95 FEET MEAS.) OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE N 00°22'40" E, 60.0 FEET ALONG THE WEST LINE OF SAID QUARTER; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID QUARTER, 660.0 FEET (S 89°56'30" E, 659.74 FEET, MEAS.); THENCE NORTH PARALLEL TO THE WEST LINE OF SAID QUARTER 594.0 FEET (N 00°22'26" E, 594.21 FEET, MEAS.); THENCE ON A CURVE TO THE RIGHT WHICH HAS A RADIUS OF 294.92 FEET, AN ARC DISTANCE OF 256.87 FEET, SAID CURVE HAVING A LONG CHORD BEARING N 25°19'33" E, 248.83 FEET; THENCE N 50°16'39" E, 33.96 FEET; THENCE ON A CURVE TO THE LEFT WHICH HAS A RADIUS OF 212.85 FEET, AN ARC DISTANCE OF 186.97 FEET, SAID CURVE HAVING A LONG CHORD BEARING N 25°06'47" E, 181.02 FEET; THENCE N 00°03'06" W, 179.11 FEET TO THE POINT OF BEGINNING. CONTAINING 100.97 ACRES MORE OR LESS.

This consent shall run with the land described above and shall be binding upon the heirs,
successors and assigns of the undersigned and shall be filed of record with the Shawnee County
Register of Deeds Office upon execution.

Owner's signature(s) _____
Chuck Dultmeier, Trustee, C.F. Dultmeier Trust

Jon Rollenhagen

Susan Rollenhagen

B. F. Dultmeier

Traci Dultmeier

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNNE)

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came Chuck Dultmeier, Trustee, C.F. Dultmeier Trust, who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

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

Notary Public

My commission expires: _____

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNNE)

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came Jon Rollenhagen, who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

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

Notary Public

My commission expires: _____

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNNE)

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came Susan Rollenhagen, who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

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

Notary Public

My commission expires: _____

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNNE)

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came B. F. Dultmeier, who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

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

Notary Public

My commission expires: _____

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNNE)

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came Traci Dultmeier, who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

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

Notary Public

My commission expires: _____



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 30, 2008

+ Back Print

DATE: October 28, 2008

CONTACT PERSON: Mike Teply **DOCUMENT #:**

SECOND PARTY/SUBJECT: U.S.D. 437 / SW Sewer
Interceptor / Interlocal Agreement **PROJECT #:** T-401009.00 (H.T.E.
409650)

CATEGORY/SUBCATEGORY 007 Contracts and Amendments/019 Purchase of Land

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN INTERLOCAL AGREEMENT between the City of Topeka and Unified School District No. 437 authorizing a joint cooperation to construct a sanitary sewer interceptor, lines and pump stations to connect certain facilities owned by USD No. 437 to the City's sanitary sewer system.

(The agreement shall not become effective unless the City Council authorizes a project budget in the amount of \$1,960,000; a legally binding contract with a private developer to contribute \$150,000 towards the cost of the construction of the interceptor project. The District's portion of the project cost is \$310,000. The City's portion of the project cost is \$1,500,000 and will be funded by City of Topeka Revenue Bonds, State Loan Funds, or any other lawfully available funds.)

POLICY ISSUE:

The Interlocal Cooperation Act, K.S.A. 12-2901, et seq. as amended, hereinafter referred to as the "Act" allows public agencies to enter into interlocal agreements to jointly perform certain functions including public improvements and sewage disposal; both parties are, pursuant to K.S.A. 12-2903, public agencies capable of entering into interlocal agreements

STAFF RECOMMENDATION:

Approve and Adopt

BACKGROUND:

It is the desire and intent of the parties hereto to construct sanitary sewer lines and facilities to permit connection of certain District facilities to City's sanitary sewer system in order for 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.

BUDGETARY IMPACT:

Estimate: Total cost \$1,960,000.00
City of Topeka to pay: \$1,500,000.00

Item #16

District to pay: \$310,000.00

Private Developer to pay: \$150,000.00

SOURCE OF FUNDING:

The City portion of this project will be funded by City of Topeka Revenue Bonds, State Loan Funds, or any combination thereof, or other lawfully available funds. General Obligation bond authority may be included to allow for temporary note financing if necessary.

ATTACHMENTS:

[Agreement](#)

[Exhibit A](#)

[Exhibit B-1](#)

[Exhibit B-2](#)

[Exhibit B-3](#)

[Exhibit B-4](#)

[Exhibit C](#)

CITY OF TOPEKA CONTRACT NO. _____

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (hereinafter referred to as "Agreement") entered into this _____ day of _____, 2008, by and between the City of Topeka, a duly organized municipal corporation, hereinafter referred to as "City" and Unified School District 437, political and taxing subdivision of the State, hereinafter referred to as "District."

WHEREAS, the Interlocal Cooperation Act, K.S.A. 12-2901, *et seq.* as amended, hereinafter referred to as the "Act" allows public agencies to enter into interlocal agreements to jointly perform certain functions including public improvements and sewage disposal; and

WHEREAS, both parties are, pursuant to K.S.A. 12-2903, public agencies capable of entering into interlocal agreements; and

WHEREAS, it is the desire and intent of the parties hereto to construct sanitary sewer lines and facilities to permit connection of certain District facilities to City's sanitary sewer system in order for 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.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN THE PARTIES AGREE AS FOLLOWS:

1. Nature of Project.

The purpose of this Agreement is for the joint cooperation of City and District to construct a sanitary sewer interceptor, lines and pump stations to connect certain facilities

owned by District to City's sanitary sewer system. The general location and routing of said sanitary sewer improvements is more specifically set forth on Exhibit A specifically incorporated herein.

