



A Capital City Serving You...

www.topeka.org

City Council Agenda

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

September 12, 2006
12:00 AM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Bunten

Councilmembers

Lana Kennedy	District No. 1	Clark Duffy	District No. 6
John Alcala	District No. 2	Brett Blackburn	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Preisner	District No. 8
John Nave	District No. 4	Richard Harmon	District No. 9
Bill Haynes	District No. 5		

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

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

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

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

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th – Room 166 and on the City's web site at <http://www.topeka.org>)

PLEDGE OF ALLEGIANCE:

- 1. PROCLAMATIONS:**
- 2. ROLL CALL:**
- 3. CONSENT AGENDA:**

A. Communication - Topeka Planning Commission

A COMMUNICATION recommending the re-appointment of Theron Sims, 3756 Stonybrook Drive, to the Topeka Planning Commission for a three-year term that would expire on September 30, 2009. *(Council District No. 7)*

B. Communication - Topeka Planning Commission

 [ATTACHMENTS](#)

A COMMUNICATION recommending the appointment of James Brown, 4400 SW Lincolnshire Road, to the Topeka Planning Commission for a three-year term that would expire on September 30, 2009. *(Council District No. 7)*

C. Resolution - Mexican Independence Day Celebration Noise Exception

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Lana Kennedy granting Downtown Topeka, Inc. an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions during the Mexican Independence Day Celebration. *(Council District No. 1)*

(The Mexican Independence Day Celebration will be held on September 16, 2006.)

D. Resolution - Topeka Free Methodist-noise

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember John Nave, granting Topeka Free Methodist Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.*(Council District No. 4)*

(The Block Party will take place during the hours of 4:00 pm and 7:00 pm on September 16, 2006)

E. MINUTES of the regular meeting of August 22, 2006 and September 5, 2006

F. APPLICATIONS:

4. UNFINISHED BUSINESS:

A. Ordinance - Street Improvement Project No. 70200-01

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$668,352 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing an amendment to the project budget for Project No. 70200-01, which provides for reconstruction of S.W. Wanamaker Road from S.W. 37th Street to S.W. 39th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 18089. Final Reading.

(This ordinance amends the project budget for Trafficway Improvement Project No. 70200-01, which widens S.W. Wanamaker Road from S.W. 37th Street to S.W. 39th Street. The amendment increases the project budget to account for additional funding to the project from the ½ cent sales tax.)

B. Ordinance - Construction of Parking Lots

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Lana Kennedy, relating to construction of parking lots and establishing Topeka City Code Chapter 26, Article XIV and Sections 26-660 and 26-662. Final Reading.

(The ordinance would require a permit to be obtained prior to the construction of a stand alone parking lot.)

C. Ordinance - Grease Hauler Licensing

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr. amending City of Topeka Code Sections 146-196, 146-283, 146-354 through 146-367, and specifically repealing said original sections. Final Reading.

(This ordinance amends language relating to record keeping, reporting and additive use in grease traps/interceptors. The licensing of grease haulers is also addressed.)

D. Ordinance - LEC Improvement Project No. 13144-01

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the project budget and authorizing as amended Improvement Project No. 13144-01 which provides for improvements to the Law Enforcement Center. Final Reading.

(The original project budget included improvements to City Hall and the LEC. Council split the project budget into two budgets, one for each building. The budget for the LEC was exceeded by \$7,665.51 while the budget for City Hall was under run resulting in no increases to the original GO bonded requirement.)

E. Ordinance - Mexican Independence Day Celebration - CMB

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Lana Kennedy authorizing the purchase, possession and consumption of cereal malt beverages during the Celebration of Mexican Independence Day on September 16, 2006, in downtown Topeka. Final Reading. *(Council District No. 1)*

(The Mexican Independence Day Celebration is an event sponsored by Downtown Topeka, Inc.)

F. Ordinance and Project Budget for Project No. 30260-00

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$587,500 and **AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30260-00, which provides for design and construction services for a new Animal Health Clinic at the City of Topeka Zoo to create a total minimum working environment of 2,400 square feet, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading. *(Council District No. 9)*

(This Ordinance will allow for the construction of additional building space to provide for improved animal veterinary care at the City of Topeka Zoo.)

G. Resolution - Implementation of a code of ethics policy

 [ATTACHMENTS](#)

A RESOLUTION relating to the implementation of a code of ethics policy for the City of Topeka, its elected officials, appointees and employees. *(Referred to the Economic and Community Development Committee from the meeting of July 11, 2006.)*

5. NEW BUSINESS:

A. Petition, Budget and Resolution for Project No. 60500-02

 [ATTACHMENTS](#)

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$118,103 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60500-02 which provides for paving SW 12th Street in Tanglewood Subdivision No. 2, as more specifically described herein. *(Council District No. 9)*

(The Petition Project will be paid 100 % by the Improvement District and pave S.W. 12th Street in Tanglewood Subdivision No. 2 located north of Huntoon Street and east of Harvey Street.)

B. Communication - Real Estate Acquisition Report Approval

 [ATTACHMENTS](#)

A COMMUNICATION requesting approval of the Real Estate Acquisition Report and Real Estate Contract for acquisition of property located at 1185 SW Washburn.

(The property located in the Elmhurst Neighborhood and will provide for green space and eliminate blight.)

C. Resolution - Betty Phillips Park - Condemnation Initiation

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. authorizing the initiation of condemnation proceedings to acquire property for Project No. 606270, for the second phase of the Betty Phillips Park formerly known as Hi-Crest Park.

(The Resolution authorizes initiation of condemnation proceedings to acquire property for expansion of the Park, and authorizes Engineering Division to survey land and file a report of survey. An aerial map of the subject property is attached. Subject property is located adjoining the Park and addresses to be acquired are outlined in yellow on the map.)

D. Resolution - Improvement Project No. 60627 Condemnation Initiation

 [ATTACHMENTS](#)

A RESOLUTION introduced by Norton N. Bonaparte, Jr., City Manager authorizing the initiation of condemnation proceedings to acquire property for Improvement Project No. 606270, for the third phase of the Washburn Lane Parkway Project.

(The property is located at 1183 SW Washburn. The Resolution authorizes initiation of condemnation proceedings to acquire property for green space and elimination of blight, and authorizes the Engineering Division to survey land and file a report of survey.)

E. Ordinance - Weekly Expenditures August 21-27, 2006

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 21, 2006, through August 27, 2006, and enumerating said expenditures therein. First and Final Reading.

F. Resolution - Washburn University Noise Exception

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Clark Duffy granting Washburn University an exception to the provisions of the City of Topeka Code Section 54-148 concerning noise prohibitions. *(The resolution was added at the meeting.)*

(The National Talk Like a Pirate Day event will be held on September 19, 2006 from 11:00 a.m. to 1:30 p.m.)

6. PLANNING:

A. Final Plat - Lauren's Bay Estates Subdivision (P06/21)

 [ATTACHMENTS](#)

A FINAL PLAT for Lauren's Bay Estates Subdivision located north of SW 53rd Street between SW Marlboro Road and SW Wanamaker Road, the centerline of which is approximately 3,100 feet north of SW 53rd Street, being contiguous to the City of Topeka within unincorporated Shawnee County, Kansas.(P06/21) *(The Planning Commission recommended approval by a vote of 7-0-1.)*

(Approval would accommodate development of the property for single-family residential uses.)

7. FIRST READINGS:

A. Ordinance for the Manual on Uniform Traffic Control Devices

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning uniform traffic manual adopted, amending City of Topeka Code Section 142-123, and specifically repealing said original section. First Reading.

(This Ordinance would update the City Code to reflect the use of the current edition of the Manual on Uniform Traffic Control Devices.)

8. MISCELLANEOUS:

-

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

-

10. PUBLIC COMMENT:

-

11. ADJOURNMENT:

-



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 29, 2006

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

DATE:	August 29, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 29, 2006

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

DATE:	August 29, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 29, 2006

+ Back Print

DATE:	August 29, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 22, 2006

+ Back Print

DATE:	August 29, 2006	
CONTACT PERSON:	Celeste Benton	DOCUMENT #:
SECOND PARTY/SUBJECT:	Topeka Planning Commission	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION recommending the re-appointment of Theron Sims, 3756 Stonybrook Drive, to the Topeka Planning Commission for a three-year term that would expire on September 30, 2009. (Council District No. 7)

POLICY ISSUE:

NA

STAFF RECOMMENDATION:

The Mayor is recommending the re-appointment of Theron Sims, 3756 Stonybrook Dr., to the Topeka Planning Commission for a three-year term that would expire September 30, 2009. There is an attendance policy. Mr. Sims has attended all meetings.

BACKGROUND:

Ordinance 18442. The Topeka Planning Commission assumes all powers, duties, responsibilities and functions provided by the laws of the state and resolutions and ordinances of the city. All ordinances, to the greatest extent practical, including, but not limited to, ordinances adopting the comprehensive land use plan, subdivision regulations and comprehensive zoning codes, resolutions, policies, rules and regulations now in force and effect within the City of Topeka and its extraterritorial jurisdiction at the time of the ordinance, which are not inconsistent with the provisions of KSA 12-744 and amendments thereto. Persons appointed to the Topeka Planning Commission may be re-appointed for one additional three-year term. No person shall be permitted to serve more than two full consecutive terms.

BUDGETARY IMPACT:

NA

SOURCE OF FUNDING:

NA

ATTACHMENTS:

No Attachments Available

Item #4



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 14, 2006

+ Back Print

DATE:	August 29, 2006	DOCUMENT #:
CONTACT PERSON:	Celeste Benton	PROJECT #:
SECOND PARTY/SUBJECT:	Topeka Planning Commission	
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION recommending the appointment of James Brown, 4400 SW Lincolnshire Road, to the Topeka Planning Commission for a three-year term that would expire on September 30, 2009. (Council District No. 7)

POLICY ISSUE:

NA

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of James Brown, 4400 SW Lincolnshire Rd., to a three-year term that would expire September 30, 2009. A resume is attached for review.

BACKGROUND:

Ordinance 18442. The Topeka Planning Commission assumes all powers, duties, responsibilities and functions provided by the laws of the state and resolutions and ordinances of the city. All ordinances, to the greatest extent practical, including, but not limited to, ordinances adopting the comprehensive land use plan, subdivision regulations and comprehensive zoning codes, resolutions, policies, rules and regulations now in force and effect within the City of Topeka and its extraterritorial jurisdiction at the time of the ordinance, which are not inconsistent with the provisions of KSA 12-744 and amendments thereto.

BUDGETARY IMPACT:

NA

SOURCE OF FUNDING:

NA

ATTACHMENTS:

[Topeka Planning Commission-Brown Bio](#)

Item #5

James M. (Jim) Brown
4400 S.W. Lincolnshire Rd...
Topeka, Kansas 66610
Phone: 785-478-2001
"E" Mail, jmsjbrown@cox.net

Married 49 years to Sandra (Sandy) Brown
Two children
Three grandchildren

Retired, mechanical contractor
Owner: Piping Contractors of Kansas, Inc. founded in 1972. Our son has taken over the management of company.
Specialized in industrial plant process piping, schools, universities, hospitals and commercial building mechanical systems

Member of First Congregational Church
Topeka South Rotary Club (Paul Harris Fellow)
Masonic Bodies and Arab Shrine
Executive Board of Brewster Place Retirement Community, Vice Chair
Fortnightly Literary Club

Volunteered and served on Boards of many professional organizations and have received recognition for professional accomplishments
Systems Advisory Board at Kansas State University for the Architectural Engineering and Construction Science Program
President of the Greater Kansas Mechanical Contractor's Association
President of the Kansas Plumbing Heating Cooling Contractors Association
Apprenticeship Board Member over 25 years
Kansas Plumbing and Pipe Fitters Health and Welfare Board for 20 years
Kansas Plumbing and Pipe Fitters Retirement Fund, 20 years



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 22, 2006

+ Back Print

DATE: August 29, 2006
CONTACT PERSON: Lana Kennedy DOCUMENT #:
SECOND PARTY/SUBJECT: Downtown Topeka, Inc. PROJECT #:
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Lana Kennedy granting Downtown Topeka, Inc. an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions during the Mexican Independence Day Celebration. (Council District No. 1)

(The Mexican Independence Day Celebration will be held on September 16, 2006.)

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

Downtown Topeka, Inc. is sponsoring the Mexican Independence Day Celebration. This Resolution provides a noise exception for the amplified outdoor music and entertainment planned for that event. The event will take place on Quincy Street between 6th and 8th Streets during the hours of 4:00 p.m. and 12:00 midnight on September 16, 2006.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Lana Kennedy granting Downtown Topeka, Inc. an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions during the Mexican Independence Day Celebration.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146, and

WHEREAS, Downtown Topeka, Inc. has requested that it be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Downtown Topeka, Inc., the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Downtown Topeka, Inc. is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for amplified outdoor music

COUNRES
MEXICAN INDEPENDENCE DAY
NOISE EXCEPTION
8/21/06

entertainment at the Mexican Independence Day Celebration on Quincy Street
between 6th and 8th Streets during the hours of 4:00 p.m. and 12:00 midnight on
September 16, 2006.

ADOPTED and APPROVED by the City Council _____.

William W. Bunten, Mayor

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 31, 2006

+ Back Print

DATE: August 29, 2006
CONTACT PERSON: John Nave
SECOND PARTY/SUBJECT: Rev. Mark S. Waterhouse
CATEGORY/SUBCATEGORY:
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember John Nave, granting Topeka Free Methodist Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 4)*

(The Block Party will take place during the hours of 4:00 pm and 7:00 pm on September 16, 2006)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for amplified music located at 3450 SE Indiana during the hours of 4:00 pm and 7:00 pm on September 16, 2006.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember John Nave, granting Topeka Free Methodist Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146; and

WHEREAS, Topeka Free Methodist Church has requested that it be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Topeka Free Methodist Church, the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Topeka Free Methodist Church is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for amplified sound and

music at their Block Party located at 3450 SE Indiana Avenue during the hours of
4:00 p.m. and 7:00 p.m. on September 16, 2006.

ADOPTED and APPROVED by the City Council _____.

William W. Bunten, Mayor

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 1, 2006

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

DATE:	August 29, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 29, 2006

+ Back Print

DATE:	August 29, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 23, 2006

+ Back Print

DATE:	August 29, 2006		
CONTACT PERSON:	Shawn Bruns	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Trafficway Improvement Project	PROJECT #:	70200-01
CATEGORY/SUBCATEGORY			
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	Adopt Ordinance as presented.	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$668,352 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing an amendment to the project budget for Project No. 70200-01, which provides for reconstruction of S.W. Wanamaker Road from S.W. 37th Street to S.W. 39th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 18089. Final Reading.

(This ordinance amends the project budget for Trafficway Improvement Project No. 70200-01, which widens S.W. Wanamaker Road from S.W. 37th Street to S.W. 39th Street. The amendment increases the project budget to account for additional funding to the project from the ½ cent sales tax.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Adopt Ordinance as presented.

BACKGROUND:

The amendment to the project budget increases the spending authority by \$84,760 for a total budget amount of \$668,352. The additional \$84,760 has already been paid to the City by the Joint Economic Development Organization as a reimbursement from the ½ Cent Sales Tax Fund. A project budget in the amount of \$583,592 was approved by City Council on September 9, 2003, funded by General Obligation Bonds. The City's bond amount will not increase. The project widens S.W. Wanamaker Road from S.W. 37th Street to S.W. 39th Street from a two lane rural section to a five lane arterial section. The project is a joint project with Shawnee County and Kansas Department of Transportation.

BUDGETARY IMPACT:

Project Budget increases by \$84,760 from \$583,592 to \$668,352

Item #10

SOURCE OF FUNDING:

Additional \$84,760 - ½ Cent Sales Tax (Joint Ecocomic
Development Organization
Reimbursement)

Original \$583,592 - General Obligation Bonds and any other
Lawfully Available Funds

ATTACHMENTS:

[Revised Project Budget](#)

[Vicinity Map](#)

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing an amendment to the project budget for Project No. 70200-01, which provides for reconstruction of S.W. Wanamaker Road from S.W. 37th Street to S.W. 39th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No.18089.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to A12-1 of the Code of the City of Topeka, that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project will reconstruct S.W. Wanamaker Road from S.W. 37th Street to S.W. 39th Street. The improvements will consist of widening the existing rural 2-lane pavement to a 5-lane arterial with curb and gutter, sidewalk and storm drainage facilities.

B. TOTAL PROJECT BUDGET COST:

\$668,352.00

C. SOURCE OF FUNDS:

\$583,592.00	General Obligation Bonds and any other lawfully available funds
\$ <u>84,760.00</u>	½ Cent Sales Tax (Joint Economic Development Organization Reimbursement)
\$668,352.00	Total

Section 2. That City of Topeka Ordinance No. 18089 is hereby specifically repealed.

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

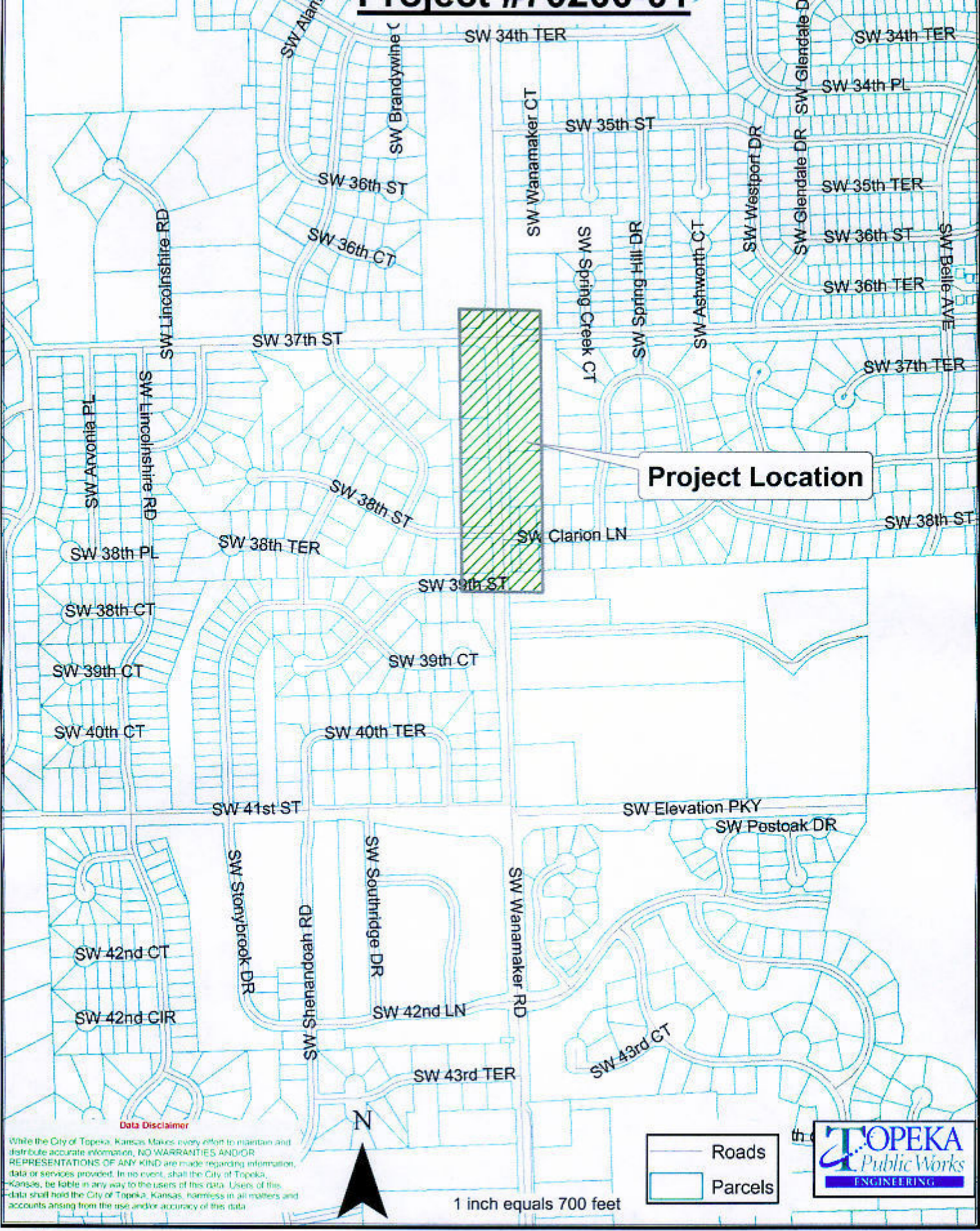
PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk



Project Location

Data Disclaimer

While the City of Topeka, Kansas makes every effort to maintain and distribute accurate information, NO WARRANTIES AND/OR REPRESENTATIONS OF ANY KIND are made regarding information, data or services provided. In no event, shall the City of Topeka, Kansas, be liable in any way to the users of this data. Users of this data shall hold the City of Topeka, Kansas, harmless in all matters and accounts arising from the use and/or accuracy of this data.