A. It is understood and agreed by the parties that City shall be responsible for all aspects of the design, bidding and construction of a sanitary sewer interceptor from approximately SW 49th and SW Gage to approximately SW 61st and SW Wanamaker Road, more specifically set forth on Exhibit A. District shall pay for a portion of the construction of said interceptor as more fully set forth herein.

B. It is further understood and agreed that District shall, at its sole cost and expense, construct two separate force main or lateral sewer lines and two pump stations along with any private service lines necessary to connect District's buildings or facilities to City's sanitary sewer system as more specifically set forth on Exhibit A.

2. Duration and Termination.

This Agreement shall commence upon completion of all conditions precedent set forth herein, execution and completion of all formalities required under the Act and shall terminate upon the completion of construction of all facilities and improvements contemplated herein, acceptance for maintenance of such facilities by City and payment of all costs required herein. Notwithstanding the foregoing, the permanent easements, consents to annexation and District's right to connect its facilities to the City's system shall survive the termination of this Agreement. The parties agree and understand that upon receipt of construction bids, if there are not sufficient funds within the approved project

budget, either party may terminate this Agreement with written notice of termination to the other party at least ninety (90) days prior to the date specified for termination. In the event of termination of this Agreement, District shall be obligated to pay for its prorated share of the costs incurred prior to termination. Further, it is understood and agreed that in the event of early termination of this Agreement by District, City shall have no obligation to either complete the interceptor project or connect District to City's sanitary sewer system.

3. Conditions Precedent.

It is understood and agreed by the parties that this Agreement is conditioned upon and shall not become effective unless the City Council authorizes a project budget in the amount of one million nine hundred sixty thousand dollars (\$1,960,000.00). Further, this Agreement is conditioned upon and shall not become effective unless a certain private developer shall enter into a legally binding contract with City which requires the developer to contribute one hundred fifty thousand dollars (\$150,000.00) towards the cost of the construction of the interceptor project, construct at the developer's sole cost the North Lateral as depicted on Exhibit A, and convey to the City at no cost the temporary construction and permanent public improvement easements necessary to permit construction, repair and maintenance of the North Force Main/Lateral as more specifically set forth on Exhibit A.

4. Costs, expenses and fees.

A. It is estimated that the total cost of constructing the interceptor sewer will be one million nine hundred sixty thousand dollars (\$1,960,000.00). The interceptor project cost includes, but is not limited to, engineering, design, materials, construction, staking, inspection, property acquisition, administration, contingency,

and financing. The parties agree that City will pay one million five hundred thousand dollars (\$1,500,000.00) of the interceptor project cost and District will pay three hundred ten thousand dollars (\$310,000.00) with the remaining one hundred fifty thousand dollars (\$150,000.00) portion of the interceptor project paid for by the private developer. Should the actual cost of the interceptor project as constructed be less than the original budget amount of one million nine hundred sixty thousand dollars (\$1,960,000.00), the amount of contribution to the interceptor project cost stated above shall be reduced by an amount equal to each parties prorated share of the construction cost. District will pay its share of the interceptor project cost to City in installment payments as follows: One hundred thousand dollars (\$100,000) on or before February 1, 2009; one hundred thousand dollars (\$100,000) on or before June 1, 2009; and the final installation payment of one hundred ten thousand dollars (\$110,000) on or before September 1, 2009.

B. District shall be solely responsible for all costs associated with the construction of the force main or lateral sewer lines, pump stations and private service lines. The force main or lateral sewer lines, pump station and service line project cost includes, but is not limited to, engineering, design, materials, construction, staking, inspection, property acquisition, administration, contingency, and financing. City shall not make any payment to District towards these costs.

C. In addition to District's share of the interceptor project costs and the force main or lateral sewer lines, pump station and service line project costs, District shall pay to City all standard connection (system) fees associated with connecting to the City's sanitary sewer system and shall be responsible for payment of the fees

and rates for sanitary sewer service at rates and fees established by the City Council.

5. Administration of Agreement.

The parties further agree that City shall administer all aspects of the construction of the interceptor project and District shall administer all aspects of the construction of the force main or lateral sewer lines, pump stations and private service lines. City's public works director and District's support services director shall mutually cooperate to resolve any conflicts that may arise in the construction of the overall project.

6. Construction Standards and Specifications/Acceptance and Maintenance.

A. All facilities, lines and improvements contemplated under this Agreement shall be constructed in accordance with the City of Topeka technical specifications promulgated by the City engineer. Upon completion of construction, District shall donate to City all force mains or lateral sewer lines, pump stations and appurtenances thereto. After acceptance by City, City shall be responsible for maintenance of the force mains or lateral sewer line and pump stations, but City shall have no obligation to maintain District's private service lines.

B. District understands and agrees that it shall furnish City with a complete set of as built plans depicting the completed construction of the pump stations and force mains within thirty (30) days of completion of construction of said improvements.

7. Easements.

District shall at its own expense acquire all permanent utility easements and other

necessary property interests necessary for the construction, repair and maintenance of the force main or lateral sewer lines and pump stations. Further, District shall ensure that all easements specifically provide City the right of access to maintain, repair and reconstruct the improvements and facilities located therein. District shall donate all easements and property interests to City at no cost. The permanent utility easements shall be in substantially the same form as that set forth as Exhibits B-1 South Lift Station, B-2 North Lift Station, B-3 South Force Main, and B-4 North Force Main which are incorporated herein. Said easements and City's right of access to the facilities and improvements shall survive the termination of this Agreement.