1 inch equals 700 feet

Legend:

- Roads
- Parcels



PROJECT BUDGET (AMENDED)

Project No. 70200-01

S.W. Wanamaker Road -- S.W. 37th Street to S.W. 39th Street

LOCATION:

S.W. Wanamaker Road -- S.W. 37th Street to S.W. 39th Street

DESCRIPTION OF PROJECT:

This project will reconstruct and widen the existing rural 2-lane pavement to a 5-lane arterial with curb & gutter, sidewalk and storm drainage system.

CIP Year: 2006

SOURCE OF FUNDS:

General Obligation Bonds -- \$583,592.00

1/2 Cent Sales Tax -- \$84,760.00

COST ESTIMATE:

	General Obligation Bonds	1/2 Cent Sales Tax	TOTAL
Construction:	\$300,400.00	\$0.00	\$300,400.00
Design:	\$138,000.00	\$40,000.00	\$178,000.00
Construction Engineering:	\$31,000.00	\$0.00	\$31,000.00
Eng. Administrative Fees:	\$5,500.00	\$0.00	\$5,500.00
Right-of Way Acquisition:	\$60,000.00	\$44,760.00	\$104,760.00
Contingency Amount:	\$18,692.00	\$0.00	\$18,692.00
Temporary Notes:	\$30,000.00	\$0.00	\$30,000.00
Total:	\$583,592.00	\$84,760.00	\$668,352.00

PUBLIC HEARING:

PROJECT AUTHORITY:

- a. Statutes: _____
- b. Ord./Res. No.: _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

Date: _____

PROJECT ENGINEER:

Shawn P. Bruns



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 23, 2006

+ Back Print

DATE:	August 29, 2006	
CONTACT PERSON:	Lana Kennedy	DOCUMENT #:
SECOND PARTY/SUBJECT:	Construction of parking lots	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Lana Kennedy, relating to construction of parking lots and establishing Topeka City Code Chapter 26, Article XIV and Sections 26-660 and 26-662. Final Reading.

(The ordinance would require a permit to be obtained prior to the construction of a stand alone parking lot.)

POLICY ISSUE:

Whether to require the submittal of plans and an approval permit for the construction of a stand alone parking lot not built in connection with a building or other structure.

STAFF RECOMMENDATION:

Approve ordinance.

BACKGROUND:

The Uniform Building Code requires a permit to be issued prior to the construction of a building or other structure. A parking lot does not fall within this definition. Stand alone parking lots not built in conjunction with a building or other structure do not require a permit. This ordinance addresses this "loop-hole" in our current code by requiring a person desiring to construct a stand alone parking lot to submit all construction and landscaping plans and a receive planning department approval prior to the construction of a stand alone parking lot.

BUDGETARY IMPACT:

City will receive additional permit fees.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

Item #11

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Lana Kennedy, relating to construction of parking lots and establishing Topeka City Code Chapter 26, Article XIV and §§ 26-660, 26-661 and 26-662.

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

Section 1. That City of Topeka Code Chapter 26, Article XIV is hereby amended by the addition of the following language:

Construction of Parking Lots.

Section 2. That City of Topeka Code § 26-660 is hereby amended by the addition of the following language:

Issuance of Permit.

(a) Any person desiring to construct a parking lot on private property shall first obtain a permit for such construction.

(b) Only a licensed concrete contractor or commercial contractor Type I or II may obtain a permit for the construction of a parking lot.

(c) No permit shall be issued for the construction of a parking lot until and unless the following requirements are met:

(1) Submittal of a completed application including construction plans.

(2) Payment of the parking lot permit fee, unless parking lot is incidental to construction of a structure for which a permit fee has been paid.

(3) Planning department approval that the proposed lot is allowed in the use regulations for the zoning district in which the lot is located and planning department approval of the landscape plan.

(4) A right-of-way permit has been obtained by the contractor if a portion of the parking lot, its entrances or approaches will connect with the City's rights-of-way.

Section 3. That City of Topeka Code § 26-661 is hereby amended by the addition of the following language.

Failure to obtain a permit.

Any construction work commenced by a contractor without having first obtained a parking lot construction permit shall be charged an administrative fee in the amount equal to the permit fee. Said administrative fee shall be in addition to the permit fee.

Section 4. That City of Topeka Code § 26-662 is hereby amended by the addition of the following language

Construction standards/final inspection.

(a) All parking lots and every portion thereof specifically including but not limited to driveways, curbing, sidewalks and surfacing shall be constructed in accordance with all applicable City ordinances and the City of Topeka Technical Specifications promulgated by the City engineer.

(b) It shall be unlawful for any person to permit or otherwise allow for the parking of vehicles in a parking lot prior to the final inspection and approval of the constructed parking lot by the developmental services division.

Section 5. 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:

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 23, 2006

+ Back Print

DATE:	August 29, 2006	
CONTACT PERSON:	Joy Hoover/Mike Teply	DOCUMENT #:
SECOND PARTY/SUBJECT:	Commercial Grease Trap Ordinance	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:	First Reading 09-05-06	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr. amending City of Topeka Code Sections 146-196, 146-283, 146-354 through 146-367, and specifically repealing said original sections. Final Reading.

(This ordinance amends language relating to record keeping, reporting and additive use in grease traps/interceptors. The licensing of grease haulers is also addressed.)

POLICY ISSUE:

STAFF RECOMMENDATION:

Approval of this modification to the City Codebook.

BACKGROUND:

Licensing of grease haulers will permit Water Pollution Control (WPC) to maintain accurate records of the grease haulers, as well as their servicing and pumping of grease traps and interceptors to ensure proper disposal of grease waste. The requirements of quarterly reporting and record keeping by commercial grease generators ensure that proper cleaning, maintenance, and service of grease traps and interceptors are being completed in interval of annual inspections.

BUDGETARY IMPACT:

Minimum of \$1,200 in annual revenue to the Water Pollution Control Utility Fund from Grease Hauler Licensing fees.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Summary of Ordinance](#)

[Ordinance](#)

Item #12

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending City of Topeka Code §§ 146-196, 146-283, 146-354 through 146-367, and specifically repealing said original sections.

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

Section 1. City of Topeka Code § 146-196, Definitions, is hereby amended to read as follows:

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or *The Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

Approval authority means the Environmental Protection Agency (EPA) or if the pretreatment program has been formally delegated to the state department of health and environment (KDHE), it shall mean the director of the division of environment of KDHE.

Authorized representative means:

(A) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(B) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;

(C) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates; or

(D) A duly authorized representative responsible for the operation of a facility owned and/or operated by the state, federal or local government.

Beneficial uses means uses of the waters of the state that may be protected against quality degradation which include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by federal or state law.

BOD or *BOD* (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20°) degrees Celsius, expressed in milligrams per liter.

Building sewer means a sewer conveying wastewater from the premises of a user to a community sewer.

City means the City of Topeka, Kansas, for the purpose of administering this article represented by the superintendent of the water pollution control division.

Combined sewer means a sewer receiving the combination of surface runoff, wastewater, sewage and/or industrial wastes.

Community sewer means a sewer owned and operated by the city or other public agency, tributary to a treatment facility operated by a public agency.

50 *Composite sample* means a combination of individual samples of water or
51 wastewater taken at selected intervals (generally hourly or some similar specified period),
52 to minimize the effect of the variability of the individual sample. Individual samples may
53 have equal volume or may be roughly proportional to the flow at time of sampling.

54 *Contamination* means an impairment of the quality of the waters of the state by
55 waste to a degree which creates a hazard to the public health. "Contamination" shall
56 include any equivalent effect resulting from the disposal of wastewater, whether or not
57 waters of the state are affected.

58 *Cooling water* means the water discharged from any use such as air conditioning,
59 cooling or refrigeration or to which the only pollutant added is heat.

60 *Department* means the public works department of the city.

61 *Direct discharge* means the discharge of treated or untreated wastewater directly to
62 the waters of the state.

63 *Division* means the Water Pollution Control Division of the City of Topeka Public
64 *Works Department.*

65 *Environmental Protection Agency* or *EPA* means the U.S. Environmental Protection
66 Agency, or where appropriate, the term may also be used as a designation for the
67 administrator or other duly authorized official of such agency.

68 *Foundation drain* means a perforated pipe or a pipe with open joints or porous
69 material installed either outside exterior foundation walls or inside exterior foundation walls
70 or beneath a basement floor for the purpose of preventing the buildup of water pressure
71 and water capillarity beneath the floor.

Grease Generator means a business or other commercial enterprise which creates or otherwise discharges grease into the municipal sewer system.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Hazardous waste means a hazardous waste as defined within the Code of Federal Regulations (40 C.F.R. § 261.3).

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank truck.

Indirect discharge means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the ~~a~~Act (33 U.S.C. § 1317), into the POTW (including holding tank waste discharged into the system).

Industrial user means any user contributing industrial waste to the municipal sewer system.

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(A) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(B) Is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with statutory provisions and regulations or permits issued thereunder by the state or federal government.

Mass emission rate means the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the "mass emission rate" means pounds per day of a particular constituent or combination of constituents.

Municipal sewer system means sanitary sewers, pumping stations, sewage treatment plants, main sewers, interceptor sewers, outfall sewers, and works for the collection, transportation, pumping and treating of wastewater, sewage or industrial waste thereto, necessary in the maintenance and operation of the same.

National categorical pretreatment standard or pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the aAct (33 U.S.C. § 1317), which applies to a specific category of industrial users.

National pollution discharge elimination system or NPDES permit means a discharge permit issued by the approval authority pursuant to section 402 of the aAct (33 U.S.C. § 1342).

National prohibitive discharge standard or prohibitive discharge standard means any regulation developed under the authority of section 307(b) of the aAct.

New source means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the aAct, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that such building, structure, facility or installation meets the criteria outlined by 40 C.F.R. § 403.3(k) of the general pretreatment regulations.

Pass through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or other legal representatives, agents or assignees.

PH means the negative logarithm of the reciprocal concentration of hydrogen ions measured in grams per liter of solution.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological material, radioactive material, heat wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. "Pollution" may include contamination.

Premises means a parcel of real estate including any improvements thereon which is determined by the department to be a single user for the purpose of receiving, using and paying for service.

Pretreatment or *treatment* means the reduction of the amount of pollutants, the removal of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the municipal sewer system. The reduction or alteration can be obtained by

physical, chemical or biological processes or process changes by other means, except by dilution as prohibited by federal regulation.

Pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the aAct which applies to industrial users.

Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the aAct (33 U.S.C. § 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purpose of this article, "POTW" also includes any sewers that convey wastewaters to the POTW from persons outside the city who are users of the city's POTW.

Sanitary sewer means a sewer which carries wastewater, sewage and/or industrial wastes, and to which storm, surface and ground waters are not intentionally admitted.

Sewage means a combination of the water-carried wastes from users together with such groundwaters, surface waters and stormwaters as may be present.

Sewer means a pipe or enclosed conduit through which sewage is transported to the POTW treatment plant.

Significant industrial user means:

(A) Users whose average wastewater strength cannot be established because of seasonal or other variations and/or operations;

(B) Users whose wastewater strength exceeds the normal range of wastewater strength;

(C) Users using an unmetered source of water;

(D) Users who fall under those guidelines set forth for federal categorical industries;

(E) Users discharging an amount greater than twenty-five thousand (25,000) gallons per day of process wastewater for any day during the preceding twelve (12) month period;

(F) Users whose average discharge, measured either by volume of flow, weight of suspended solids, biochemical oxygen demand, or chemical oxygen demand, exceeds two percent (2%) of the average loading on the applicable treatment facility; and

(G) Other users determined by the superintendent to require special regulation or source control.

Significant noncompliance or *SNC* means and refers to any violation of pretreatment requirements (limits, sampling, analysis, reporting and meeting compliance schedules and regulatory deadlines) and is an instance of noncompliance for which the industrial user is liable for enforcement, including penalties. Instances of SNC are industrial user violations which meet one or more of the following criteria:

(A) Violations of wastewater discharge limits:

(1) Chronic violations: Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period (any magnitude of exceedance).

(2) Technical review criteria or "TRC" violations: Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six (6) month period.

There are two (2) groups of TRCs: BOD, TSS, fats, oil, and grease, where the TRC is 1.4; and group II for all other pollutants, where the TRC is 1.2.

(3) Any other violation of an effluent limit (average or daily maximum) that the city believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.

(4) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(B) Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.

(C) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date.

(D) Failure to accurately report noncompliance.

(E) Any other violation or group of violations that the city considers to be significant.

Silver associated process means any process, manufacturing or service related business which falls within any of the following standard industrial classifications: 2711, 2721, 2731, 2732, 2741, 2751 to 2754, and 8062.

Slug means any discharge of wastewater, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times its average twenty-four (24) hour concentration or flows during normal operation.

Standard industrial classification or *SIC* means a classification pursuant to the most recent edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

State means the "State of Kansas."

Stormwater means any water flow occurring during or following any form of natural precipitation and resulting there from.

Stormwater collection system shall include all piping, channels, ditches, streams, or any other manmade or natural structure that conveys stormwater runoff.

Superintendent means the superintendent of the city water pollution control division of the city public works department, or designated representative.

Total suspended solids means solids that either float on the surface of or are in suspension with water, sewage or other liquids; and which are removable by laboratory filtering.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of section 307(a)(1) of the aAct.

Unpolluted water means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable for disposal to storm or natural drainages or directly to surface waters.

User means any person that discharges, directly or indirectly, causes or permits the discharge of wastewater into a community sewer.

Waste means substances, whether liquid or solid, associated with human habitation or of human origin or from any producing, manufacturing or processing operation of whatever nature, whether treated or untreated, discharged into or permitted to enter a community sewer.

Wastewater means waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

Waters of the state means any water, surface or underground, within the boundaries of the state.

Section 2. City of Topeka Code § 146-283, Use of Grease Traps, is hereby specifically repealed.

~~Use of grease traps.~~

~~Grease traps shall be installed in accordance with the requirements of article VIII of chapter 26 of this Code to ensure compliance with the effluent limitations contained in this article. The owner or operator of each establishment shall be responsible for servicing and routine cleaning of the grease trap to maintain it in satisfactory operating condition. The owner or operator shall also be responsible for removing the cover of the grease trap for inspection at the request of any representative of the public works department. Any existing establishments not currently using a grease interceptor shall be required to install such if future data (laboratory data and/or preventive maintenance data) show a need for waste pretreatment requirements regulated by the water pollution control division.~~

Section 3. City of Topeka Code § 146-354, Reserved, is hereby amended by the addition of the following language:

DIVISION 9. GREASE GENERATORS

Use of grease traps/Interceptors.

Grease traps/Interceptors shall be installed in accordance with the requirements of article VIII of Chapter 26 of this Code to ensure compliance with the effluent limitations contained in this article. Each grease generator shall be responsible for servicing and routine cleaning of the grease trap and/or grease interceptor to maintain it in satisfactory operating condition. Each grease generator shall ensure that grease traps and grease interceptors are cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap and/or grease interceptor; to ensure the discharge is in compliance with local discharge limits; and that no visible grease is observed in discharge. Each grease generator shall also be responsible for removing the cover of the grease trap for inspection at the request of any representative of the public works department. Any existing grease generator not currently using a grease trap and/or grease interceptor shall be required to install such if future data (laboratory data and/or preventive maintenance data) show a need for waste pretreatment requirements regulated by the water pollution control division.

Section 4. City of Topeka Code § 146-355, Reserved, is hereby amended by the addition of the following language:

Quarterly reporting.

Each grease generator shall submit a quarterly grease report on such forms provided by the City to the superintendent. The quarterly grease report shall be submitted on or before the last calendar day of March, June, September, and December in each year.

Each quarterly grease report shall provide the following information, including but not limited to, a record of the dates the grease trap and/or grease interceptor was cleaned, the name and contact information for the grease hauler, if applicable, and grease generator contact information. Failure to submit a quarterly grease report or failure to submit a complete report within thirty (30) days of the due date may result in the issuance of a notice of violation and enforcement under Division 2 of this article.

Section 5. City of Topeka Code § 146-356, Reserved, is hereby amended by the addition of the following language:

Record keeping.

Each grease generator shall maintain a Grease Trap/Interceptor Maintenance Log such forms provided by the division that shall indicate all dates of trap/interceptor cleaning, disposal method, quantity removed, and the name of the grease hauler that pumped the interceptor or the individual who cleaned the trap. The Grease Trap/Interceptor Maintenance Log shall indicate the cleaning dates for at least the previous twelve (12) months and shall be available for inspection and review by the Superintendent. Failure to maintain a maintenance log shall result in the issuance of a notice of violation and enforcement in accordance with this article.

Section 6. City of Topeka Code § 146-357, Reserved, is hereby amended by the addition of the following language:

Additives.

The introduction of any solvent based products (i.e., fuel, gasoline or any other hydrocarbons) or enzymatic agents are prohibited in the collection system. All other chemicals, emulsifiers, live bacteria, or other grease cutters or additives shall be approved by the Superintendent prior to use. Based upon the information received and any other information solicited from the potential user or supplier, the superintendent shall permit or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the City at any time. Any violation of this section may result in the issuance or a notice of violation and enforcement in accordance with this article.

Section 7. City of Topeka Code § 146-358, Reserved, is hereby amended by the addition of the following language:

DIVISION 10. GREASE HAULER

License Required.

It shall be unlawful for any person, firm, or business to engage in the business of cleaning or servicing a grease trap and/or a grease interceptor of a grease generator without first having obtained from the division a license therefore.

Section 8. City of Topeka Code § 146-359, Reserved, is hereby amended by the addition of the following language:

Application.

Applications for a grease hauler license shall be submitted to the division and shall contain the following information:

- 316 (A) Payment of the license fee.
- 317 (B) Achievement of a minimum passing graded score of seventy percent (70%)
318 on the grease haulers examination administered by the division.
- 319 (C) Submitting complete application forms supplied by the division.
- 320 (D) Submitting a satisfactory public liability insurance policy covering all
321 operations of such applicant or licensee in such business in the city in the sum of at least
322 One Hundred Thousand Dollars (\$100,000.00) for each person injured and containing a
323 limitation of liability of not less than Three Hundred Thousand Dollars (\$300,000.00) in
324 case of injury of two (2) or more persons in any one accident and in the sum of not less
325 than Fifty Thousand Dollars (\$50,000.00) for damage to property. Should any policy be
326 cancelled, the city shall be notified of such cancellation at least thirty (30) days prior to
327 such cancellation becoming effective, and provisions to that effect placing upon the
328 company writing such policy the duty to give such notice shall be incorporated in such
329 policy.
- 330 (E) Failure to submit a complete application including certificate of insurance and
331 a passing test score and payment of the license fee will be grounds for denial of a license.
332 Submission of an application with false information shall be grounds for suspension of a
333 license.
- 334 Section 9. City of Topeka Code § 146-360, Reserved, is hereby amended by the
335 addition of the following language:
- 336 **License Term.**
- 337 City issued grease hauler licenses shall be valid for three (3) years from the date of
338 issuance.