8. Consent to Annexation/ Connection of District's Facilities to City Sanitary Sewer System.

District will provide City with a written irrevocable consent to annexation of all tracts of land which have facilities connecting to City sanitary sewer system, attached hereto as Exhibit C. City shall have the right, at its sole discretion, to annex said land at any time. The written irrevocable consent to annexation and City's right to annex shall survive the termination of this Agreement. Further, it is understood and agreed by the parties that District shall be permitted to connect any existing or future facilities located within the area described in said consent to annexation to the City's system without the actual annexation of land as provided for in City of Topeka Code § 146-256(c)(6)(i). All future connections shall be subject to the connection fees, rates and charges then in existence. The permission for future connections of District's facilities located within the area subject to the consent to annexation shall survive the termination of this Agreement,

9. Due Diligence/Responsibilities of Penalties and Fees.

City and District understand the time sensitive nature of the project and both parties will pursue the construction of the project in a reasonable manner. City will not be responsible for any fines, administrative penalties, fees or costs incurred by District for delay in District eliminating its lagoon facilities.

10. Future Connections to Interceptor/System.

City shall have sole and absolute control over any future connections to the interceptor mains or laterals or City's sanitary sewer system. All such connections shall comply with all requirements of City then in effect including, but not limited to, annexation or consent to annexation, fees, rates and charges. Except as specifically set forth in Section 8, neither District nor any other party shall have a right to connect to the City's system without complying with all applicable City requirements.

11. Rights of Third Parties.

Nothing contained herein shall be construed as creating any rights of any party who is not party to this Agreement.

12. Transfer and Assignment.

District shall not assign any interest in this Agreement and shall not transfer any interest in the same.

13. Relationship Between Parties.

Nothing contained herein shall be construed or held to make City a partner, joint venturer, or associate of District in the conduct of its business, nor shall either party be deemed the agent of the other, it being expressly understood and agreed that the relationship between the parties hereto is and shall at all times remain contractual as provided by the terms and conditions of this Agreement.

14. Entire Agreement.

This Agreement constitutes the entire agreement of the parties, supersedes any and all prior agreements between the parties, and neither party shall rely upon any verbal representations, either expressed or implied, not specifically stated herein. This Agreement shall not be amended or modified except by written agreement of both parties.

15. Execution in Counterparts.

This Agreement may be executed in several counterparts, all of which together shall constitute one original agreement.

16. Due Authorization.

By signing this Agreement, District representative thereby represents that he or she is duly authorized by the organization to execute this Agreement on behalf of District, and that District agrees to be bound by the provisions of this Agreement.

IN WITNESS WHEREOF, the parties have hereto executed this contract as of the day and year first above written.

CITY OF TOPEKA, KANSAS

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk

UNIFIED SCHOOL DISTRICT 437

ATTEST:

William W. Sneed, Board President

Denise Taylor, Board Clerk

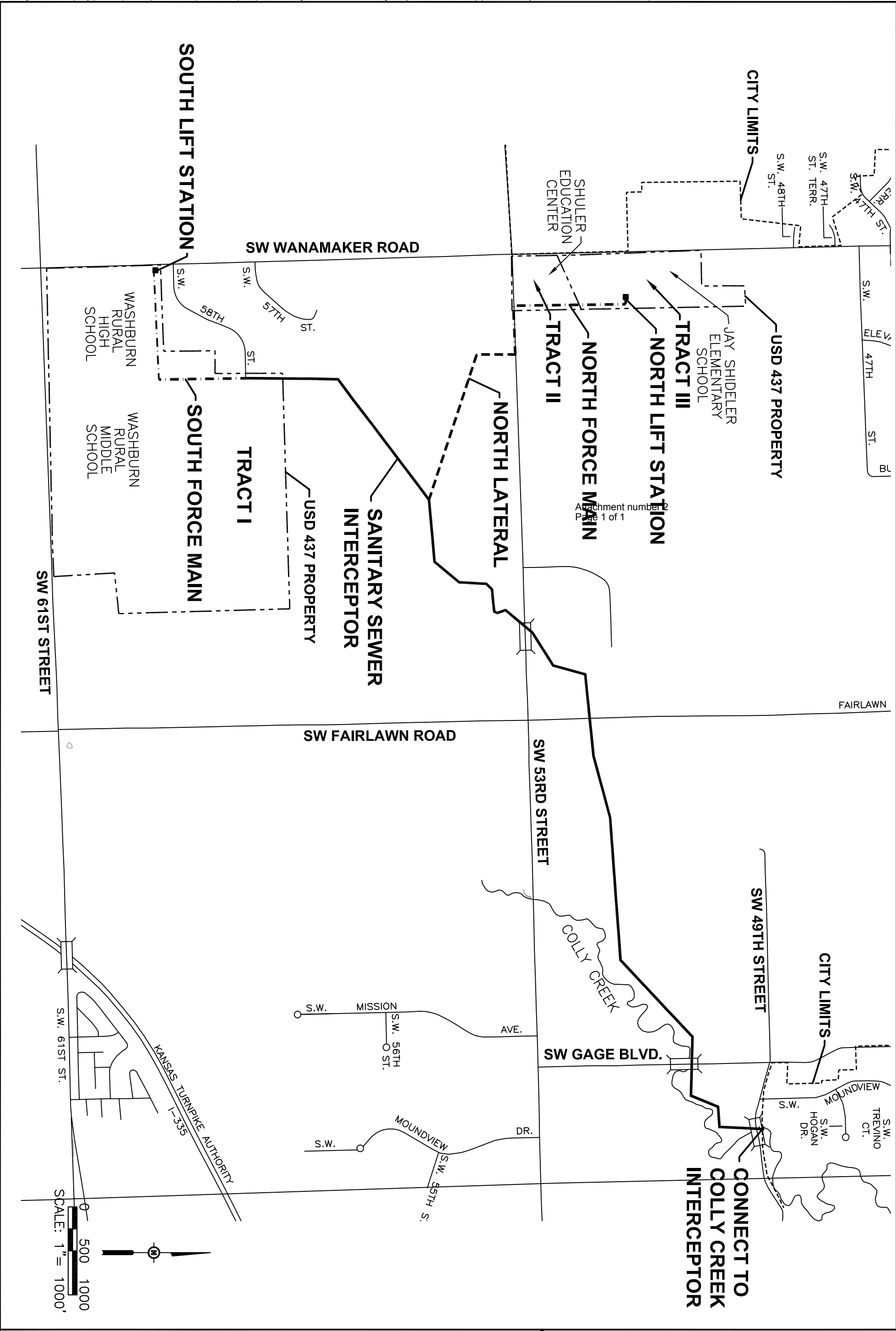


EXHIBIT B -1
PERMANENT PUBLIC
IMPROVEMENT
EASEMENT

THIS INDENTURE, Made this _____ day of _____, 200__ by and between

Unified School District No. 437

hereinafter referred to as Landowner; and THE CITY OF TOPEKA, a municipal corporation,
hereinafter referred to as City.

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

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

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

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

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

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

Easement No. _____
Board President

For Project No. _____
Unified School District No. 437

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____

who _____ personally known to me to be the same person _____ who executed the within instrument of writing, and such person _____ duly acknowledged the execution of the same.

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

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____, _____ President of _____ Unified School District No. 437, a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of _____ Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

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

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____, _____ of _____, L.L.C., who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same on behalf of said Limited Liability Company.

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

Notary Public

My commission expires:

EXHIBIT B -2
PERMANENT PUBLIC
IMPROVEMENT
EASEMENT

THIS INDENTURE, Made this _____ day of _____, 200__ by and between
Unified School District No. 437, Successor to Common School District No. 2

hereinafter referred to as Landowner; and THE CITY OF TOPEKA, a municipal corporation,
hereinafter referred to as City.

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

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

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

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

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

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

Easement No. _____
Board President

For Project No. _____
Unified School District No. 437

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____

who _____ personally known to me to be the same person _____ who executed the within instrument of writing, and such person _____ duly acknowledged the execution of the same.

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

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____, _____ President of _____ Unified School District No. 437, a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of _____ Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

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

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____, _____ of _____, L.L.C., who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same on behalf of said Limited Liability Company.

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

Notary Public

My commission expires:

EXHIBIT B -3
PERMANENT PUBLIC
IMPROVEMENT
EASEMENT

THIS INDENTURE, Made this _____ day of _____, 200__ by and between

Unified School District No. 437

hereinafter referred to as Landowner; and THE CITY OF TOPEKA, a municipal corporation,
hereinafter referred to as City.

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

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

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

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

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

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

Easement No. _____
Board President

For Project No. _____
Unified School District No. 437

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____

who _____ personally known to me to be the same person _____ who executed the within instrument of writing, and such person _____ duly acknowledged the execution of the same.

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

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____, _____ President of _____ Unified School District No. 437, a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of _____ Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

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

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____, _____ of _____, L.L.C., who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same on behalf of said Limited Liability Company.

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

Notary Public

My commission expires:

EXHIBIT B -4
PERMANENT PUBLIC
IMPROVEMENT
EASEMENT

THIS INDENTURE, Made this _____ day of _____, 200__ by and between
Unified School District No. 437, Successor to Common School District No. 2

hereinafter referred to as Landowner; and THE CITY OF TOPEKA, a municipal corporation,
hereinafter referred to as City.

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

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

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

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

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

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

Easement No. _____
Board President

For Project No. _____
Unified School District No. 437

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____

who _____ personally known to me to be the same person _____ who executed the within instrument of writing, and such person _____ duly acknowledged the execution of the same.

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

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____, _____ President of _____ Unified School District No. 437, a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of _____ Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

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

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, That on this _____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____, _____ of _____, L.L.C., who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same on behalf of said Limited Liability Company.

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

Notary Public

My commission expires:

EXHIBIT C

Consent to Annexation

Now this _____ day of _____, 20____, _____ as
owner of record of the following described real estate, does hereby evidence its complete and irrevocable
consent to annexation by the City of Topeka, in accordance with the laws of the State of Kansas of the
following described property to wit:

TRACT I

Tract "A"

The East half of the Southwest Quarter of Section 33, Township 12 South, Range 15 East, of the 6th P.M., Shawnee County, Kansas. Including that part thereof platted as Mikay Heights Subdivision No. 1, recorded in Book 26, Page 129, in the Shawnees County Register of Deeds.

Subject to the dedicated Streets in said subdivision.

Also subject to an easement for road right-of—way over the South 60 feet of said East half.

Containing 80.62 acres more or less.

Tract "B"

The West half of the Southeast Quarter of Section 33, Township 12 South, Range 15 East of the 6th P.M., Shawnee County, Kansas.

Except a tract described as follows: Commencing at the Southeast corner of the West half of the Southeast Quarter of said Section 33; thence West along the South line of said Quarter 433.33 feet; thence North parallel to the East line of said West half 653.4 feet; thence East 433.33 feet parallel to the South line of said quarter; thence South 653.4 feet along the East line of said West half to the point of beginning.

Also subject to an easement for road right-of-way over the South 60 feet of that part of the above described West half.

Containing 74.04 acres more or less.

Tract "C"

A tract of land in the Northwest Quarter of the Southwest Quarter of Section 33, Township 12 South, Range 15 East, of the 6th P.M., Shawnee County, Kansas, described as follows:

Beginning at the Southeast corner of Lot 5, Block "C", Milan Place Subdivision No. 2 (measured 730.0 feet South of the Northeast corner of said Northwest Quarter); thence S 00°01'53" W, along the East line of the Northwest Quarter of said Southwest Quarter 330.0 feet more or less (measured 330.0 feet); thence due West parallel to the South line of the Southwest Quarter to a point on the East line of Lot 3, Block "B", Milan Place Subdivision No. 2: thence N 00°01'53" E, (measured 156.0 feet) to the Northeast corner of said Lot 3; thence N 24°06'36" E, 191.23 feet to the Southwest corner of said Lot 5, Block "B"; thence N 89°35'08" E, 260.0 feet along the South line of said Lot 5 to the point of beginning.