Section 10. City of Topeka Code § 146-361, Reserved, is hereby amended by the addition of the following language:

License Fee.

The license fee for a grease hauler shall be Three Hundred Dollars (\$300.00) for the license term. Additionally, each grease hauler shall pay for each license term a fee of Twenty Dollars (\$20.00) for each vehicle used to haul grease.

Section 11. City of Topeka Code § 146-362, Reserved, is hereby amended by the addition of the following language:

Grease hauler license renewal.

A license may be renewed by submitting to the division a renewal form together with the renewal fee at least thirty (30) days prior to the expiration date of the current license.

Section 12. City of Topeka Code § 146-363, Reserved, is hereby amended by the addition of the following language:

Grease waste inspection.

Grease wastes pumped from any grease generator shall be subject to inspection, sampling, and analysis to determine compliance with all applicable provisions of these rules and regulations of the superintendent who shall perform or supervise such inspection, sampling, and analysis at any time during the commission of any servicing of any grease trap or interceptor.

Section 13. City of Topeka Code § 146-364, Reserved, is hereby amended by the addition of the following language:

Record keeping.

Grease haulers who service, pump, or provide any related services to grease interceptors shall submit a grease interceptor service inspection reports on forms provided by the division. An inspection record shall be made for each grease interceptor serviced during the reporting period.

Section 14. City of Topeka Code § 146-365, Reserved, is hereby amended by the addition of the following language:

Late fees.

Grease interceptor inspection reports shall be deemed late, and subject to the enforcement provisions of this division if they are received by the division more than fourteen (14) days after the end of each reporting period.

Section 15. City of Topeka Code § 146-366, Reserved, is hereby amended by the addition of the following language:

Suspension or revocation of license.

Failure of any grease hauler to comply with the requirements of this article shall be subject to the following enforcement procedures:

(A) Notice of Violation. A notice of violation will be issued to any grease hauler that is found to be in non-compliance with the requirements of this article. The notice shall state the violation and shall give the grease hauler ten (10) business days to remedy or otherwise correct the violation. The grease hauler shall have ten (10) calendar days from the receipt of notice by the grease hauler to correct or otherwise remedy the violation.

(B) Grounds for notice of violation. A grease hauler may be issued a notice of violation for any one of the following grounds:

(1) Falsification of any information submitted as part of the application for the LGH.

(2) Failure to comply with any requirements or regulations concerning grease traps/interceptors as provided for in this article.

(3) Failure to pay required fees, or any other assessed fees.

(4) Failure to comply with any other license condition.

(5) Discharging any liquid waste into a non-authorized location.

(6) Falsifying information required for a discharge manifest, or any other applicable forms, applications or reports required under this article.

(7) Disposal of waste into the municipal sewer system at any site other than the designated disposal site.

(8) Any other violation which constitutes an imminent or substantial damage to the health or welfare of persons or the environment.

(C) License suspension/revocation.

(1) In the event that a grease hauler shall fail to remedy a violation within the time frame set forth in the notice, the license shall be suspended as follows:

(a) Upon the first failure to remedy a violation, the grease hauler license will be suspended by the division until such time as the violation has been remedied.

(b) Upon the second failure to remedy a violation, the grease hauler's license shall be suspended for a period of three (3) months.

(c) Upon the third failure to remedy a violation, the grease hauler's license shall be suspended for a period of one (1) year. The license suspension shall only be lifted after expiration of the one (1) year period and the grease hauler has applied for a new grease hauler license meriting all requirements of Topeka City Code § 146-359.

(2) During any period of any license suspension, a grease hauler may not engage in any grease hauling activities.

(3) Upon receipt of a notice of suspension issued by the division, the grease hauler shall have ten (10) days to file a written notice of appeal of the license suspension with the superintendent. An administrative hearing shall be set within ten (10) days of the receipt of the appeal. The suspension of the license shall be stayed until the hearing before the City's administrative hearing officer.

Section 16. City of Topeka Code § 146-367, Reserved, is hereby amended by the addition of the following language:

Prohibited acts.

(A) In addition to any other enforcement provisions contained in this article, it shall be unlawful for any person to do the following:

(1) Violate any term or condition of the grease hauler license.

(2) Failure to follow any filing, reporting, inspection or monitoring requirement required by federal, state, or city law or regulation.

(3) Failure to comply with any lawful order or requirement made by the superintendent.

(4) Failure to maintain accurate grease interceptor service reports.

(5) Disposal of waste at any site other than the designated disposal site.

(B) Any person violating this section may be punished by:

(1) A fine of not more than four hundred ninety nine dollars (\$499.00).

(2) Imprisonment in jail for not more than one hundred seventy nine (179) days; or

(3) Both such fine and imprisonment not the exceed the limits set out in subsections (c)(1) and (c)(2).

Section 17. Original City of Topeka Code §§ 146-196, 146-283 and 146-354 through 146-367 are hereby specifically repealed.

Section 18. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

Grease Ordinance Summary

A Grease Ordinance Committee, of stakeholders, addressed issues related to the pumping, and servicing of grease traps, grease interceptors as well as, disposal of grease waste from City of Topeka commercial establishments.

Grease Committee Mission Statement

To review, revise, and implement a comprehensive Grease Ordinance that meets the City's and the Community's needs effectively and efficiently.

Grease Ordinance Objectives

- **Control proper grease disposal by grease haulers and generators**
- **Ensure routine cleaning schedules and proper maintenance by grease generators**
- **Reduce blockages and backups in commercial and residential areas**
- **Direct the proper use and non-use of enzymatic chemicals in the City collection system**

The amendments proposed in this Grease Ordinance impacts:

- **Grease Haulers** – any business that commercially hauls liquid grease waste to and/or from a grease generator and properly disposes of such in the appropriate disposal location.
- **Grease Generators** – any business or other commercial enterprise which creates or otherwise discharges grease into the city municipal sewer collection system.

Grease Generators would be required under this proposed Ordinance change to:

1. Submit to the City quarterly grease reports that detail the cleaning schedule for their respective grease trap or interceptor.
2. Maintain a Maintenance log indicating the previous 12 months' cleaning dates (available for inspection at annual facility inspections).
3. Prohibit the use of any solvent based, or enzymatic chemicals in the sewer collection system (with written permission of the WPC Superintendent for any other bacterial, grease cutters and/or additives before use).

Grease Haulers would be required, under this proposed Ordinance change to:

1. Obtain a Grease Hauler License for each three-year licensing term.
2. Submit to the City a Grease Interceptor Inspection Sheet for each interceptor serviced.



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 6, 2006

+ Back Print

DATE:	August 29, 2006		
CONTACT PERSON:	Mike McGee	DOCUMENT #:	
SECOND PARTY/SUBJECT:	LEC Improvement Project Budget Amendment	PROJECT #:	13144-01
CATEGORY/SUBCATEGORY			
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	JOURNAL #:		
	PAGE #:		

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the project budget and authorizing as amended Improvement Project No. 13144-01 which provides for improvements to the Law Enforcement Center. Final Reading.

(The original project budget included improvements to City Hall and the LEC. Council split the project budget into two budgets, one for each building. The budget for the LEC was exceeded by \$7,665.51 while the budget for City Hall was under run resulting in no increases to the original GO bonded requirement.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

Approve budget amendment

BACKGROUND:

A 2004 capital improvement project was approved for repairs to City Hall and the LEC. One project was originally proposed for both buildings. The Council split the project into two (2) project budgets -131440 and 131441 for the respective buildings. This was done to separate the HVAC repairs in the LEC from City Hall work. The LEC project budget was exceeded by \$7665.51. However, the City Hall budget was under run so the combined project budgets are still under the original CIP amount.

BUDGETARY IMPACT:

No increase to originally approved GO bonded indebtedness level.

SOURCE OF FUNDING:

GO bonds

ATTACHMENTS:

[Ordinance](#)

Item #13

PROJECT BUDGET

13144-01 - Revised

LOCATION:

Law Enforcement Center (LEC)

DESCRIPTION OF PROJECT:

This project provides for improvements to the LEC. They include seal coating of the parking lot and restriping, carpet replacement in high travel corridors, and repairs to the heating, ventilation, and air conditioning (HVAC) system. HVAC repairs include rebalancing of the air handling system and a control systems upgrade. Also included are repairs to the Fire Sprinkler system.

SOURCE OF FUNDS:

General Obligation Bonds or any other lawfully available funds

COST ESTIMATE:

	<u>City of Topeka</u>	<u>Other Funds</u>	<u>Total</u>
Construction:	\$132,240.51		\$132,240.51
Design:			
Engineering Fees:			
Project Service Fees:			
<i>Construction Inspection (6%)</i>			
<i>City of Topeka Admin. (2%)</i>			
<i>Capital Planning Fund Reim.</i>			
<i>Right-of Way Preparation: (2%)</i>			
Administrative Fees:			
<i>Assessment District: (5%)</i>			
Right-of Way Acquisition:			
Contingency Amount: <u>3%</u>			
Interim Interest <u>5%</u>			
Total:	\$132,240.51		\$132,240.51

PUBLIC HEARING:

NA

PROJECT AUTHORITY:

a. Statutes: _____

b. Ord./Res. No.: _____ Date: _____

c. Improvement District: _____

d. City at Large: _____

e. Method of Assessment: _____

PROJECT ENGINEER:

Mike McGee

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 13144-01 which provides for improvements to the Law Enforcement Center as more specifically described herein, pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 18366.

WHEREAS, the Council of the City of Topeka adopted Ordinance No. 18366, effective on January 19, 2005, which authorized Improvement Project No. 13144-01 for improvements to the Law Enforcement Center, located at 4th and Kansas Avenue. These improvements included seal coating of the parking lot, carpet replacements, and building tuck pointing. Additionally, heating ventilation and air conditioning (HVAC) thermostatic controls and miscellaneous preventative maintenance upgrades, with a project budget of One Hundred Twenty-Four Thousand Five Hundred Seventy-Five Dollars (\$124,575.00) of General Obligation Bonds and other lawfully available funds; and

WHEREAS, it is necessary to amend the project budget to include the costs of repairs to the fire sprinkler system.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized pursuant to Section A12-1 of the Code of the City of Topeka that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project provides for improvements to the Law Enforcement Center. They include seal coating of the parking lot and restriping, carpet replacement in high travel corridors, and repairs to the heating, ventilation, and air

conditioning (HVAC) system. HVAC repairs include rebalancing of the air handling system and a control systems upgrade. Also included are repairs to the fire sprinkler system.

B. TOTAL PROJECT BUDGET COST:

\$132,240.51

C. SOURCE OF FUNDS:

General Obligation Bonds and any other lawfully available funds.

Section 2. Ordinance No. 18366 is hereby repealed.

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 City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 23, 2006

+ Back Print

DATE: August 29, 2006
CONTACT PERSON: Lana Kennedy DOCUMENT #:
SECOND PARTY/SUBJECT: Downtown Topeka, Inc. PROJECT #:
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Lana Kennedy authorizing the purchase, possession and consumption of cereal malt beverages during the Celebration of Mexican Independence Day on September 16, 2006, in downtown Topeka. Final Reading. (Council District No. 1)

(The Mexican Independence Day Celebration is an event sponsored by Downtown Topeka, Inc.)

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

This Ordinance provides authorization to Downtown Topeka, Inc. to allow event attendees to buy, possess and consume cereal malt beverages on the barricaded portion of Quincy Street from 6th Street to 8th Street on September 16, 2006 from 4:00 p.m. to 11:30 p.m.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Lana Kennedy authorizing the purchase, possession and consumption of cereal malt beverages during the Celebration of Mexican Independence Day on September 16, 2006, in downtown Topeka.

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

Section 1. Authorization is hereby given to Downtown Topeka, Inc. to hold the Celebration of Mexican Independence Day event on Quincy Street between 6th and 8th Streets on September 16, 2006. Authorization also is given to barricade Quincy Street between 6th and 8th Streets between the hours of 12:00 p.m. and 12:00 midnight. Attendance to the Celebration of Mexican Independence Day is open to the public between the hours of 4:00 p.m. and 11:30 p.m. on September 16, 2006. Licensed retailers may sell cereal malt beverages, non-alcoholic commodities or food between the hours of 4:00 p.m. and 11:30 p.m. on September 16, 2006. Event attendees may buy, possess, and consume cereal malt beverages on the barricaded portion of 8th Street between the hours of 4:00 p.m. and 11:30 p.m. on September 16, 2006.

Section 2. This ordinance shall be null and void on September 17, 2006.

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

25 PASSED and APPROVED by the City Council _____.

26

27

28

William W. Bunten, Mayor

29 ATTEST:

30

31

32

33

Iris E. Walker, City Clerk

34

35

36

37

38

39

40



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 23, 2006

+ Back Print

DATE:	August 29, 2006		
CONTACT PERSON:	Mark Schreiner	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Park Improvement Project	PROJECT #:	30260-00
CATEGORY/SUBCATEGORY			
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	Approve Project Budget and Adopt Ordinance	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$587,500 and **AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30260-00, which provides for design and construction services for a new Animal Health Clinic at the City of Topeka Zoo to create a total minimum working environment of 2,400 square feet, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading. (Council District No. 9)

(This Ordinance will allow for the construction of additional building space to provide for improved animal veterinary care at the City of Topeka Zoo.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Project Budget and Adopt Ordinance as presented.

BACKGROUND:

This project is approved in the 2006 CIB. The existing 1,200 square foot animal health management building is approximately 30 years old and is in need of renovation services and an expansion or the development of a new facility to create a total working environment of 2,400 square feet. This project is part of the Zoo master plan approved by City Council and part of the Zoo Tomorrow Capital Campaign with the Friends of the Topeka Zoo, as per approved by the City Council.

BUDGETARY IMPACT:

Revised Project Budget = \$587,500 with this being a split of \$515,625 from General Obligation bonds and \$71,875 from the FOTZ funds. This project was adopted in the 2006 Capital Improvement Budget. The project cost is higher than the \$287,500 in the adopted budget. The total debt service cost for the project, spread over 20 years, will be \$862,033 for the \$515,625 in General Obligation bonds.

Item #15

SOURCE OF FUNDING:

Funding for this project will be provided by General Obligation bonds and private funds from the Friends of the Topeka Zoo

(FOTZ). As per agreement between the City and the FOTZ, the City has agreed to provide \$2.5 million dollars for projects in the Zoo Tomorrow Capital Campaign. The additional \$300,000 would be shifted from the Tropical Rain Forest roof replacement project, which will not be started this year. The shifting of the funds would not increase the bonded indebtedness of the city or increase the approved amount in the CIB for 2006. The roof repair project would be handled in a different manner over the next few years as part of the zoo operations project budget.

ATTACHMENTS:

[Debt Service Calculator](#)

[Vicinity Map](#)

[Master Plan Layout](#)

[Memorandum of Understanding](#)

[Project Budget](#)

[Ordinance](#)

(Published in the Topeka Metro News_____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30260-00, which provides for design and construction services for a new animal health clinic at the City of Topeka Zoo to create a total minimum working environment of 2,400 square feet, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

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

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka, that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project consists of providing design and construction services for a new animal health clinic at the City of Topeka Zoo to create a total minimum working environment of 2,400 square feet. The current facility is approximately 30 years old and is at its maximum operating capacity in providing preventative veterinary care medicine, surgical needs, and treatment of zoo animals.

B. TOTAL PROJECT BUDGET COST:

\$587,500.00

C. SOURCE OF FUNDS:

City of Topeka, General Obligation Bonds or any other lawfully available funds	\$515,625.00
Friends of the Zoo	<u>\$ 71,875.00</u>
Total	\$587,500.00

Section 2. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

29 PASSED and APPROVED by the City Council _____.

30 CITY OF TOPEKA, KANSAS

31

32

33

34

William W. Bunten, Mayor

35 ATTEST:

36

37

38

39 _____
Iris E. Walker, City Clerk

PROJECT BUDGET

Project No. 30260-00

LOCATION:

Topeka Zoo
Animal Health Clinic
635 S.W. Gage Blvd.

Contact Person: Mike Coker

DESCRIPTION OF PROJECT:

This project consists of providing design and construction services for a new Animal Health Clinic to create a total minimum working environment of 2,400 square feet. The current facility is approximately 30 years old and is at it's maximum operating capacity in providing preventative veterinary care medicine, surgical needs, and treatment of zoo animals.

CIP Year: 2006

SOURCE OF FUNDS:

GOB, FOTZ

COST ESTIMATE:

	City of Topeka GOB	FOTZ
Construction:	\$396,025	\$57,964
Design:	\$39,603	\$5,796
Construction Services Fees:	\$35,642	\$5,217
Administrative Fees:	\$7,921	\$1,159
Right-of Way Acquisition:	\$0	\$0
Contingency Amount:	\$11,880	\$1,739
Interim Interest	\$24,554	\$0
Total:	\$515,625	\$71,875

PUBLIC HEARING:

PROJECT AUTHORITY:

- a. Statutes: _____
- b. Ord./Res. No.: _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

PROJECT ENGINEER:

Mark Schreiner, P.E.

Total

<u>\$453,989</u>
<u>\$45,399</u>
<u>\$40,859</u>
<u>\$9,080</u>
<u>\$0</u>
<u>\$13,619</u>
<u>\$24,554</u>
<u>\$587,500</u>

CITY OF TOPEKA

Ord. No. 36225

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding entered into this 17th day of ~~February~~ ^{March}, 2006, by and between the City of Topeka (hereinafter referred to as "CITY") and Friends of the Topeka Zoo, Inc., (hereinafter referred to as "FOTZ"); and

WHEREAS, the CITY has set forth in its Capital Improvement Plan (CIP) of 2005-2009 that it is intending on developing new exhibits and expanded exhibits and will authorize and fund at least Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to pay for these developments; and

WHEREAS, FOTZ agrees that it will seek donors and/or grants for these development Phases; and

WHEREAS, FOTZ wishes to participate in regard to these new exhibits and expanded exhibits and seeks to obtain by solicitation matching donations and or grants up to the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) from January of 2006 through December of 2011 and to account to the donors and/or grantors for the use of their funds; and

WHEREAS, the CITY and FOTZ desire to set forth the conditions and requirements, which will govern the capital campaign called "ZOO TOMORROW" more specifically described hereinafter.

NOW, the CITY and FOTZ as evidenced by the signatures below agree to the following conditions and requirements:

1. The CITY as part of the Capital Improvement Plan (CIP) 2005-2009 has designated three separate development phases:

- A. *Phase I:* Animals & Man building expansion consisting of the Animals and Man, Animal Health Center and Kansas Carnivores;
- B. *Phase II:* African Canid consisting of African Canid Exhibit (hyena exhibit) and African Primate/bird exhibit;
- C. *Phase III:* Animal Kingdom Building (home for snakes, turtles, crocodiles, small mammals and lizards) and the Creatures of the Night (home for nocturnal animals).

The Capital Improvement Projects for 2005-2009 and the project titles and descriptions are attached hereto, as "Attachment A" and incorporated herein by reference.

2. The above identified developmental Phases would, upon completion, be staffed, funded and maintained solely by the CITY.

3. The city attorney will immediately upon the passage of the Capital Improvement Project (CIP) resolution, provide such resolution to FOTZ which will show that the work herein described has been approved by Topeka City Council. CITY and FOTZ agree they will work together on design, fund raising and promotional activities for these new and/or expanded facilities, specifically:

- A. CITY and FOTZ agree that for each project of each Phase of the development project set out below, FOTZ shall designate one person who will be permitted to attend meetings and participate in the process of each qualified architect for new project being chosen.
- B. CITY agrees that should there be any material changes from the original

architectural plans and construction plans in which FOTZ funds are used and that were presented to FOTZ then the CITY will provide written notice of the changes to FOTZ.

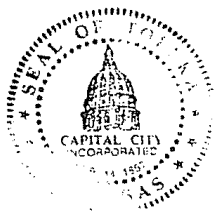
- C. CITY and FOTZ agree that upon the approval of a resolution authorizing all Phases of the development by the CITY that FOTZ will start immediately to seek donations and or grants matching the amount authorized and funded by the CITY up to the amounts set forth in the attached Friends of the Topeka Zoo - Zoo Tomorrow Campaign Proposal.
 - D. CITY and FOTZ agree that FOTZ will keep the CITY advised as to the amount of funds that have been donated and or grants approved for each Phase of the development and will notify the CITY within thirty (30) days upon FOTZ reaching its goal of the amounts set forth in the attached Friends of the Topeka Zoo - Zoo Tomorrow Campaign Proposal. The CITY agrees that Kansas Open Records laws may govern whether the name of any Donor or Grantor shall remain confidential until the Donor and or Grantor authorizes disclosure.
 - E. Upon certification in writing by the chief engineer for the City of Topeka to FOTZ that a specific Phase of the development has been completed in full and passed inspection then FOTZ will agree to tender the amount for that Phase of the development which FOTZ has agreed to participate in and if sufficient funds are not on hand at the time of completion additional funds will be paid when they become available.
4. The CITY understands and acknowledges that any donations and or grants which

FOTZ solicits for the above developments would be held by FOTZ. Should the CITY rescind, revoke or cancel this Memorandum of Understanding or rescind, revoke or cancel the agreement authorizing and funding the CITY's share of the development, or fail to fully fund any Phase of the development after being notified that FOTZ has its share of the funds on hand, then FOTZ is relieved of any obligation to assist in seeking additional donations and or grants for the remaining development phases and any remaining donations and or grants would be retained by FOTZ.

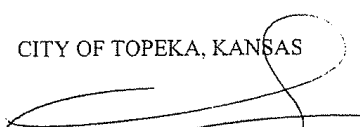
5. CITY and FOTZ agree that should FOTZ be successful in obtaining donations and/or grants in excess of the amounts set forth in the attached Friends of the Topeka Zoo - Zoo Tomorrow Campaign Proposal and the CITY has completed all Phases of the development, then FOTZ upon receipt of these additional donations will turn said donations over to the CITY for reimbursement of capital expenditures at the Zoo up to the total amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

6. This Memorandum of Understanding shall become effective upon approval by the Topeka City Council and signed by the City Manager. This Memorandum of Understanding shall expire on December 31, 2011.

Executed this 17th day of March, 2006.



CITY OF TOPEKA, KANSAS


City Manager, NORTON N. BONAPARTE, JR.

ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

FRIENDS OF THE TOPEKA ZOO, INC.

APPROVED AS TO FORM AND LEGALITY DATE <u>02-22-06</u> BY <u><i>JE</i></u>
--

Vicki A. [Signature]



glpm architects

SCALE 0 25 50 100 FEET

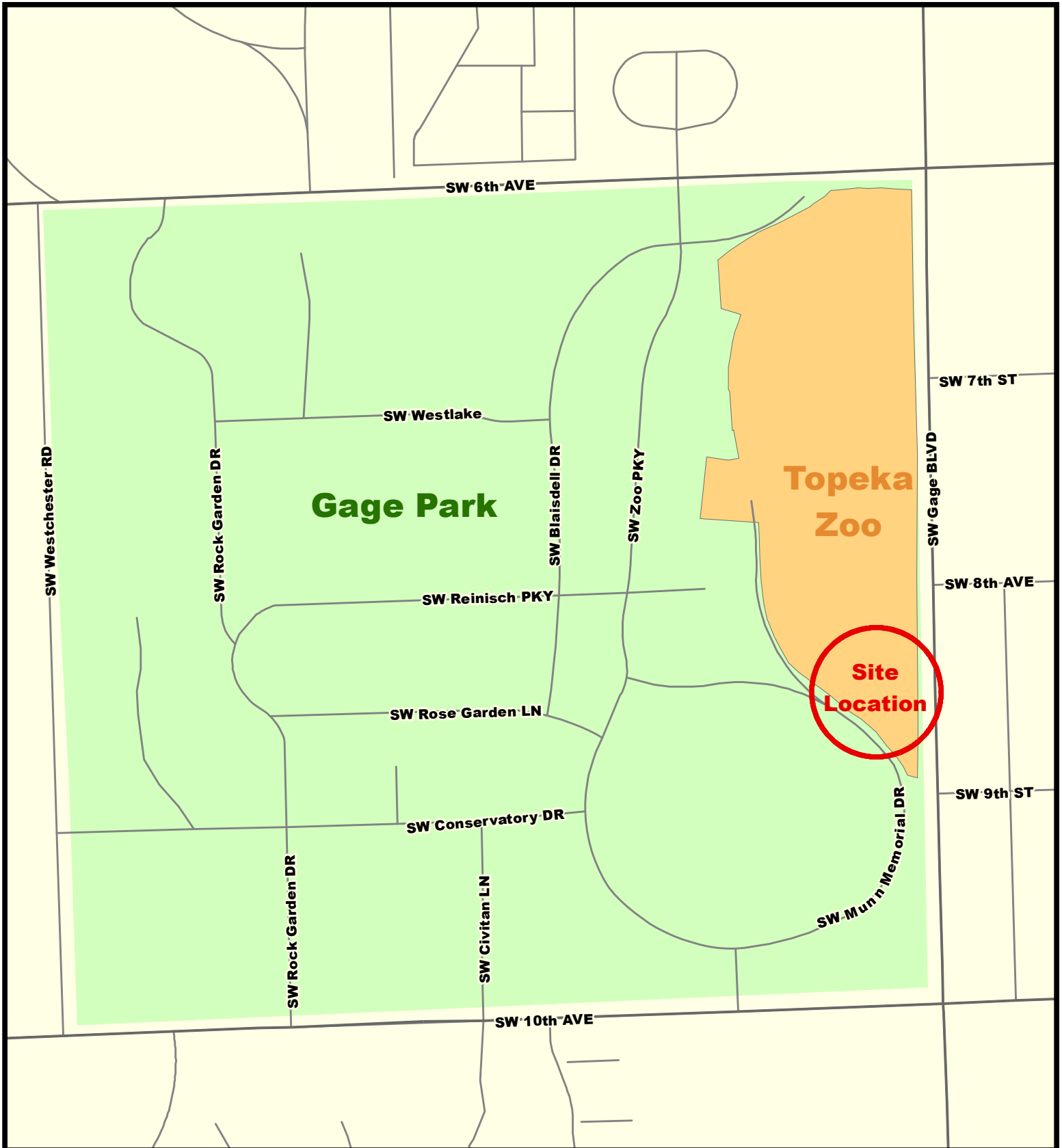


November 1st, 2005

TOPEKA ZOOLOGICAL PARK MASTER PLAN 2005



City of Topeka Zoo Improvements Project No. 30260-00



City of Topeka

GIS

Geographic Information Systems

Map Produced On:
May 24, 2006
Map Revised on:

Map Printed On:
May 24, 2006

David E. Fish
Engineering Tech II
(785)368-3052
dfish@topeka.org

Legend

- Parks
- Major Streets
- snroads

N



No Scale

City of Topeka, Kansas GIS Data Disclaimer

While the City of Topeka, Kansas makes every effort to maintain and distribute accurate information, **NO WARRANTIES AND/OR REPRESENTATIONS OF ANY KIND** are made regarding information, data or services provided. In no event, shall the City of Topeka, Kansas be liable in any way to the users of this data. Users of this data shall hold the City of Topeka, Kansas harmless in all matters and accounts arising from the use and/or accuracy of this data.

PROJECT:

Interest rate	5.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	5.000%

Principal (project cost)	<u>\$491,070</u>
Plus Temp Note Interest (unless included in Principal)	<u>\$24,554</u>
Subtotal	\$515,624
Plus Cost of Issuance	<u>\$10,312</u>
Total	\$525,936

Annual Debt Service	\$43,102
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$862,033
Difference Project Cost and Total Debt Service	\$370,963

GO Bonded Indebtedness as of March 2006*	\$148,705,000
Bond projects	\$20,487,369
Temporary Notes--City Projects	\$12,749,372
Temporary Notes--Special Assessment Projects	<u>\$10,339,580</u>
Total Indebtedness	<u><u>\$192,281,321</u></u>

Plus Project	\$192,807,257
--------------	---------------

* Breakdown of GO Bonded Indebtedness	
Building, Trafficway & Park Improvements	\$108,373,006
Drainage, Street & Sewer Improvements (special assessments)	\$12,401,994
KP&F Unfunded Liability	\$12,400,000
Heartland Park STAR Bonds	\$10,460,000
Heartland Park Development	<u>\$5,070,000</u>
Total	\$148,705,000



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 6, 2006

+ Back Print

DATE: August 29, 2006

CONTACT PERSON: Braxton B. Copley,
Assistant City Attorney

DOCUMENT #:

SECOND PARTY/SUBJECT: Implementation of a code
of ethics policy for the City
of Topeka

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL: Referred to the Economic
and Community Dev.
Comm. 07/11/06

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION relating to the implementation of a code of ethics policy for the City of Topeka, its elected officials, appointees and employees. *(Referred to the Economic and Community Development Committee from the meeting of July 11, 2006.)*

POLICY ISSUE:

Whether the City Council wants to require that all elected and appointed officials of the City to be bound by a code of ethics.

STAFF RECOMMENDATION:

None

BACKGROUND:

City of Topeka Resolution No. 7473 established a code of ethics policy for the City of Topeka and applies to all public officials and employees of the City of Topeka. This Resolution requires that all elected and appointed officials receive a copy of Resolution 7473 and that all elected and appointed officials certify that they will conform to that ethics policy before assuming their elected or appointed position.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Resolution](#)

Item #16

COMMITTEE REFERRAL SHEET COMMITTEE REPORT

Name of Committee: Economic and Community Development

Referred by Deputy Mayor at Council meeting: May 23, 2006

Assigned to Committee by: _____

Date referred from Committee: June 28, 2006

Title: A Resolution regarding the implementation of a code of ethics policy for the City of Topeka, its elected officials, appointees and employees

Committee Action:

☐ Do Pass
☒ Do Not Pass
☐ Without Recommendation

Comments: Committee and staff will continue to work on a draft ordinance and resolution that will be brought forth as workable documents to the full City Council for consideration in the near future.

Amendments: None

Vote: 3-0

Members of Committee:

Chairperson John Nave

Lana Kennedy

Brett Blackburn

Signed: _____, Committee Chair

**Agenda Date Requested: July 11, 2006

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. relating to the implementation of a code of ethics policy for the City of Topeka, its elected officials, appointees and employees.

WHEREAS, the City of Topeka passed Resolution No. 7473 which established a code of ethics policy for the City of Topeka; and

WHEREAS, Resolution No. 7473 applies to the public officials and employees of the City of Topeka; and

WHEREAS, the special Council committee on diversity recommended, among other things, that all elected and appointed leaders of the City agree to conform to an ethics policy; and

WHEREAS, the Council believes that all elected and appointed officials of the City of Topeka should be aware of and be bound by the terms of the ethics policy.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that all elected and appointed officials be required to receive a copy of Resolution 7473 establishing a code of ethics policy and certify that they will conform to that ethics policy before assuming their elected or appointed position.

19 ADOPTED and APPROVED by the City Council _____.

20 CITY OF TOPEKA, KANSAS

21

22

23

24

25

William W. Bunten, Mayor

26

27 ATTEST:

28

29

30

31

32 _____
Iris E. Walker, City Clerk

33

34

APPROVED AS TO FORM AND LEGALITY

DATE_____BY_____



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 21, 2006

+ Back Print

DATE: August 29, 2006

CONTACT PERSON: Bob Coffman **DOCUMENT #:**

SECOND PARTY/SUBJECT: Street Improvement Project **PROJECT #:** 60500-02

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL: Accept Petition, Approve Project Budget and Resolution **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$118,103 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60500-02 which provides for paving SW 12th Street in Tanglewood Subdivision No. 2, as more specifically described herein.
(Council District No. 9)

(The Petition Project will be paid 100 % by the Improvement District and pave S.W. 12th Street in Tanglewood Subdivision No. 2 located north of Huntoon Street and east of Harvey Street.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Accept Petition, approve Project Budget and Resolution of Advisability and Authorization creating the Improvement District.

BACKGROUND:

This petition project will pave SW 12th Street from Harvey Street easterly to the end of the cul-de-sac with 29-foot wide pavement, including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project. The developers are owners of 100% of the Improvement District.

BUDGETARY IMPACT:

Project Budget = \$118,103.00

Costs are to be paid 100% by the Improvement District, on a unit basis. There are 6 lots/units at \$19,683.90 each.

SOURCE OF FUNDING:

Funding by special assessments to the Improvement District spread over 20 years, in 20 equal payments.

Item #17

ATTACHMENTS:

[Project Budget](#)

[Petition](#)

[Vicinity Map](#)

[Resolution of Advisability and Authorization](#)

(Published in the Topeka Metro News _____)

RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60500-02 which provides for paving SW 12th Street in Tanglewood Subdivision No. 2, as more specifically described herein.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that it finds Improvement Project No. 60500-02, hereinafter described, to be advisable and does hereby authorize and order said improvement to be made in accordance with its findings as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To pave SW 12th Street from Harvey Street easterly to the end of the cul-de-sac with 29-foot wide pavement, including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

B. PROPOSED IMPROVEMENT DISTRICT:

Lots 6 through 11, Block "B", in Tanglewood Subdivision No. 2, City of Topeka, Kansas.

C. ESTIMATED OR PROBABLE COST:

\$118,103.00

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

37 D. PROPOSED METHOD OF ASSESSMENT:
38

39 On a unit basis for all lots or individual dwelling sites which are included in
40 the described Improvement District.
41

42 E. APPORTIONMENT OF COSTS:
43

44 Costs are to be paid one hundred percent (100%) by the Improvement
45 District.
46

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

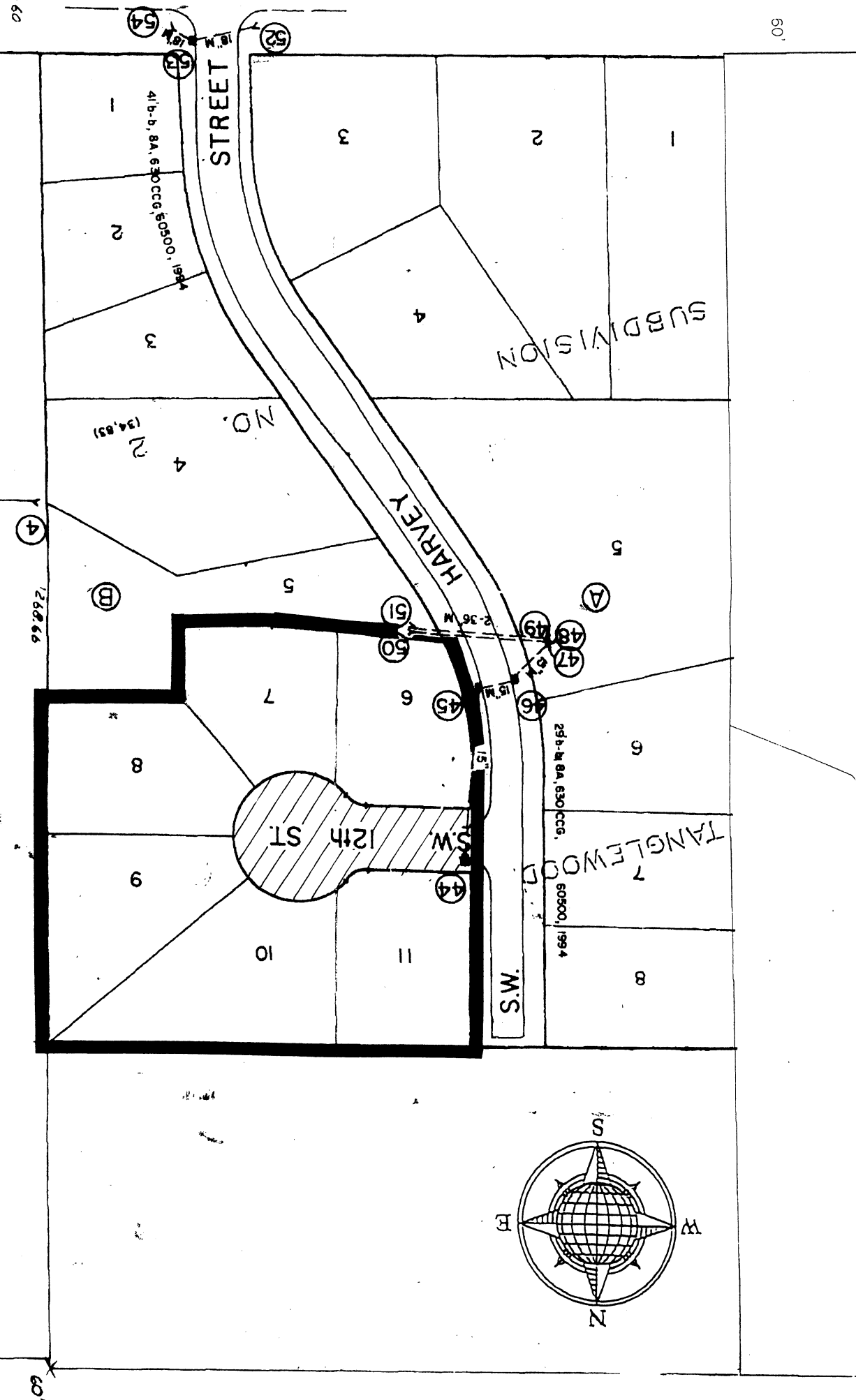
49 ADOPTED and APPROVED by the City Council _____.

50 CITY OF TOPEKA, KANSAS
51

52 _____
53 William W. Bunten, Mayor

54 ATTEST:
55

56 _____
57 Iris E. Walker, City Clerk



PETITION

The Mayor and Councilmembers
City of Topeka

We, the undersigned owners of record of real estate located within the improvement district herein defined, do hereby respectfully petition for the following street improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, Et. Seq., as amended.

Street Improvement Project No. 60500-02

A. GENERAL NATURE OF IMPROVEMENT:

To pave S.W. 12th Street from Harvey Street easterly to the end of the cul-de-sac with 29-foot wide pavement, including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

B. PROPOSED IMPROVEMENT DISTRICT:

Lots 6 through 11, Block "B", in Tanglewood Subdivision No. 2, City of Topeka, Kansas.

C. ESTIMATED OR PROBABLE COST:

\$118,103.00

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

D. METHOD OF ASSESSMENT:

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

E. APPORTIONMENT OF COSTS:

Costs are to be paid 100 percent by the Improvement District, as described above.

F. We, the undersigned owners of all property in the district, understand and agree:

- (i) To waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. Et. Seq., further we request that the Resolution creating the project be found advisable and the City Council authorize the project.
- (ii) Property contained within the district may not be modified, changed or altered by replatting or other means until assessments have been levied.