Containing 2.40 acres more or less.

Total 157.06 acres more or less.

AND ALSO;

A tract of land in the Northwest Quarter of the Southwest Quarter of Section 33, Township 12 South, Range 15 East of the 6th P.M., Shawnee County, Kansas, described as follows:

Beginning at the Southeast corner of said Northwest Quarter; thence North 00°01'57" East, 269.17 feet along the East line of said Northwest Quarter to a point 330.0 feet South of the Southeast corner of Lot 5, Block "B", Milan Place Subdivision No. 2; thence South 89°35'18" West, 338.0 feet to a point 156.0 feet South of the Northeast corner of Lot 3, Block "B", Milan Place Subdivision No. 2; thence South 00°01'53" West, 269.0 feet to the Southeast corner of Lot 2, Block "B", Milan Place Subdivision No. 2; thence North 89°37'01" East, 338.0 feet along the South line of said Northwest Quarter to the point of beginning.

This consent shall run with the land described above and shall be binding upon the heirs, successors and assigns of the undersigned and shall be filed of record with the Shawnee County Register of Deeds Office upon execution.

Owner's signature(s) _____
Unified School District No. 437

By: William W. Sneed, Board President

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNNE)

Be it remembered that on this _____ day of _____, 20____, before me a Notary Public in and for said County and State, came William W. Sneed, Board President,
Unified School District No. 437 to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notary seal the day and year above written.

Notary Public

(Stamp Seal Affixed Here)

EXHIBIT C Consent to Annexation

Now this _____ day of _____, 20____, _____ as
owner of record of the following described real estate, does hereby evidence its complete and irrevocable
consent to annexation by the City of Topeka, in accordance with the laws of the State of Kansas of the
following described property to wit:

TRACT III

The West one-half (W ½), of the West one-half (W ½) of the Southwest Quarter (SW ¼) of Section 28,
Township 12 South, Range 15 East of the Sixth Principal Meridian, in Shawnee County, Kansas.

EXCEPT the following parcel;

TRACT II

Part of the West 40 acres of the Southwest Quarter of Section 28, Township 12 South, Range 15 East of
the 6th P.M., described as follows:

Beginning at the Southwest corner of said Southwest Quarter; thence East 630 feet; thence north parallel
with the West line of said Southwest Quarter 658 feet; thence Southwest to a point on the West line of
said Southwest Quarter which is 458 feet North of the Southwest corner thereof thence South 458 feet to
the place of beginning, in Shawnee County, Kansas.

ALSO EXCEPTING the following parcel;

Part of the West half of the West half of the Northwest Quarter of the Southwest Quarter of Section 28,
Township 12 South, Range 15 East of the 6th P.M. Shawnee County, Kansas, described as follows:

Beginning at the Northwest corner of the Southwest Quarter of said Section 26; thence East on Az.89
degrees 33 minutes 26 seconds, 421.55 feet coincident with the North line of said Southwest Quarter;
thence on Az.179 degrees 57 minutes 34 seconds, 310.00 feet; thence on Az.289 degrees 33 minutes 28
seconds, 421.55 feet to the West line of said Southwest Quarter; thence on Az.359 degrees 57 minutes
34 seconds, 310.00 feet, coincident with the West line of said Southwest Quarter to the point of
beginning. (The above contains 3.00 acres, more or less.)

This consent shall run with the land described above and shall be binding upon the heirs,
successors and assigns of the undersigned and shall be filed of record with the Shawnee County
Register of Deeds Office upon execution.

Owner's signature(s) _____
Unified School District No. 437, Successor to Common School District No. 2

By: William W. Sneed, Board President

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNNE)

Be it remembered that on this _____ day of _____, 20____, before me a Notary Public in and for said County and State, came William W. Sneed, Board President, Unified School District No. 437, Successor to Common School District No. 2 to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof I have hereunto set my hand and affixed my notary seal the day and year above written.

Notary Public

(Stamp Seal Affixed Here)



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 24, 2008

+ Back Print

DATE:	October 28, 2008	
CONTACT PERSON:	Deputy Mayor Jeff Preisner	DOCUMENT #:
SECOND PARTY/SUBJECT:	City of Topeka's 2009 Legislative Agenda	PROJECT #:
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Deputy Mayor Jeff Preisner, adopting the City of Topeka's legislative agenda for the 2009 legislative session.

(Approval would adopt the City of Topeka's legislative agenda for the 2009 legislative session.)

POLICY ISSUE:

Which topics shall be included in the City's 2009 legislative agenda.

STAFF RECOMMENDATION:

BACKGROUND:

City of Topeka Resolution No. 8044 states the City Council shall by November 15 of each year adopt a resolution establishing a legislative agenda for the next session of the Kansas legislature.

This document will be used to guide City staff and the City's lobbyist during the 2009 legislative session.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

NA

ATTACHMENTS:

[Resolution](#)

Item #17

RESOLUTION NO. _____

A RESOLUTION introduced by Deputy Mayor Jeff Preisner, adopting the City of Topeka's legislative agenda for the 2009 legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that the following is hereby adopted as the City of Topeka's legislative agenda for the 2009 legislative session:

- Oppose unfunded mandates by state government.
- Oppose legislation that interferes, abrogates or otherwise preempts local control over franchise agreements and fees for utilities, cable television, telecommunications and other providers utilizing the public right-of-way.
- Urge the Legislature to adopt tax and revenue policies with an eye toward preserving the local tax base, achieving tax equity for city/county residents and broadening city revenue sources (e.g. demand transfers and other local taxes); as well as, encourage the Legislature to allow local motor fuel tax or increase existing motor fuels tax to help cities overcome the rapidly rising cost of street maintenance due to the burden of rising maintenance costs.
- Support legislation that will not restrict cities' exercise of eminent domain beyond that required by the United States Supreme Court.
- Oppose new legislation that would limit cities' ability to annex property and oppose any changes to the current annexation statutes.