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

G. As the owner/developer of properties in this petitioned project, I will notify, in writing, each and every purchaser of property regarding special assessments which may be assessed to pay for this improvement.

[illegible]

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

8-10-06

Date _____

~~Tanglewood Development, LLC~~

By:

Signature of Person Carrying Petition

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

S.W. 12th Street Improvement

LOCATION:

S.W. 12th Street east of Harvey Street in
Tanglewood Subdivision No. 2.

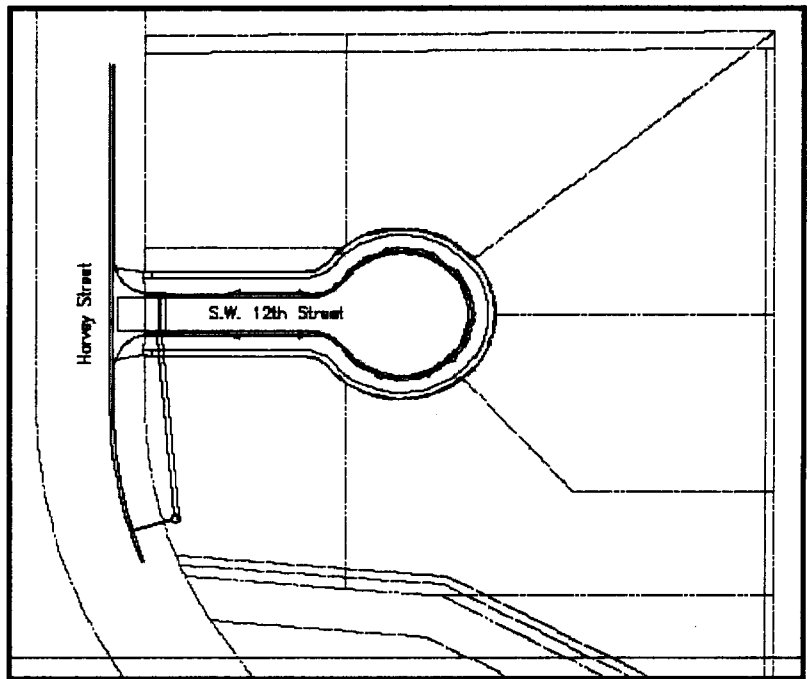
(Lots 6 through 11, Lot B)

DESCRIPTION OF PROJECT:

Pave S.W. 12th Street from Harvey Street
easterly to the end of the cul-de-sac with 29-foot
wide pavement, including concrete curb and
gutter, sidewalk ramps, storm drainage facilities,
engineering, and all other contingencies needed
to complete the project.

SOURCE OF FUNDS:

Cost to be paid 100% by the improvement
district.



COST ESTIMATE:

	City of Topeka	Other Funding Source	Total
Construction:	\$0.00	\$86,500.00	\$86,500.00
Design:	\$0.00	\$0.00	\$0.00
Construction Service Fees:			
<i>Construction Admin/Inspection</i>	\$0.00	\$8,650.00	\$8,650.00
<i>Construction Staking</i>	\$0.00	\$4,325.00	\$4,325.00
Administrative Fees:			
<i>Engineering Admin. Fees (2%)</i>	\$0.00	\$1,730.00	\$1,730.00
<i>Legal Admin. Fees (Assessment Only)(3%)</i>	\$0.00	\$2,595.00	\$2,595.00
Cost of Revenue Bond Issuance	\$0.00	\$0.00	\$0.00
<i>Debt Reserve Fund (10%)</i>	\$0.00	\$0.00	\$0.00
<i>Cost of Issuance (2%)</i>	\$0.00	\$0.00	\$0.00
Right-of Way Acquisition:	\$0.00	\$0.00	\$0.00
Contingency Amount:	\$0.00	\$8,650.00	\$8,650.00
Interim Interest	\$0.00	\$5,653.00	\$5,653.00
Totals:	\$0.00	\$118,103.00	\$118,103.00

PUBLIC HEARING:

PROJECT AUTHORITY:

a. Statutes:	K.S.A. 12-6a04 et. seq.
b. Capital Budget Year.:	
c. Improvement District:	\$118,103.00
d. City at Large:	\$0.00
e. Method of Assessment:	On a unit basis for all lots or dwelling sites which are included in the improvement district.

PROJECT ENGINEER:

Robert M. Coffman, Jr., P.E.



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2006

+ Back Print

DATE: August 29, 2006
CONTACT PERSON: Randy Speaker
SECOND PARTY/SUBJECT: Youngs, Ronald D.
CATEGORY/SUBCATEGORY
CIP PROJECT: Yes
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #: 606270
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION requesting approval of the Real Estate Acquisition Report and Real Estate Contract for acquisition of property located at 1185 SW Washburn.

(The property located in the Elmhurst Neighborhood and will provide for green space and eliminate blight.)

POLICY ISSUE:

Should the City acquire property for fair market value as determined by independent fee appraisers.

STAFF RECOMMENDATION:

Recommend approval of the acquisition and real estate acquisition report.

BACKGROUND:

The acquisition of this property located at 1185 SW Washburn is in furtherance of the Elmhurst Neighborhood Plan for green space and elimination of blight. The Elmhurst Plan is an element of the Comprehensive Neighborhood Plan 2025. By acquiring this property it shall be added to adjoining property owned by the City which shall change the environment, remove structure in close proximity to the street right of way and facilitate the creation of green space along Washburn Avenue.

BUDGETARY IMPACT:

The property would be acquired with identified funds within the Neighborhood Infrastructure CIP GO Bond Fund budget as approved by City Council on May 16, 2006.

The City shall pay \$27,000 for the property, plus costs associated with the transaction closing.

Tenant shall be relocated and house demolished, these costs are included within the budget of project 606270.

SOURCE OF FUNDING:

CIP GO Bond funds allocated within the 2006 CIP as approved on May 16, 2006 for Project 606270. Item #18

ATTACHMENTS:

[Real Estate Report](#)

[Page 1 of 4 Contract](#)

[Page 2 of 4 Contract](#)

[Page 3 of 4 Contract](#)

Item #18

1185 SW Washburn



14. REAL ESTATE BROKERAGE RELATIONSHIPS: (APPLICABLE SECTIONS MUST BE CHECKED)

Pursuant to the following:

- Listing Licensee, Non-applicable, of _____
is functioning as: (Mark appropriate response)
 - ☐ Transaction Broker
 - ☐ Designated Seller's Agent (Supervising Broker acts as a Transaction Broker.)
 - ☐ Seller's Agent
- Selling Licensee, Non-applicable, of _____
is functioning as: (Mark appropriate response)
 - ☐ Transaction Broker
 - ☐ Designated Buyer's Agent (Supervising Broker acts as a Transaction Broker.)
 - ☐ Buyer's Agent
 - ☐ Designated Seller's Agent (Supervising Broker acts as a Transaction Broker.)
 - ☐ Seller's Agent

Buyer and Seller acknowledge that the real estate licensees involved in this transaction may be functioning as agents of the Seller, agents of the Buyer, a Transaction Broker, or as Designated Agent(s) to represent the Seller or the Buyer. Licensees functioning as an agent of the Seller have a duty to represent the Seller's interest and will not be the agent of the Buyer. INFORMATION GIVEN BY THE BUYER TO AN AGENT FOR THE SELLER WILL BE DISCLOSED TO THE SELLER. Licensees functioning as an agent of the Buyer have a duty to represent the Buyer's interest and will not be the agent of the Seller. INFORMATION GIVEN BY THE SELLER TO AN AGENT FOR THE BUYER WILL BE DISCLOSED TO THE BUYER. A Broker or licensee, acting as a Transaction Broker, is not an agent for either the Seller or the Buyer and does not advocate the interests of either party, but is responsible for assisting both parties in closing the transaction. Buyer and Seller acknowledge that Real Estate Brokerage Relationships brochures have been furnished to them prior to entering into this Contract as prescribed by law.

15. PREVIOUS CONTRACT: It is expressly understood and acknowledged that there is currently in force and effect a Real Estate Contract with a previous Buyer for this property. It is further understood that this Contract is contingent upon the previous Contract being declared null and void before _____ M., Non-applicable (date). In the event said previous Contract is not declared null and void by said time, this Contract shall automatically become null and void and all earnest money paid hereunder shall be returned to Buyer.

16. TIME IS OF THE ESSENCE: If Buyer fails to comply with any of the terms of this Contract, this Contract shall, at the option of Seller, become null and void, and all rights of Buyer shall then terminate, and all monies paid and improvements made hereunder shall be retained by Seller as rent and as liquidated damages for said default by Buyer. In such event, Seller shall be entitled to possession of said real estate, free of all right, title, and interest of Buyer, and all parties shall be released from all further liability hereunder. If Seller does not exercise this option to cancel this Contract, Seller may exercise any other legal rights and remedies available to Seller under Kansas law.

17. ADDITIONAL PROVISIONS:

Kevin M. Rooney is a licensed Real Estate Broker in the state of Kansas, acting on behalf on the City of Topeka, as an employee.

Any and all personal property remaing in the subject property becomes the property of the City of Topeka upon the closing of this transaction.

This real estate contract is subject to governing body approval.

This Contract constitutes the entire Contract between the parties and there are no representations, warranties, conditions, contracts, or agreements other than those expressly set forth herein. No other agreement, statement, promise, warranty, or representation made by any party to this Contract, or by any employee, officer, or agent of any party, that is not in writing and signed by all parties to this Contract, shall be binding.

This Contract shall extend to and become binding upon the heirs, executors, administrators, successors, and assigns of the respective parties. Prior to the closing of this Contract, Buyer shall not sell, assign, or transfer this Contract or any interest in said property without first obtaining the written consent of Seller.

THIS IS A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD, SEEK THE ADVICE OF AN ATTORNEY.

IN WITNESS WHEREOF, the parties have executed this Contract as of the date last signed or initialed.

SELLER	BUYER
<u>Ronald D. Youngs</u>	<u>The City of Topeka, a Municipal Corporation</u>
Ronald D. Youngs	
<u>07/26/06</u>	<u>Date</u>
Date	Date
	Norton N. Bonaparte, Jr.,
	City Manager

RECEIPT BY ESCROW AGENT

The undersigned hereby acknowledges receipt of an executed copy of this Contract and the sum of \$ _____ as earnest money and agrees to act as Escrow Agent. In the event Seller executes and delivers a deed prior to closing, said deed shall be delivered to said Buyer by the Escrow Agent upon the closing of this Contract, pursuant to its terms.

This receipt is executed Non-applicable (date)

Company _____ By _____

11. **INSPECTIONS** Buyer and Seller agree that whenever the term "as is condition" is used herein, the term shall be deemed to mean its "present existing condition" without warranty, except for warranties specifically implied by Kansas law or expressly set forth in this Contract. The parties further agree that the items selected by them shall be included as terms and/or conditions of said Contract, while the items initialed as declined have been offered and are not made part of this Contract. Seller shall afford Buyer reasonable access to the property to conduct the inspections, re-inspections, inspection of any repairs or replacements completed by Seller, and/or final walk-through prior to closing. **Buyer and Seller authorize all inspection reports to be provided to all parties and all real estate licensees involved in this transaction.** Buyer and Seller agree that any repairs or replacements which are performed pursuant to the following provisions shall be completed in a workmanlike manner.

11a. **WOOD DESTROYING INSECT INFESTATION INSPECTION:** Listing Company is authorized to obtain by Non-applicable (date), and _____ agrees to pay for a wood destroying insect infestation inspection of subject property by _____, (a state licensed pest control company of Buyer 's choice), at a cost not to exceed \$ _____. A written report from said company shall be furnished showing the main structure and any attachments thereto, detached garage and/or outbuildings, should there be any, to be free of visible evidence of wood infestation. If evidence of wood infestation is present, Buyer may cancel this Contract unless Seller agrees to pay for treatment of the infestation by a licensed pest control company. If any structural damage has been caused by infestation, Buyer may cancel this Contract unless Seller agrees to repair said damage.

Attachment number 3
Page 1 of 1

11b. **WASTE WATER DISPOSAL INSPECTION:** Listing Company is authorized to obtain by Non-applicable (date), and _____ agrees to pay for an inspection of the private wastewater disposal system of subject property by the applicable County Health Department. If written inspection report shows the private waste water disposal system to have deficiencies, Buyer may, at his option, accept the property in its "as is condition," or cancel this Contract; however, Seller may, at his option, keep this Contract in force by paying for any repairs, replacements, or modifications deemed necessary to correct such deficiencies.

11c. **IMPROVEMENT LOCATION REPORT:** Listing Company is authorized to obtain by Non-applicable (date), and _____ agrees to pay for an improvement location report (**DOES NOT CONSTITUTE A BOUNDARY SURVEY**) by _____, a licensed surveyor. If encroachments are found which affect marketable title, Buyer may, at his option, accept the property in its "as is condition," or cancel this Contract; however, Seller may, at his option, keep this Contract in force by paying for the cost of correcting the defect.

11d. **ADDITIONAL INSPECTIONS:** Listing Company is authorized to obtain by Non-applicable (date) the following written inspection reports. All specific inspections are to be performed by acknowledged contractors or professionals.

Type of Inspection	Inspector / Inspection Company	Paid by Seller or Buyer	Report Cost not to exceed
EIFS/SIDING			
ELECTRICAL			
FIREPLACE			
FOUNDATION			
HEATING & AIR COND.			
MOLD &/OR MILDEW			
OTHER			
PLUMBING			
RADON			
ROOF			
SEWER			
WHOLE HOUSE			

If the Whole House Inspection report recommends additional inspections, inspections cost(s) will be paid by _____.

In the event any appraisal requirements and/or inspection reports from 11d indicate that the aggregate total dollars for all repairs or replacements needing to be made can be properly completed for less than \$ _____, Buyer agrees to accept subject property in its "as is condition." In the event the cost estimate of said repairs or replacements exceeds the foregoing amount, Buyer may, at his option, accept the property in its "as is condition," or cancel this Contract; however, Seller may, at his option, keep this Contract in force by agreeing either to complete repairs or replacements in excess of the foregoing amount prior to closing, or to reimburse Buyer at closing in the amount that the cost of repairs or replacements exceeds the foregoing amount. Buyer and Seller agree to make every earnest effort to resolve inspection issues as soon as possible.

Offered to Buyer & Declined
_____ Each inspection in section 11 not selected was offered to Buyer(s) and declined.
The intent is to remove the structure.

12. **LEAD-BASED PAINT:** *If the property for this transaction includes a dwelling built prior to 1978, the attached DISCLOSURE OF INFORMATION AND ACKNOWLEDGMENT LEAD-BASED PAINT AND/OR LEAD-BASED PAINT HAZARDS is made part of this Contract.*

13. **HOME WARRANTY:** Listing Company is authorized to obtain by Non-applicable (date), and _____ agrees to pay for a Home Protection or Warranty Plan from _____ (a company of Buyer 's choice, except that, in the event such a plan is currently in effect on subject property, the company offering said plan shall be acceptable to Buyer and paid for by Seller). Coverage shall be as described in the plan selected, with a deductible of \$ _____ per occurrence, at a cost not to exceed \$ _____. Buyer understands that certain systems, components, and/or other structures may not be covered by said home warranty.

Offered to Buyer & Declined
_____ The home warranty in section 13 was offered to Buyer(s) and declined.

☐ **FHA LOAN:** The _____ FHA loan amount, plus any mortgage insuring fee not paid in cash as outlined below, shall be insured by the Federal Housing Administration. _____ shall pay the discount necessary to secure such FHA insured loan up to a maximum of _____ % of the loan amount. The mortgage insurance fee, not to exceed _____ % of the loan, shall be paid by _____ as follows: _____
An additional insuring fee of _____ % shall be paid by Buyer in monthly installments.

It is expressly agreed that, notwithstanding any other provisions of this Contract, Buyer shall not be obligated to complete the purchase of the property, or to incur any penalty by forfeiture of earnest money or otherwise, unless the Buyer has been given, in accordance with HUD/FHA or VA requirements, a written statement by the Federal Housing Commissioner, Department of Veterans Affairs, or a Direct Endorsement lender setting forth the appraised value of the property of not less than \$ _____ (purchase price). The appraised valuation is arrived at to determine the maximum mortgage the Department of Housing and Urban Development will insure. **HUD does not warrant the value or the condition of the property. Buyer should satisfy himself that the price and condition of the property are acceptable.**

Seller shall, in addition to any other sums provided for herein, pay all costs associated with obtaining Buyer's loan which the FHA will not permit Buyer to pay, provided said costs do not exceed \$ _____.

3. CLOSING & POSSESSION: This Contract shall be closed on or before September 29, 2006 (date) with possession to be delivered to Buyer on or before 5:00 P. M., September 29, 2006 (date). Attachment number 4
Page 1 of 1

4. MARKETABLE TITLE: Seller shall make available to Buyer prior to closing of this Contract, at Seller's expense, as evidence of marketable title, a standard owner's preliminary title insurance report, and, after closing of this Contract, a standard owner's title insurance policy that will insure Buyer against loss or damage to the extent of the total purchase price by reason of defects in the Seller's title to said real estate, subject to the exceptions below. If the Seller shall be unable to deliver marketable title as herein provided, this Contract shall be of no further force or effect.

Seller shall convey title by General Warranty Deed, or a deed acceptable to the title company issuing the title insurance, to be delivered to Buyer at the closing of this Contract upon receipt of the total purchase price, free of all liens and encumbrances except:

- (a) Zoning, conditions, restrictions, deed restrictions, reservations, rights of way, and easements of record, if any, which do not materially affect the value or prohibit the use of the property for a legal purpose;
- (b) Encumbrances created by the Buyer;
- (c) Installments, if any, of special assessments not yet due;
- (d) Tenants rights, if any;
- (e) Other exceptions, if any: _____.

5. LIENS: Seller shall pay all contractors, subcontractors, laborers, or suppliers for all work done or material furnished to the property prior to the closing of this Contract which might form the basis of a mechanic's lien. Seller shall indemnify and hold Buyer and real estate companies and licensees involved in this transaction harmless from any obligation for payment of any amounts by reason of any mechanic's liens which may be filed for labor performed or material furnished prior to the closing of this Contract.

6. ESCROW: Heartland Title Services, Inc. is hereby designated as escrow agent of both parties. All monies paid and to be paid, prior to the closing of this transaction, and the deed and other papers that may be delivered hereunder, shall be paid and delivered to said escrow agent, who shall hold and then pay and deliver the same to the respective parties entitled thereto upon full performance of all the terms of this Contract.

If this Contract is canceled at the option of one of the parties hereto under the provisions of paragraph 2, 4, 8, 11a, 11b, 11c, or 11d, Buyer's earnest money shall be returned to Buyer, less the cost of any reports, inspections, or other costs Buyer is obligated to pay under this Contract. Buyer agrees to pay immediately any costs that exceed the earnest money. Upon completion of disposition of the earnest money and payment of said costs pursuant hereto, this Contract shall be of no further force or effect, and all parties to this Contract and real estate companies and their agents shall be released from further liability hereunder.

Notwithstanding any other terms of this Contract providing for forfeiture or refund of the earnest money, the parties understand that applicable Kansas real estate laws prohibit the escrow agent from distributing the earnest money, once deposited, without the consent of all parties to this Contract. Buyer and Seller agree that failure by either to respond in writing to a certified letter from Broker within seven days of receipt thereof or failure to make written demand for return or forfeiture of earnest money within 30 days of notice of cancellation of this Contract shall constitute consent to distribution of the earnest money as suggested in any such certified letter or as demanded by the other party hereto.

Buyer and Seller agree that the Escrow Agent may retain any interest earned on escrowed funds in lieu of escrow fees.

7. TAXES & ASSESSMENTS: Taxes and assessments due and payable for the calendar year 2005, and all prior years, and a pro rata share of the 2006 taxes and assessments as of date of closing, (based on 2005 general taxes and 2006 special assessments, if any), shall be paid by Seller, and all taxes and assessments that may be levied, imposed, or become payable after said time shall be assumed and paid by Buyer. The parties acknowledge that the taxes may be substantially higher or lower than the previous year's taxes due to Kansas law requiring periodic reappraisal.

8. CASUALTY INSURANCE & LOSS: Seller agrees to maintain in force, until the closing of this Contract, all casualty insurance now in effect on the improvements. In the event of loss or damage to the improvements prior to the closing of this Contract, the insurance proceeds, plus any deductible to be paid by Seller, shall, at the option of Buyer, be used to repair damage or applied to reduce the purchase price. If proceeds are inadequate to restore the improvements to substantially their same condition as before loss or damage, or in the event of an uninsured loss, this Contract may be canceled at the option of either Seller or Buyer.

Buyer will obtain an insurance binder by Non-applicable (date).

9. INTERIM MAINTENANCE: Seller shall maintain the property and improvements in its present condition until closing and deliver possession in a like or better condition than present, reasonable wear and tear excepted.

10. PROPERTY CONDITION: Buyer has carefully inspected the property, and, subject to any inspections included in this Contract, agrees to purchase the property in its present condition. No warranties or guarantees of any kind are made by Seller or any real estate licensee concerning the condition or value of the property, unless expressly set forth in this Contract or specifically implied by Kansas law. **Buyer acknowledges that neither Seller nor any real estate licensee involved in this transaction is an expert at detecting or repairing physical defects in the property. Buyer states no important representations concerning the condition of the property are being relied upon by Buyer.**

Buyer acknowledges receipt and acceptance of Seller's Property Disclosure Statement dated Non-applicable, it should be noted property is part of a planned Washburn-Lane greenway and the structure shall be removed.

Buyer agrees to verify, by an independent investigation, information Buyer deems important. Buyer has been advised to have the property examined by professional inspectors.



REAL ESTATE CONTRACT

Uniform Contract for Topeka Board of REALTORS®, Inc.

CONTRACT PREPARATION DATE: _____

SELLER(S) (Name & marital status): Ronald D. Youngs, a single person

BUYER(S) (Name & marital status): The City of Topeka a Municipal Corporation

Do you want to take title in joint tenancy with right of survivorship? ☐ YES or ☐ NO

FOR GOOD AND VALUABLE CONSIDERATION, Buyer and Seller agree as follows:

PROPERTY: Seller agrees to sell and Buyer agrees to buy the following described real estate located in Shawnee County, KS:

Legal Description (Correct legal description to appear on deed as per title evidence.): _____

Attachment number 5
Page 1 of 1

commonly known and described as 1185 S.W. Washburn Topeka KS 66604
(Address) (City) (State) (Zip)

The real estate, together with attached improvements, shall include, **if present**: gas heaters; attic fan and/or ceiling fans; heating & cooling systems; all window air conditioning unit(s); lighting; plumbing; attached fireplace screens and doors; bathroom mirrors and attached mirrors; window and porch shades, shutters, storm windows, and storm doors; keys; screens; all attached and unattached window and door coverings now in place; attached curtain and drapery rods; awnings; TV antenna and equipment; satellite dish and equipment; built-in sound equipment; water softener (if owned); attached outside cooking units; gas lights; automatic garage door equipment including remote transmitter(s); attached and unattached wall-to-wall carpeting; built-in kitchen appliances; shelves; fire, smoke, and burglary detection systems (if owned); mail boxes; installed water well pumps; rural water meters/certificates; propane/butane tank(s) (if owned); swimming pool and all pool equipment; all flowers, trees, and shrubs; and anything else buried, nailed, bolted, screwed, glued, or otherwise permanently affixed to the premises, or any improvements thereon, with the following exceptions:

No exceptions.

2. **PURCHASE PRICE & FINANCING:** The total purchase price is \$ 27,000.00,
Twenty Seven Thousand and 00/100 Dollars, payable as follows:

(a) \$ 0 in the form of _____ as earnest money. This earnest money is deposited as a good faith assurance that Buyer shall fulfill the terms and conditions of this Contract. Said earnest money shall be applied to Buyer's acquisition costs at closing.

(b) The remaining balance of the purchase price to be paid: (Check applicable box.)

☒ (i) **CASH:** In cash, \$ 27,000.00 as follows: payable in check form at closing.

Any applicable closing fee shall be paid by Buyer.

☐ (ii) **ASSUMPTION OF EXISTING MORTGAGE:** See attached Addendum.

☐ (iii) **INSTALLMENT SALE:** See attached Addendum.

☐ (iv) **NEW MORTGAGE:** In cash, including the proceeds of a new mortgage loan hereinafter described. This Contract is conditioned upon Buyer obtaining a written commitment for a loan on or before _____ (date) of not less than \$ _____ with interest at _____ % per annum, or less, payable over a period of _____ years, secured by a first real estate mortgage against the above described property.

Buyer shall apply for loan and make payment of loan application fees, including appraisal and credit report fees not later than five (5) days from the date this Contract is executed and shall exercise all reasonable efforts to secure the same. In the event loan commitment is not obtained, Buyer shall not be obligated to complete the purchase of the above described property. In the event compliance inspections are required, _____ shall pay the fees.

☐ **CONVENTIONAL LOAN:** Type of conventional loan: _____ (fixed or adjustable)

It is expressly agreed that, notwithstanding any other provisions of this Contract, Buyer shall not be obligated to complete the purchase of the property, or incur any penalty by forfeiture of earnest money or otherwise, if the appraised value of the property is less than the purchase price. However, Buyer may proceed with the purchase without regard to the amount of the appraised valuation.

☐ **VA LOAN:** The VA loan amount, plus any funding fee not paid in cash as outlined below, shall be guaranteed by the Department of Veteran Affairs. _____ shall pay the discount necessary to secure such VA loan up to a maximum of _____ % of the loan amount. The funding fee, not to exceed _____ % of the loan, shall be paid by _____ as follows: _____

It is expressly agreed that, notwithstanding any other provisions of this Contract, Buyer shall not be obligated to complete the purchase of the property, to or incur any penalty by forfeiture of earnest money or otherwise, if the Contract purchase price or cost exceeds the reasonable value of the property established by the Department of Veterans Affairs. However, Buyer may proceed with the purchase without regard to the amount of the reasonable value as established by the Department of Veterans Affairs.

Seller shall, in addition to any other sums provided for herein, pay all costs associated with obtaining Buyer's loan which the Department of Veterans Affairs will not permit Buyer to pay, provided said costs do not exceed \$ _____.

REAL ESTATE ACQUISITION FOR WASHBURN LANE GREEN WAY WITH NEIGHBORHOOD INFRASTRUCTURE CIP FUNDS

1185 SW Washburn, consisting of a residential structure situated on Lot 461 and the North half of Lot 463, on Washburn Avenue, formerly West Street in Elmhurst Addition to the City of Topeka, Shawnee County, Kansas.

1. THE APPRAISED VALUE OF THE PROPERTY.

\$27,000.00 as of June 30, 2006 as appraised by Aul & Hatfield Appraisers and reviewed by Alida M. Moore Review Appraiser.

2. THE FINANCIAL IMPACT OF THE TRANSACTION.

The property would be acquired with identified funds of the Neighborhood Infrastructure CIP GO Bond Fund as approved by City Council on May 16, 2006.

The City of Topeka shall pay \$27,000 for the property plus costs associated with the transaction closing.

Tenant shall be relocated and house demolished, these costs are included within the budget of project 606270.

3. THE TERMS AND CONDITIONS OF THE ACQUISITION.

The seller shall provide a warranty deed to the City of Topeka, pay all prior years taxes and a pro rata share of the 2006 taxes to the date of closing. The City shall pay the above costs as described within number 2.

Transaction shall close on September 29, 2006.

4. A STATEMENT IDENTIFYING ANTICIPATED USE.

The Parks & Recreation Department shall utilize this property in conjunction with the adjoining ground acquired for the purpose of elimination of blight and providing green space in accordance with the Elmhurst Neighborhood Plan an element of the Comprehensive Metropolitan Plan 2025.

5. IDENTIFICATION OF EXISTENCE OF ANY CONDITIONS IMPACTING THE ENVIRONMENT.

Due to the residential nature of the property and surrounding property no environmental assessment shall be conducted. However, any residential property demolished shall have asbestos samples taken and asbestos shall be removed prior to demolition.



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 18, 2006

+ Back Print

DATE: August 29, 2006
CONTACT PERSON: Randy Speaker **DOCUMENT #:**
SECOND PARTY/SUBJECT: Betty Phillips Park Project **PROJECT #:** 606270
CATEGORY/SUBCATEGORY:
CIP PROJECT: Yes
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. authorizing the initiation of condemnation proceedings to acquire property for Project No. 606270, for the second phase of the Betty Phillips Park formerly known as Hi-Crest Park.

(The Resolution authorizes initiation of condemnation proceedings to acquire property for expansion of the Park, and authorizes Engineering Division to survey land and file a report of survey. An aerial map of the subject property is attached. Subject property is located adjoining the Park and addresses to be acquired are outlined in yellow on the map.)

POLICY ISSUE:

Should City Council take preliminary steps to acquire real property for public park purposes, project #606270.

STAFF RECOMMENDATION:

Staff recommends City Council adopt the resolution to authorize Engineering Division to survey land and file report of survey.

BACKGROUND:

The acquisition of this property is in furtherance of the Hi-Crest Neighborhood Plan for creation of an open, visible and accessible park. The Hi-Crest Neighborhood Plan is an element of the Comprehensive Metropolitan Neighborhood Plan 2025. By acquiring this property it shall be added to adjoining property owned by the city which shall change the environment, remove structures which obscure the view of the park creating a safe, open and accessible park.

BUDGETARY IMPACT:

Final costs will be determined after the Court appointed Appraisers file appraiser report with the District Court.

To establish the property values, the subject properties have been appraised by fee appraisers, Aul & Hatfield Appraisals, L.C. and reviewed by Alida M. Moore Inc., appraiser.

SOURCE OF FUNDING:

CIP GO Bond funds allocated within the 2006 CIP as approved on May 16, 2006 for Project #606270. Item #19

ATTACHMENTS:

[Map of Park and Land to Be Acquired](#)
[Resolution](#)

(Published in the Topeka Metro News _____)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. authorizing the initiation of condemnation proceedings to acquire property for Improvement Project No. 606270, for the Second Phase of the Betty Phillips Park formerly known as Hi-Crest Park project.

BE IT RESOLVED by the City Council of the City of Topeka, Kansas, pursuant to K.S.A. 26-201 that it is necessary and advisable in the public interest to condemn certain private property in the City for Improvement Project No. 606270, for public park purpose and such other public purposes as are authorized by law.

Pursuant to the provisions of K.S.A. 26-201, the Engineering Division is hereby authorized and directed to cause a survey to be made by some competent engineer of those private lands which are necessary to be appropriated for the improvement, and such other public purposes as are authorized by law, and the City Engineer, or his designee, is authorized and directed to file the report of the survey, including a description of those private lands and interests to be acquired by condemnation, in the office of the City Clerk.

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

ADOPTED and APPROVED by City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

Phase II Betty Phillips Park

Attachment Number 2
Page 1 of 1





A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2006

+ Back Print

DATE:	August 29, 2006	DOCUMENT #:	
CONTACT PERSON:	Randy Speaker;	PROJECT #:	606270
SECOND PARTY/SUBJECT:	Van Donge, Donald E.		
CATEGORY/SUBCATEGORY			
CIP PROJECT:	Yes	JOURNAL #:	
ACTION OF COUNCIL:		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Norton N. Bonaparte, Jr., City Manager authorizing the initiation of condemnation proceedings to acquire property for Improvement Project No. 606270, for the third phase of the Washburn Lane Parkway Project.

(The property is located at 1183 SW Washburn. The Resolution authorizes initiation of condemnation proceedings to acquire property for green space and elimination of blight, and authorizes the Engineering Division to survey land and file a report of survey.

POLICY ISSUE:

Should City Council take preliminary steps to acquire real property for public park purposes, project # 606270.

STAFF RECOMMENDATION:

Staff recommends City Council adopt the resolution to authorize Engineering Division to survey land and file report of survey.

BACKGROUND:

The acquisition of this property is in furtherance of the Elmhurst Neighborhood Plan for green space and elimination of blight. The Elmhurst Plan is an element of the Comprehensive Neighborhood Plan 2025. By acquiring this property it shall be added to adjoining property owned by the city which shall change the environment, remove structures in close proximity to the street right of way and facilitate the creation of green space along Washburn Avenue.

BUDGETARY IMPACT:

Final costs will be determined after Court appointed Appraisers file Appraisers report with the District Court. The subject property appraised for \$21,000 on June 30, 2006 by Aul & Hatfield Appraisals, L.C. and reviewed by Alida M. Moore Inc., appraiser.

SOURCE OF FUNDING:

CIP GO Bond funds allocated within the 2006 CIP as approved on May 16, 2006 for Project 606270.

Item #20

ATTACHMENTS:

[Resolution](#)

[Map 1183 SW Washburn](#)

1183 SW Washburn



(Published in the Topeka Metro News _____)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. authorizing the initiation of condemnation proceedings to acquire property for Improvement Project No. 606270, for the third phase of the Washburn-Lane Parkway project.

BE IT RESOLVED by the City Council of the City of Topeka, Kansas, pursuant to K.S.A. 26-201 that it is necessary and advisable in the public interest to condemn certain private property in the City for Improvement Project No. 606270, for public park purpose and such other public purposes as are authorized by law.

Pursuant to the provisions of K.S.A. 26-201, the Engineering Division is hereby authorized and directed to cause a survey to be made by some competent engineer of those private lands which are necessary to be appropriated for the improvement, and such other public purposes as are authorized by law, and the City Engineer, or his designee, is authorized and directed to file the report of the survey, including a description of those private lands and interests to be acquired by condemnation, in the office of the City Clerk.

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

ADOPTED and APPROVED by City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 28, 2006

+ Back Print

DATE: August 29, 2006

CONTACT PERSON: Linda Wood or Jim Langford **DOCUMENT #:**

SECOND PARTY/SUBJECT: Weekly Expenditures **PROJECT #:**
Authorization, Week Ended
August 27, 2006

CATEGORY/SUBCATEGORY

CIP PROJECT: No

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

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 21, 2006, through August 27, 2006, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

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

STAFF RECOMMENDATION:

Adopt the Ordinance as presented.

BACKGROUND:

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

BUDGETARY IMPACT:

Approves expenditures for the period August 21, 2006, through August 27, 2006, in the amount of \$726,896.30.

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Weekly Expenditure Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of August 21, 2006, through August 27, 2006, and enumerating said expenditures herein.

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

Section 1. All expenditures made or authorized to be made by issuance of checks or electronic transfers as enumerated herein, are in accordance with City of Topeka Resolution No. 7607.

Section 2. The claims and expenditures listed in Exhibit A, which is on file in the City Council Office and the City Clerk's Office and incorporated herein by said reference, are hereby allowed and approved for payment.

<u>Section 3.</u>	Total for 98 vendor checks written in this period	\$655,091.04
	Total vendor checks voided in this period (net)	(729.00)
	Total electronic transfers to vendors in this period	72,534.26
	Total net payroll to employees this period	-0-
	Total payroll related electronic transfers this period	<u>-0-</u>
	Total for expenditures in this period	<u>\$726,896.30</u>

Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 15, 2006

+ Back Print

DATE:	August 29, 2006		
CONTACT PERSON:	Clark Duffy	DOCUMENT #:	7862
SECOND PARTY/SUBJECT:	Washburn University - National Pirate Days	PROJECT #:	
CATEGORY/SUBCATEGORY	020 Resolutions / 001 Special Permits		
CIP PROJECT:	No		
ACTION OF COUNCIL:	Approved the resolution. 9/12/06	JOURNAL #:	06
		PAGE #:	444

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Clark Duffy granting Washburn University an exception to the provisions of the City of Topeka Code Section 54-148 concerning noise prohibitions. *(The resolution was added at the meeting.)*

(The National Talk Like a Pirate Day event will be held on September 19, 2006 from 11:00 a.m. to 1:30 p.m.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for amplified sound at the National Talk Like a Pirate Day event located at 1700 SW College Avenue during the hours of 11:00 a.m. and 1:30 p.m. on September 19, 2006. The event will be held on the grounds just outside the east doors of the Memorial Union.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Clark Duffy, granting Washburn University an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146; and

WHEREAS, Washburn University has requested that it be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Washburn University, the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Washburn University is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for amplified sound at the

National Talk Like a Pirate Day event located at 1700 SW College Avenue during the hours of 11:00 a.m. and 1:30 p.m. on September 19, 2006.

The event will be held on the grounds just outside the east doors of the Memorial Union.

ADOPTED and APPROVED by the City Council _____.

William W. Bunten, Mayor

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 25, 2006

+ Back Print

DATE:	August 29, 2006	DOCUMENT #:	
CONTACT PERSON:	Bill Fiander	PROJECT #:	P06/21
SECOND PARTY/SUBJECT:	Lauren's Bay Estates Subdivision		
CATEGORY/SUBCATEGORY			
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A FINAL PLAT for Lauren's Bay Estates Subdivision located north of SW 53rd Street between SW Marlboro Road and SW Wanamaker Road, the centerline of which is approximately 3,100 feet north of SW 53rd Street, being contiguous to the City of Topeka within unincorporated Shawnee County, Kansas.(P06/21) (The Planning Commission recommended approval by a vote of 7-0-1.)

(Approval would accommodate development of the property for single-family residential uses.)

POLICY ISSUE:

Consistent with the City of Topeka Subdivision Regulations. Owner has consented to annexation with recording of the plat. The property is contiguous to the city limits.

STAFF RECOMMENDATION:

The **Final Plat Phase of Lauren's Bay Estates Subdivision** was reviewed by the Planning Commission on August 21, 2006, at their regular monthly meeting. At that time, the Planning Commission took the following action on the plat: **APPROVAL (7-0-1)** as referenced in their attached minutes dated **August 21, 2006**. The Planning Department evaluated this proposal relative to the standards and provisions of the Subdivision Regulations and recommended the Planning Commission **APPROVE** the proposal as referenced in the attached staff report.

BACKGROUND:

- See attached Staff Report.
- The applicant has consented to annexation with recording of the final plat.
- City Council options:
 - Accept the plat as presented for recording by the Shawnee County Register of Deeds.
 - Reject the plat so it would **not** be eligible for recording by the Shawnee County Register of Deeds.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

Item #23

N/A

ATTACHMENTS:

[Staff Report](#)

[Plat p1](#)

[Plat p2](#)

[Plat p3](#)

[Plat p4](#)

[Plat p5](#)

[Plat p6](#)

[Plat p7](#)

[Plat p8](#)

[Aerial](#)

[Vinc Map](#)

[Planning Commission Minutes](#)

DRAFT

**Minutes of the
Of the
Topeka Planning Commission
August 21, 2006**

Lauren's Bay Estates Subdivision (Preliminary and Final Plat Phases) (P06/21) by Mission Ranch, L.L.C. and Brainstorm Development Group, L.L.C. on property lying between SW Marlboro Road and SW Wanamaker Road, the centerline of which is approximately 3,100 feet north of SW 53rd Street, being contiguous to the City of Topeka within unincorporated Shawnee County, Kansas. **(Diediker)** Dean Diediker summarized the staff report.