- Propose and support legislation that provides a consistent means, such as but not limited to, a Payment in Lieu of Taxes (PILOT) for the State of Kansas and other tax-exempt governmental entities to financially assist equitably and reasonably in citywide infrastructure improvements, as well as enhancements to the downtown area.
- Enhance/preserve the state's program of economic development tools.
- Oppose any state imposed local tax/spending lids.
- Support efforts to achieve a fully funded public employee retirement system within a reasonable period of time and monitor legislation related to KPERS and KPFRS that might impact cities.
- To the extent consistent with the goals of the City of Topeka, support the 2009 Legislative Priorities of the League of Kansas Municipalities.
- Support institution of statewide building codes to provide for uniformity across jurisdictions.
- Support institution of statewide licensing for building trades (one license allows tradesmen to work anywhere in the state).
- Support legislation that amends suspended driver's license statutes to allow for more cost effective and reasonable enforcement of and penalties for violations.
- Support legislation providing first-class cities the opportunity of levying an earnings tax to have commuters help pay for local city/county services thus reducing local property tax burden for cities/counties.
- Continued support of Star Bond programs. Cities should have the ability to utilize STAR bonds in order to promote economic development in their communities.

- Support the Streamlined Sales Tax Project, including a local compensating use component. Cities should be able to determine local sales and use tax rates.
- Support increased funding for the Juvenile Justice Authority (JJA).
- Explore partnerships between the City, County, and Legislature to repair or replace infrastructure in the Downtown area.
- Prepare and introduce with the assistance of the League of Kansas Municipalities and the City's lobbyist legislation relating to the City and those similarly situated for the following:
 - To provide cities the authority to establish administrative enforcement of zoning violations in addition to criminal prosecution.
 - To provide to cities the authority to assess real estate for unpaid utility fees for rental properties and provide cities the authority to assess for unpaid stormwater charges.
 - To renew the 911 tax that will sunset on July 1, 2009.
 - To require scrap metal dealers to keep detailed records of all scrap metal received including identification (i.e. name, address, phone number) of the person who sold the metal to the dealer.
 - To permit the City to acquire real estate sold at a tax foreclosure sale and to place said real estate in a land bank intended for future City use or for conveyance to a third party.
 - To amend the STAR (sales tax and revenue) bond statute to reduce the required capital investment and projected gross annual sales from \$50,000,000 each to \$25,000,000 each to implement a project plan for the development of the established STAR bond project district.

- 70 -To raise interest rates on unpaid property taxes.
- 71 -To reinstate the Local Ad Valorem Tax Reduction Fund.
- 72 -To reinstate the City/County Revenue Sharing Program.
- 73 -To urge the Legislature to support mass transit opportunities including
- 74 enhancement/preservation of rail and passenger service in Topeka.
- 75 - To require incarceration costs to be paid by counties instead of municipalities.
- 76 -To amend the Riverfront Authority legislation to change the monthly meeting
- 77 requirement to meet at the request of the Chair, or at least one time per
- 78 quarter.
- 79 - To urge the Legislature to support the enhancement/preservation of the final
- 80 resting place of Charles Curtis, the first vice president from a state west of the
- 81 Mississippi and the first of Native American ancestry.

82 ADOPTED and APPROVED by the City Council _____.

83 CITY OF TOPEKA, KANSAS

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ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 1, 2008

+ Back Print

DATE: October 28, 2008
CONTACT PERSON: Chief Ronald Miller **DOCUMENT #:**
SECOND PARTY/SUBJECT: **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. authorizing the transfer and expenditure of general improvement fund monies for the replacement of vehicles for the Topeka Police and Fire Departments.

(Approval would authorize an expenditure of \$182,150 from the General Improvement Fund for the purchase of police and fire vehicles. These monies were appropriated in the 2008 Operating Budget.)

POLICY ISSUE:

Whether or not the Council wants to authorize the expenditure of funds for the replacement vehicles.

STAFF RECOMMENDATION:

To adopt and approve.

BACKGROUND:

\$182,150 has been allotted to be shared by Police and Fire in the General Improvement Fund. Police Department is in need of replacement vehicles and is requesting \$91,075.00 to spend. The Fire Department will also be authorized to spend \$91,075.00 on replacement vehicles.

BUDGETARY IMPACT:

\$182,150.00

SOURCE OF FUNDING:

General Improvement Fund

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. authorizing the transfer and expenditure of general improvement fund monies for the replacement of vehicles for the Topeka Police and Fire Departments.

WHEREAS, the City of Topeka Police and Fire Departments need to replace fleet vehicles due to age, repairs, and poor condition; and

WHEREAS, the amount of one hundred eighty two thousand one hundred fifty dollars (\$182,150.00) is available from the General Improvement Fund for the replacement of vehicles in the Topeka Police and Fire Departments' fleets.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that it hereby authorizes the transfer and expenditure of an amount not to exceed one hundred eighty-two thousand one hundred fifty dollars (\$182,150.00) from the General Improvement Fund to purchase replacement patrol cars or other support vehicles as deemed necessary by the Police or Fire Chief for the Topeka Police or Fire Departments' fleets. Ninety one thousand seventy-five dollars (\$91,075.00) will be used for the replacement of Police vehicles and ninety one thousand seventy-five dollars (\$91,075.00) will be used for the replacement of Fire vehicles.