Discussion by members:

Fred Sanders asked for an explanation on the memo passed out before the meeting. It states a drainage easement needs to be obtained across someone else's property? Mr. Diediker replied yes, the City Engineering Department is requesting the applicant obtain the easements. Mr. Diediker added this might not be an issue; it may have already been taken care of.

Proponents:

Gene Jani, owner/developer, spoke in favor of the proposal. He stated this item was before the Commission last month with much discussion. He stated off site drainage easements aren't uncommon. The Planning Director initiated this requirement. There is a written agreement with the property owner regarding the easements. This type of requirement needs to be in black and white. Usually these easements are obtained after the final plat. This is setting precedence and placing more stipulations on developers. The easements are hard to calculate during the plat approval process. It needs to be after the plat is approved and development has begun. He stated he feels all requirements have been met for the subdivision. Theron Sims asked if the applicant agrees with the staff report. Mr. Jani replied yes. Mark Boyd asked about the water supply situation concerning elevations. Mr. Jani said a water tower would be put in, in the near future. He said the rural water district said they could supply the subdivision with the right water pressure. If the pressure isn't there, they will not develop until other means become available. Howard Blackmon asked if all of the cul-de-sacs would have fire hydrants? Mr. Jani replied yes. Mr. Boyd asked how the phases would be developed? Mr. Jani said there are three phases. The 1st phase is very large. Basically, it is dictated by accessibility. He pointed out on the map the first phase being from the eastern edge to the western edge in the northern most part of the development. The second phase will be south of the first phase and the final phase being the southern most edge. Mr. Boyd asked where the roads on the east and west sides of the subdivision would connect? Mr. Jani said the road on the east will connect to Wanamaker and the road to the west will remain undeveloped until such time a development comes in and needs connection. Ralph Skoog said the southern edge of Laurens Bay is the city limit line. Sewer connection will be with the Sherwood Treatment Plant, which the city operates by contract. Rural Water District #6 will supply the water. The drainage report has been approved. He said it is discouraging to have standards and have to vary from them. He said he is referring to the cul-de-sac length variance on six of the eight cul-de-sacs.

No one spoke in opposition to the proposal.

Theron Sims moved approval as written by staff, seconded by Fred Sanders. **APPROVAL. (7-0-1) Commissioner Skoog abstained.**

Subject to:

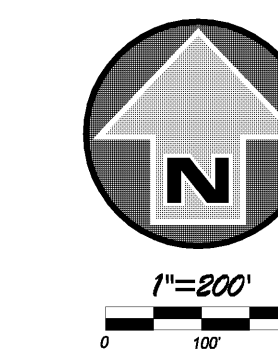
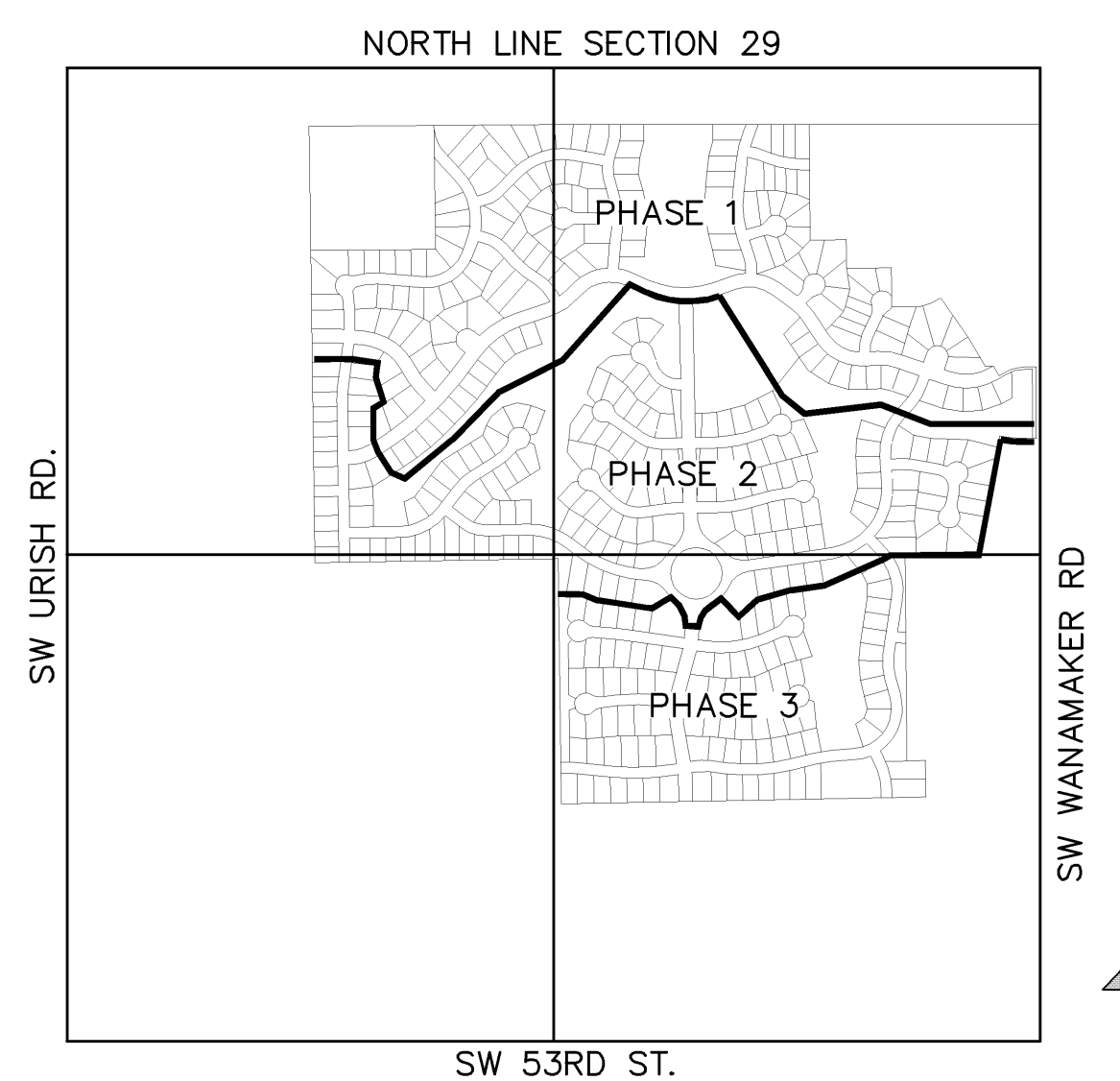
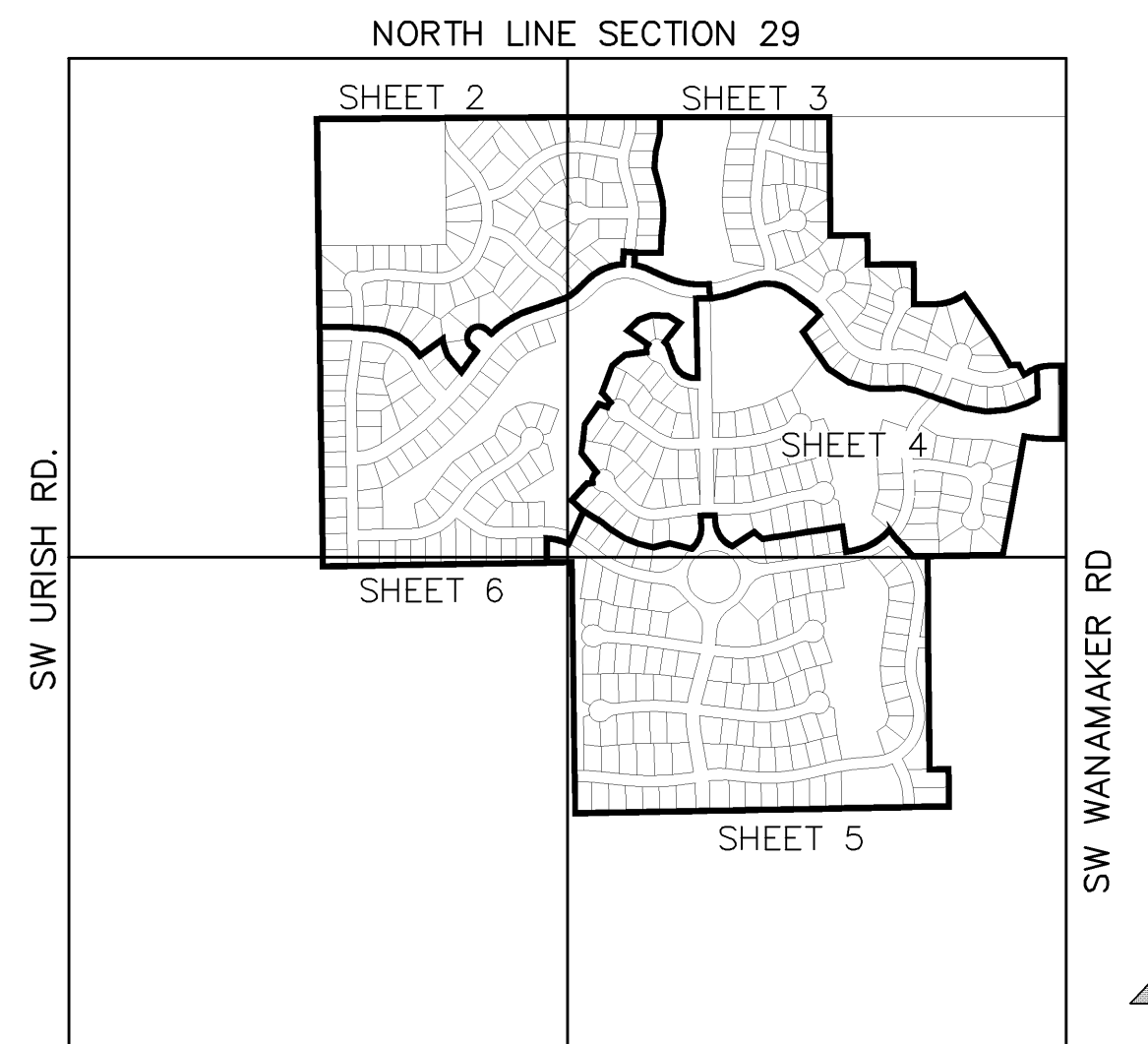
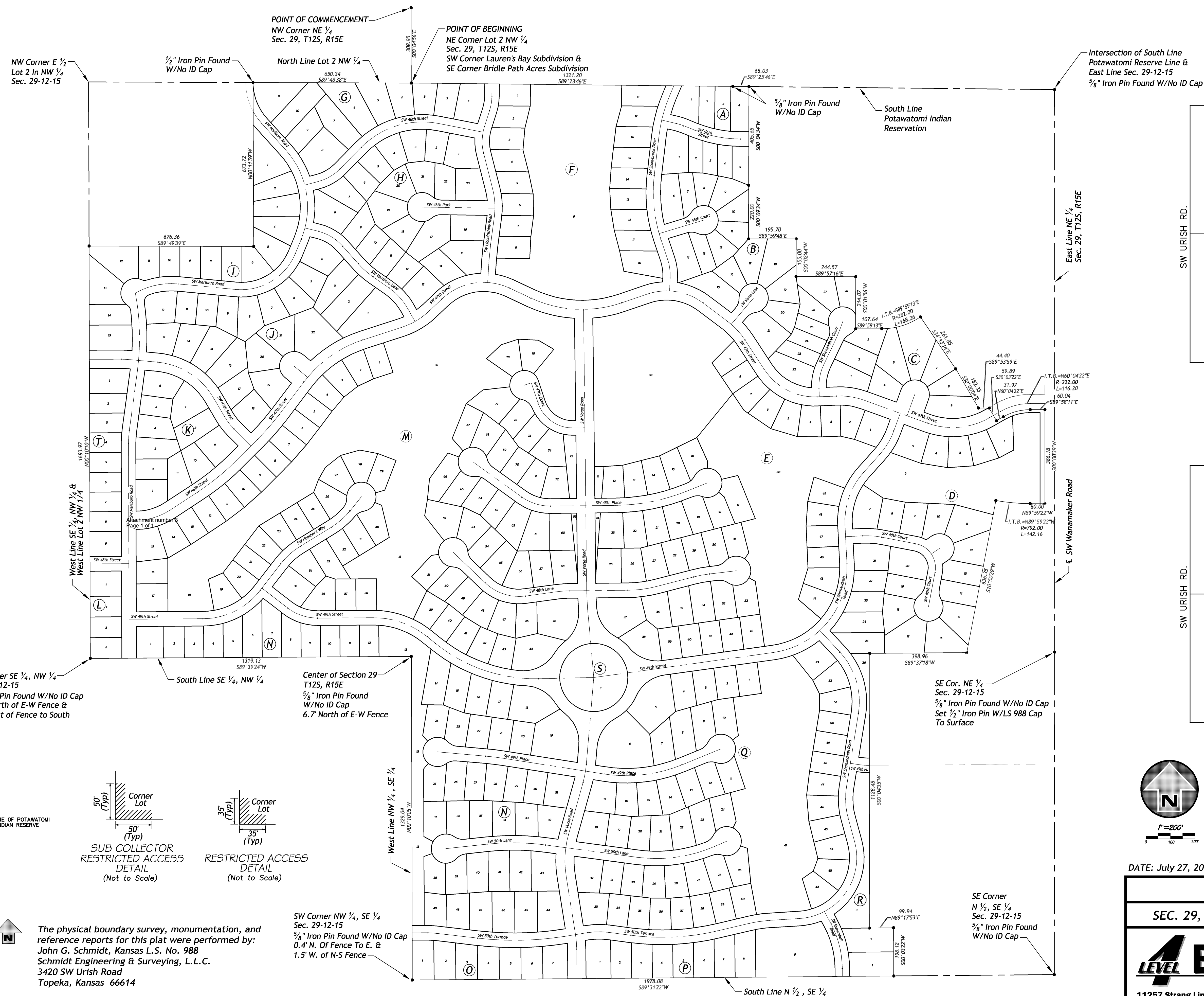
1. **Add to the end of note No. 5 the following: "(see graphic on page 7)."**
2. **"The entire area of Lots 12-13, Block "I" shall be shown as covered by a drainage easement and a note is to be added to the final plat adjacent to Lots 12 and 13 on page 2 that reads as follows: *Lots 12 and 13, Block "I", will remain as drainage detention facilities or other such means of drainage as acceptable to the City until a drainage easement is obtained across the adjacent property to the west.*"**



P06/21 Lauren's Bay Estates Subdivision

FINAL PLAT LAUREN'S BAY ESTATES

A TRACT OF LAND IN THE NORTHEAST QUARTER, SOUTHEAST QUARTER, AND NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6th P.M. IN SHAWNEE COUNTY, KANSAS



DATE: July 27, 2006

Revised August 11, 2006

Sheet 1 of 8

LAUREN'S BAY ESTATES

SEC. 29, T12S, R15E, SHAWNEE COUNTY, KANSAS

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

August 21, 2006
Agenda Item #F-2

SUBDIVISION REPORT

(Major Plats)

CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

NAME: Lauren's Bay Estates Subdivision - [P06/21]

OWNER/DEVELOPER: Mission Ranch, LLC, Brainstorm Development Group, LLC

ENGINEER/SURVEYOR: Level-4 Engineering, LLC

GENERAL LOCATION: Property is located north of SW 53rd Street between SW Marlboro Road and SW Wanamaker Road, the centerline of which is approximately 3,100 feet north of SW 53rd Street, being contiguous to the City of Topeka within unincorporated Shawnee County, Kansas.

PARCEL ID NUMBERS: 1492901001006000, 1492904001001000.

JURISDICTION: Class "B" subdivision within the three-mile extra territorial jurisdiction (ETJ) of the City of Topeka and outside the municipal service boundary (MSA) although being contiguous to the corporate city limits.

ANNEXATION: The applicant has granted their consent to annexation with recording of the final plat. Current city regulations require a consent to annexation into the City prior to providing water service.

Area	# of Lots	Density	Proposed Land Use	Zoning
227.23 acres	431 total	1.83 units/acre	Single-Family Residential	"RR-1" Residential Reserve District
	416 buildable			
7.06 acres	1	N/A	Park	
45.58 acres	14	N/A	Open Space	

Pending Zoning Case: None.

Design: The subject plat contains 227.23 acres, more or less and is irregular in shape, measuring approximately 3,650' x 3,950' with its greatest length running parallel to SW Wanamaker Road. The proposal consists of a 20-block, 431-lot subdivision, with Block "A" containing 4 Lots, Block "B" 28 Lots, Block "C" 9 Lots, Block "D" 26 Lots, Block "E" 50 Lots, Block "F" 18 Lots, Block "G" 11 Lots, Block "H" 23 Lots, Block "I" 15 Lots, Block "J" 22 Lots, Block "K" 11 Lots, Block "L" 4 Lots, Block "M" 79 Lots, Block "N" 49 Lots, Block "O" 7 Lots, Block "P" 9 Lots, Block "Q" 53 Lots, Block "R" 3 Lots, Block "S" 1 Lot, and Block "T" 9 Lots. A 7.06 acre public park is being proposed for Lot 10, Block "E" located at the southeast corner of SW Vorse Road and SW 47th Street. The City's Parks and Recreation Department has accepted the park pending negotiations by the City with the developer regarding acquisition. The subdivision is also providing 45.58 acres of open space in addition to the proposed park all of which is to be linked through an extensive pedestrian trail system. With the exception of the proposed park all open spaces as indicated on the plat are to be maintained by a homeowners association. The subdivision will have an average lot size of 13,615 square feet.

August 21, 2006
Agenda Item #F-2

SERVICES AND FACILITIES:

1. WATER SERVICE: The development is to be serviced by the City of Topeka public water supply and distribution system, with all water connections to be at developer expense. A note has been added to the plat which states: *"Currently the City of Topeka Water Division cannot provide water service to any parcel above elevation 1120. No building permits shall be issued for lots above elevation 1120 until such time that adequate fire protection and water service can be provided."* The Topeka Water Division has proposed an agreement with RWD #6 to provide service in the event they cannot service the property. The Topeka City Council must approve said agreement.
2. SEWAGE DISPOSAL: The development is to be serviced by means of connection to the Sherwood Regional Treatment Plant. All sewer main installation will be at developer expense.
3. WASTEWATER PLAN SERVICE AREA: The property is located within the Urban Service Area as reflected by the Shawnee County Wastewater Management Plan. The proposal appears to be in full compliance with said Plan.
4. DRAINAGE CONDITIONS: The drainage report as submitted by the developer to the City of Topeka Department of Public Works has not yet been approved. The applicant is working with the City Engineer on drainage issues which indicate that as the subdivision is currently proposed two off-site drainage easements are needed, one being located on the Engler property west of Lots 38-49, Block "N" and the other being on the Nystrom property west of Lots 12-13, Block "I". These two areas require that off-site drainage easements are obtained from the adjoin property owners. These easements need to be obtained by separate instrument prior to final plat approval by the City Council. Alternately, to eliminate the need for an off-site drainage easement on the Nystrom property the applicant may install an underground storm water drainage pipe entirely within the subdivision boundary that would extend from Lots 38-49, Block "N" to the proposed storm water drainage pipe located west of Lot 37, Block "N". In addition, any need for an easement on the Engler property maybe alleviated by expanding the current drainage detention facility easement (DDFE) on Lots 12-13, Block "I" to encompass these entire lots. If at some future date it is found that detention requirements do not warrant utilizing the entire area contained within these two lots the DDFE may be reduced by means of submission of a Minor Plat. The developer has agreed to convert Lots 11-12, Block "I" to serve as a DDFE and too install an underground storm water drainage pipe entirely within the subdivision boundary that would extend from Lots 38-49, Block "N" to the proposed storm water drainage pipe located west of Lot 37, Block "N".
5. STREET PLAN/ACCESS: The preliminary street plans as submitted by the developer to the City of Topeka Department of Public Works have been reviewed by the City Engineer for compliance with the Street Design Criteria as described in the City of Topeka Standards and Design Criteria Manual.