BE IT FURTHER RESOLVED that the bidding, award, and purchase of the vehicles shall be in accordance with all applicable City ordinances and procedures.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 29, 2008

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

DATE:	October 28, 2008	
CONTACT PERSON:	Braxton Copley	DOCUMENT #:
SECOND PARTY/SUBJECT:	Target Corporation	PROJECT #:
CATEGORY/SUBCATEGORY	007 Contracts and Amendments / 018 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:	Approve	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

APPROVING SETTLEMENT of the Target Corporation Lawsuit, the amendment to the agreement and specifically authorizing the City Manager to sign said amendment.

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 8, 2008

+ Back Print

DATE:	October 28, 2008	DOCUMENT #:	V08A/2
CONTACT PERSON:	David Thurbon/Bill Fiander	PROJECT #:	N/A
SECOND PARTY/SUBJECT:	Credit Union One	CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 006 Vacations
CIP PROJECT:	No	JOURNAL #:	
ACTION OF COUNCIL:		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of platted alley right-of-way, located east of property at 610 SW 10th Avenue, City of Topeka, Shawnee County, Kansas. First Reading. (V08A/2) (Council District No. 1)

(Approval would vacate a strip of public alley and establish a necessary public utility easement.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Planning Department has evaluated this proposal relative to the existing land uses and plat of subdivision, and, recommends approval of the proposed vacation in conjunction with appropriate City reviewing departments and public utilities.

BACKGROUND:

- The Kansas Statutes and Topeka City 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 property owner wishes to vacate a portion of public alley in order to reconfigure their drive-through teller lanes and parking areas.
- Approval of the vacation should not be construed to imply support for any existing or subsequent land development.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

Item #20

ATTACHMENTS:

[Review from Utilities](#)

[Preliminary site plan](#)

[legal ad](#)

[Ordinance](#)

[application for vacation](#)

[Aerial Map](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to a portion of a public alley located east of 610 SW 10th Avenue in the Original Town of Topeka, Shawnee County, Kansas (V08A/2) (Council District No. 1)

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

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by Credit Union One of Kansas as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public alley located within the City of Topeka, Shawnee County, Kansas:

A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as: Beginning at the Southwest corner of Lot 36 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 38 on Tenth Avenue West; thence north-northeasterly to the Northeast corner of said Lot 38; thence east-southeasterly to the Northeast corner of said Lot 36; 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 **November 18, 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 public alley located within the City of Topeka, Kansas:

A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as: Beginning at the Southwest corner of Lot 36 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 38 on Tenth Avenue West; thence north-northeasterly to the Northeast corner of said Lot 38; thence east-southeasterly to the Northeast corner of said Lot 36; 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 a public utility easement to be established over the described property as set forth in Section 4 and does hereby order the retention of the below described area as a public utility easement:

A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as: Beginning at the Southwest corner of Lot 36 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 38 on Tenth Avenue West; thence north-northeasterly to the Northeast corner of said Lot 38; thence east-southeasterly to the Northeast corner of said Lot 36; thence south-southwesterly to the point of beginning.

Section 6. 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 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Council of the City of Topeka _____, 2008.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____
Not To Be Codified X

Please have the attached published in the Topeka Metro News in the Legal Advertising Section October 17, 2008 and October 24, 2008

IN THE MATTER OF THE PROPOSED VACATION OF:

A public alley right-of-way located east of property at 610 SW 10th Avenue in the Original Town of Topeka, Shawnee County, Kansas **(V08A/2) (Council District No. 1)**

NOTICE OF PUBLIC HEARING

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

To Whom It May Concern:

Public notice is hereby given that a petition has been filed by Credit Union One of Kansas which includes a portion of an alley in the Original Town of Topeka, Shawnee County, Kansas.

The petition will be presented to the Council of the City of Topeka for hearing **November 18, 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**



V08A/2 by: Credit Union One of Kansas

STREET/ALLEY/EASEMENT/SUBDIVISION VACATION

Case No.: **V08A/2**

Location: **Public alley east of property located at 610
SW 10th Avenue**

DEPARTMENTS:

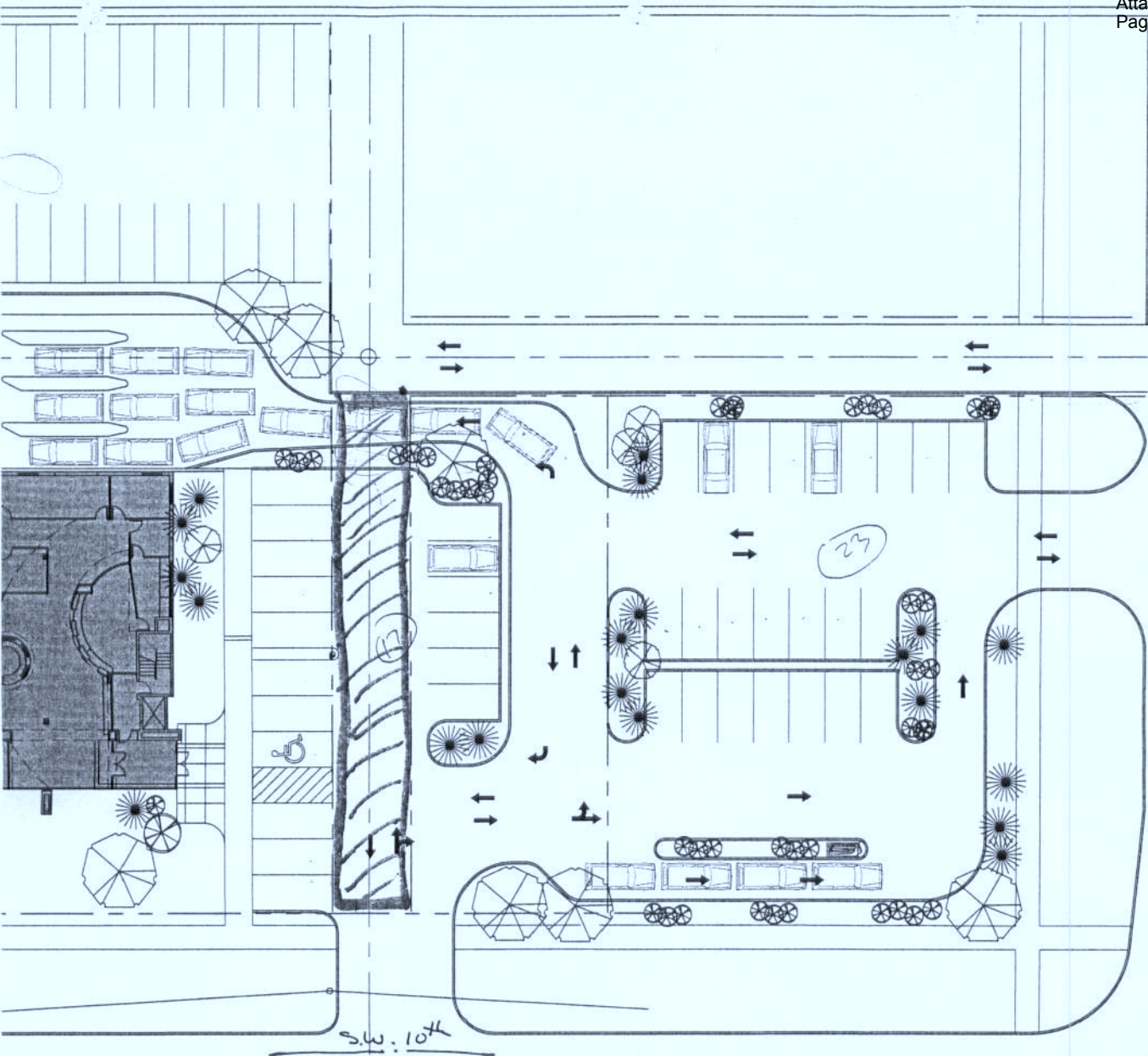
- **Water Division:** X No Objection Objection
- **Engineering:** X No Objection Objection
Comments: Retention of a public utility easement covering the vacated alley
- **Parks Department:** X No Objection Objection
- **County Refuse:** X No Objection Objection
- **Fire Department:** X No Objection Objection
- **Police Department:** X No Objection Objection

UTILITY COMPANIES:

- **AT&T:** X No Objection Objection
Comments: Retention of a public utility easement covering the vacated alley
- **Westar:** X No Objection Objection
Comments: Retention of a public utility easement covering the vacated alley
- **Kansas Gas Service:** X No Objection Objection
Comments:
- **Cox Communications:** X No Objection Objection
Comments: Retention of a public utility easement covering the vacated alley

Annie Driver, Planner I

Prepared: October 8, 2008



ARCHITECT
Inc.
P.A.
3500 SW FAIRLAWN RD., #100 PHONE: 785 / 271-7010
TOPEKA, KANSAS 66614 FAX: 785 / 271-7020
WWW.ARCHITECTONEPA.COM

PROJECT: Credit Union 1 of Kansas
Proposed Remodel
ADDRESS: 610 SW 10th Street
Topeka, KS 66601

PROJECT #: 08-067
DATE: 08/05/08

SHEET

SITE - C

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

PLANNING OFFICE USE ONLY	
Date Submitted <u>8/19/09</u>	Date Advertised
Application No. <u>V08A12</u>	Date of Public Hearing
TO BE COMPLETED BY CITY CLERK'S OFFICE	
Filing Fee \$	Receipt No.

APPLICATION

City Vacation of Streets, Alleys and Easements

1. Applicant(s): CREDIT UNION 1
2. Applicant's Mailing Address: END S.W. TWELFTH AVE
 City TOPEKA State: KS Zip: 66601-1128
3. Telephone: Area Code: 785 No.: 233-5554

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

5. Check type of vacation: Street ☐ Alley ☒ Easement ☐ Other ☒

6. Legal description of property owned by the applicant which adjoins the street, alley or easement to be vacated:

POLK ST. LOTS 306, 310, 312 & VAC. ALLEY S. OF LOT 312
 Lots 10TH ST. LOTS 38, 40, 42, 44, 46 & 48 Block No. 5

In ORIGINAL TOWN Subdivision
 (PARCEL ID 1093103010008000)

Metes and Bounds Description, if unplatted:

7. Are there other owners of land who own property adjoining the subject street, alley or easement proposed to be vacated who, pursuant to K.S.A. 12-504, would be a property party to the petition to vacate? Yes ☐ No ☒

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

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

BANK BLDG & PARKING AREA. GOAL IS TO ELIMINATE CROSS TRAFFIC THROUGH PARKING AREA AND BETTER FACILITATE DRIVE UP TRAFFIC.

9. Will the area proposed for vacation preclude, restrict, hamper or lessen ingress-egress to other similarly abutting properties?

NO - ALLEY ACCESS REMAINS AVAILABLE TO NORTH & EAST

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?

BANK BLDG ; PARKING AREA

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:

YES

Signature of Applicant(s)

Nickie Hurt
PRESIDENT
CREDIT UNION 1

(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 Michael T. Wilson
Street Address 3500 S.W. Fairlawn Rd #100
City TOPEKA State KS Zip Code 66614
Telephone No. (785) 271-7010 Fax No. (785) 271-7020



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 28, 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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