A Traffic Impact Analysis (TIA) was performed due to the potential impact this size of development could pose on the street system in the surrounding area. The TIA recommended a southbound right-turn lane on SW Wanamaker Road at the intersection of SW 47th Street. The TIA also indicated at this intersection the eastbound approach should include a separate left-turn and right-turn lane to improve traffic flow and safety. The applicant has agreed to make these improvements as indicated by note No. 16 on the final plat. The subdivision is to be constructed in 3 phases with all roads in each phase being completed at the time each phase is constructed.

August 21, 2006
Agenda Item #F-2

SW Marlboro Road is planned to be connected to the Bridal Path Acres Subdivision through an existing non-exclusive easement for public roadway that sits between the two subdivisions on private property owned by Thomas Moses who is not party to either subdivision. The 60 foot-wide easement needs to be improved approximately 80 feet in length to make the connection. A 1988 District Court ruling gives the owner within the proposed Laurens Bay Estates Subdivision the right to use this easement for a public roadway under the condition that they give the adjacent property owner (Mr. Moses) 4 months notice as outlined in the ruling. Improving the easement for a public roadway will not create access for additional lots and is only being used for sound planning principles to facilitate better circulation between subdivision/roads that would be accepted by the City.

As indicated by note No. 17 on the final plat, SW 46th Street to SW Shenandoah is to be built to city standards. In addition, SW Vorse Road is to be improved to city standards as a collector from the subdivisions south boundary to SW 53rd Street as indicated by note No. 16. The applicant intends to create a benefit district to fund the Vorse Road improvement.

6. FIRE DISTRICT: City of Topeka Fire District upon annexation.
7. STREAM BUFFER: A 50-foot stream buffer will be dedicated with the subdivision.
8. SCHOOL DISTRICT: U.S.D. 437 – Auburn/Washburn District.
9. PARKS/OPEN SPACE: The applicant proposes to dedicate Lot 10, Block "E" of the subdivision as a public park which the City's Parks and Recreation Department has accepted, pending negotiations by the City with the developer regarding acquisition. Providing the city acquires the park, the parkland development fee is calculated at \$73,008. This figure is being based on a total 432 single-family dwelling units with each dwelling unit being assessed a fee of \$169.00 per unit. The potential exists to create a benefit district for park improvements to accelerate the timing of the improvements which may lead to a further parkland development fee reduction. The development will be providing a total of 52.64 acres of open space (including the proposed park area) all linked through a pedestrian trail system approximately 2.3 miles long.

WAIVER/VARIANCE TO STANDARDS: The applicant has requested and been granted a waiver of extension to have the Preliminary and Final Plats presented together because the proposed plat was submitted to the Planning Commission for an informal review at its July 17, 2006 meeting.

A variance is requested to the provisions of Code Section 134-135(c) of the City of Topeka Subdivision Regulations to allow for the following cul-de-sac lengths in excess of 500' on the following streets due to topographical constraints and to facilitate connection to the subdivision's extensive pedestrian trail system:

- SW 48th Place (East of SW Vorse Road) - 520 feet.
- SW 48th Place (West of SW Vorse Road) - 530 feet.
- SW 48th Lane (East of SW Vorse Road) - 630 feet.
- SW 48th Lane (West of SW Vorse Road) - 620 feet.
- SW 49th Place (East of SW Vorse Road) - 580 feet.
- SW 49th Place (West of SW Vorse Road) - 610 feet.
- SW 50th Lane (East of SW Vorse Road) - 680 feet.
- SW Heather's Way 630 feet.

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

August 21, 2006
Agenda Item #F-2

CAPITAL IMPROVEMENT PLAN (CIP): There are currently no transportation projects in the City's CIP (2006-2011) affecting this area although the County/City is improving SW Wanamaker Road from SW 37th Street to SW 61st Street funded by the County-wide ½ cent sales tax.

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

STAFF ANALYSIS:

As proposed the overall subdivision design conforms to the established standards and provisions of the subdivision regulations relative to design criteria; and the design appears compatible with existing and planned conditions with the exception of the drainage report not yet being approved by the City of Topeka Department of Public Works.

Based upon the above findings and staff analysis, the Planning Department recommends the preliminary and final plat phases of Lauren's Bay Estates Subdivision be **APPROVED**, subject to:

Preliminary Plat

1. Show names of adjacent subdivisions, and owners of unplatted adjacent parcels.

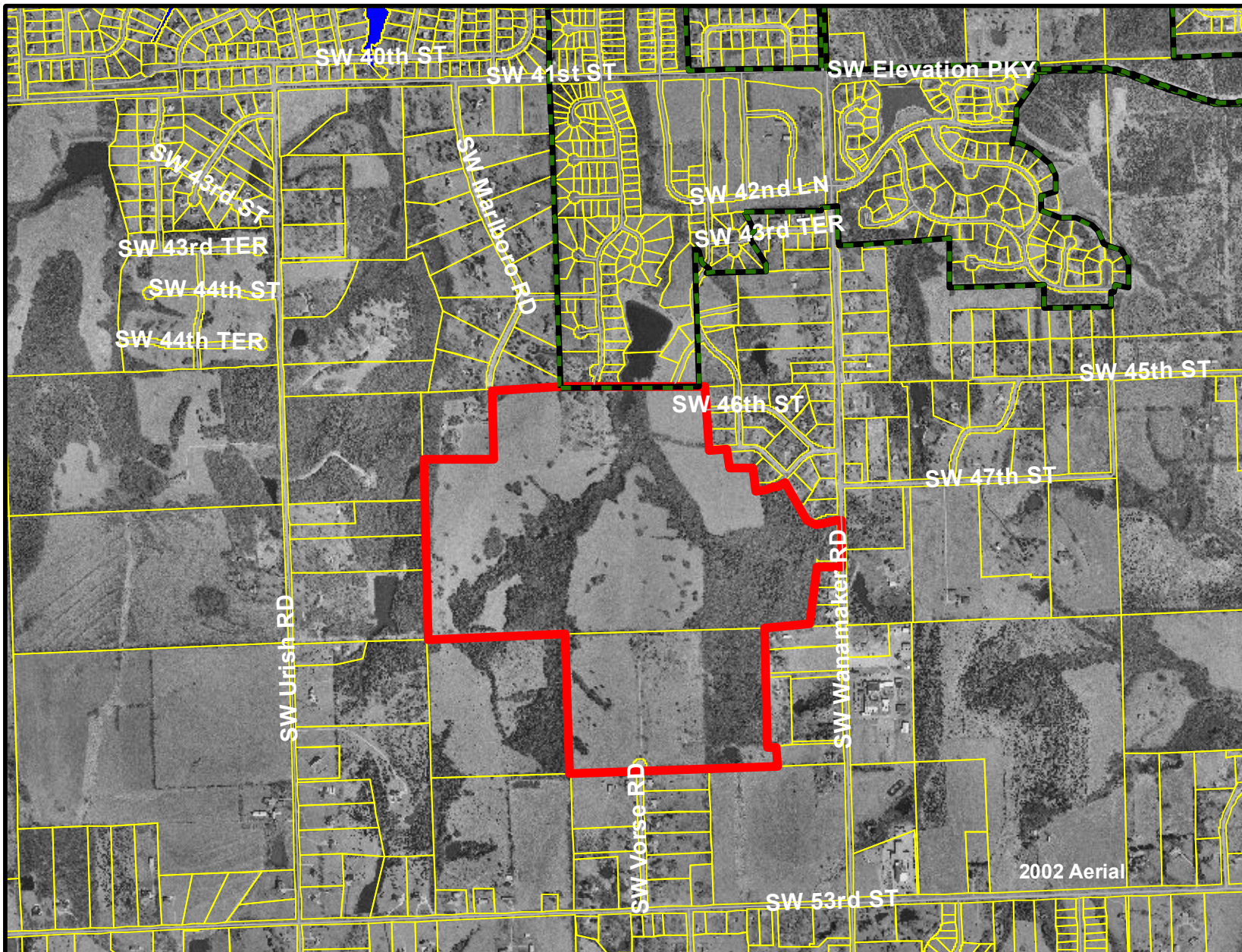
Preliminary and Final Plat

1. Note No. 19 needs to read as follows: "*All that part of the existing SW Vorse Road turnaround that lies outside of platted right-of-way shall be automatically vacated at such time as SW Vorse Road is connected from the subdivision to SW 53rd Street.*"

Final Plat

1. Add to the end of note No. 5 the following: "*(see graphic on page 7).*"
2. The entire area of Lots 12-13, Block "I" shall be shown as covered by a drainage easement.
3. Approval of the drainage report by the City Engineer prior to consideration of the plat by the City Council.

Prepared by: Dean W. Diediker
Planner II



P06/21 Lauren's Bay Estates Subdivision

FINAL PLAT
LAUREN'S BAY ESTATES

A TRACT OF LAND IN THE NORTHEAST QUARTER, SOUTHEAST QUARTER, AND NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6th P.M. IN SHAWNEE COUNTY, KANSAS

- NOTES:
- CONSENT TO ANNEXATION:
The owners of record of the above 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. This consent shall run with the land and shall be binding upon the heirs, successors and assigns of the undersigned.
 - The legal description and boundary information were provided by Schmidt Engineering & Surveying, LLC, survey dated March 28, 2006.
 - Sanitary sewer service shall be provided by the Sherwood Treatment Plant.
 - Water service shall be provided by the City of Topeka contingent upon meeting requirements of City of Topeka Ordinance No. 17995.
 - Currently the City of Topeka Water Division cannot provide water service to any parcel above elevation 1120. No building permits shall be issued for lots above elevation 1120 until such time that adequate fire protection and water service can be provided. (See graphic on Sheet 7)
 - All utilities shall be placed underground pursuant to the City's right-of-way management standards.
 - Until such time as through street connections are made within Phase 1, and each subsequent phase of the proposed development connecting through to the following applicable streets: SW 41st Street, SW Wanamaker Road, and SW 53rd Street, no building permits will be issued for any structure located more than a 500' travel distance upon the developments internal road system as measured from the intersection of the above streets or in subsequent phases as measured from the boundary of the phase under construction.
 - Flood Plain Note:
According to "FIRM" Map Community Panel Number 200331 0095 C, effective June 1, 1982, this tract is in Flood Zone "C", area of minimal flooding.
 - Stream Buffer requirements:
 - There shall be no clearing, grading, construction or disturbance of vegetation except as approved by the director of the department of public works or designee.
 - Any buffer shown hereon is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas.
 - Please refer to section 6 of City of Topeka Code 66-151 for all pertinent management guidelines and prohibited practices and activities within the stream buffer areas.

STREAMSIDE AREA-USES ALLOWED:

- Native vegetation
- Flood control
- Foot paths/road crossings
- Utility corridors

OUTER AREA:

- Native vegetation
- Landscape area, residential yards
- Bike/Hiking paths
- Flood control, detention/retention
- Utility corridors
- Stormwater BMP's

- Except for Lot 10, Block E, the open spaces noted on this plot (see open space table on sheet 7) shall be owned and maintained by the Lauren's Bay Estates Homes Association and are intended to be used for preservation of natural areas, common active/passive open space, pedestrian access easements, monuments, subdivision amenities, drainage easements, stormwater detention.
- Lot 10, Block E, may be reserved for a public park to be owned and maintained by the City of Topeka according to the Parkland Development Standards of the City's Subdivision Regulations.

- Variance:** In accordance with Section 134-4 of the Subdivision Regulations, the Planning Commission hereby grants the following variance(s) to the provisions of these regulations:

A variance to Section 134-135 (c) cul-de-sac length from 500' to the following due to topographic constraints:

- | | |
|-------------------------------------|----------|
| 1. SW 48th Place (East of Vorse Rd) | 520 feet |
| 2. SW 48th Place (West of Vorse Rd) | 530 feet |
| 3. SW 48th Lane (East of Vorse Rd) | 630 feet |
| 4. SW 48th Lane (West of Vorse Rd) | 620 feet |
| 5. SW 49th Place (East of Vorse Rd) | 580 feet |
| 6. SW 49th Place (West of Vorse Rd) | 610 feet |
| 7. SW 50th Lane (East of Vorse Rd) | 680 feet |
| 8. SW Heather's Way | 630 feet |

Attachment number 6
Page 1 of 1

- Individual house pumps and a low-pressure sanitary sewer force main will be required for the following lots:

Lots 9, 10, and 11, Block G
Lots 1, 2, 8, 9, 10, 11, 12, 13, 14, 15, Block I
Lots 10, 11, 12, and 13, Block J
Lots 5 and 6, Block K
Lots 1 and 2, Block T

- Definitions:

- Utility Easement:**
An area established to provide for the location of water, gas, electrical, sanitary sewer, storm sewer, cable TV and similar utility facilities. Easements are centered on lot lines unless otherwise noted.
- Drainage Easement:**
An area established to provide for unobstructed flow of surface water in pipes, flumes, or over land channels.
- Pedestrian Access Easement:**
An area in which pedestrian, golf cart and bicycle traffic is permitted. Construction of pedestrian walks and the perpetual care and maintenance of the easements shall be the responsibility of the Homeowner's Association.
- Open Space Easement:**
An area containing native or planted vegetation, in which no buildings are permitted. A Homeowner's Association will be responsible for the initial construction and the perpetual care and maintenance of these areas.
- Stream Buffer Easement:**
An area in which native vegetation, drainage and utility crossings are permitted, subject to City of Topeka regulations.
- Temporary turnaround easement dedication:** The temporary turnaround easement is hereby dedicated to the use of the public. Upon extension of permanent street paving beyond the limits of the temporary turnaround easement, said temporary turnaround easement is thereby rescinded for the use of the public.
- Restricted access line:** Defines portion of subdivision boundary in which the public is not allowed to cross in order to gain access to the subdivision. The governing body may cross this line in order to gain access to the subdivision.
- Drainage detention facility easement:** Drainage detention facility easements are hereby established as shown to provide for the detention of storm surface water and constructed as approved by the Director of the Department of Public Works of the applicable governmental jurisdiction. All maintenance within the drainage detention facility easement (DDFE) shall be the right, duty and responsibility of the property owners of the property in which the easement is so located, however, if maintenance is neglected or subject to other unusual circumstances and is determined to be a hazard or threat to public safety by the Director of the applicable Department of Public Works, corrective maintenance may be performed by the governing jurisdiction with costs assessed to and borne upon, said property owner(s). Officials representing the applicable Department of Public Works shall have the right to enter upon the easement for purposes of periodic inspection and/or corrective maintenance of the facility. Upon receiving written approval from the appropriate Department of Public Works, property owner(s) may construct improvements within the easement, provided the improvement does not interfere with the function of the detention facility.

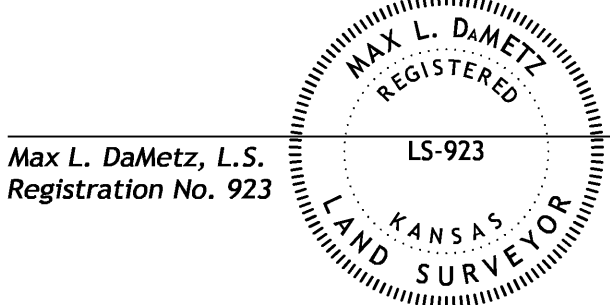
- SW Vorse Road connection to SW 53rd Street must be built to City Standards prior to issuance of building permits within Phase 3.
- The recommended southbound right turn lane on SW Wanamaker Road at the intersection of SW 47th Street and all additional turning lanes recommended for this intersection by Lauren's Bay Estates Traffic Impact Analysis shall be constructed at the developers expense at the time SW 47th Street is constructed and connected to SW Wanamaker Road.
- SW 46th Street to SW Shenandoah Road shall be built to city standards.
- No building permits shall be issued within any development phase that deviates from the depicted phasing schedule without prior approval by the City of Topeka Planning Director and Public Works Director.
- All that part of the existing SW Vorse Road turnaround that lies outside of platted right-of-way shall be automatically vacated at such time as SW Vorse Road is connected from the subdivision to SW 53rd Street.

DEDICATION: The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner shown on the accompanying plat which subdivision shall be known as LAUREN'S BAY ESTATES.

STREET: Streets shown on this plat and not heretofore dedicated to public use are here by so dedicated.

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

CERTIFICATE OF SURVEYOR: I hereby certify the details of this plat to be correct to the best of my knowledge and belief, that all boundary corners of this subdivision of land have been monumented, that iron pins are set as shown on the attached plat this _____ day of _____, 2006.



IN TESTIMONY WHEREOF: The owners, Brainstorm Development Group, L.L.C. and Mission Ranch, L.L.C., have caused these presents to be signed this _____ day of _____, 2006.

BRAINSTORM DEVELOPMENT GROUP, L.L.C.

BY: _____
Eugene Jani, Jr., President

STATE OF KANSAS: County of Shawnee, ss. Be it remembered that on this _____ day of _____, 2006, before me, the undersigned, a notary public in and for the County and State aforesaid came Eugene Jani, Jr., President of Brainstorm Development Group, 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 to be the act and deed of said L.L.C.

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

Notary Public _____ My Commission Expires: _____

MISSION RANCH, L.L.C.

BY: _____

STATE OF KANSAS: County of Shawnee, ss. Be it remembered that on this _____ day of _____, 2006, before me, the undersigned, a notary public in and for the County and State aforesaid came _____ of Mission Ranch, 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 to be the act and deed of said L.L.C.

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

Notary Public _____ My Commission Expires: _____

APPROVED BY THE TOPEKA PLANNING COMMISSION this date _____, 2006.

Mark Boyd, Chairman _____ David F. Thurbon, Planning Director

This subdivision has been presented to the City Council, City of Topeka, Kansas on the _____ day of _____, 2006, for acceptance of land to be dedicated for public purposes.
The City Council hereby accepts the land for public purposes.
By the City Council, City of Topeka, Kansas

William W. Bunten, Mayor _____ Iris Walker, City Clerk

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

Cynthia A. Beck, County Clerk

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

Marilyn L. Nichols; Register of Deeds

REVIEWED BY SHAWNEE COUNTY SURVEYOR

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

DATE

LEGAL DESCRIPTION:

A tract of land in part of the Northeast Quarter and part of the Southeast Quarter and part of the Northwest Quarter of Section 29, T12S, R15E, of the 6th P.M., Shawnee County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 29, T12S, R15E, of the 6th P.M., Shawnee County, Kansas; thence S 00° 04' 56" E (S 00° 19' 43" W, platted), along the West line of said Northeast Quarter, a distance of 308.95 feet to a point on the South line of the Potawatomi Indian Reservation, said point being the POINT OF BEGINNING; thence S 89° 23' 46" E, along the South line of the Potawatomi Indian Reservation, a distance of 1,321.20 feet (1,321.23 feet, platted); thence S 89° 25' 46" E, continuing along the South line of said Reservation, a distance of 66.03 feet to the Northwest corner of Lot 1, Block E, WOODLAND HEIGHTS 2ND SUBDIVISION; thence S 00° 04' 34" W, along the West line of said subdivision, a distance of 405.65 feet (406.16 feet, platted) to the Northwest corner of Lot 2, Block F, WOODLAND HEIGHTS 2ND SUBDIVISION; thence S 00° 09' 34" W, continuing along the West line of said subdivision, a distance of 220.00 feet to a point on the South right-of-way line of SW 46th Terrace, as platted; thence S 89° 59' 48" E, along the South right-of-way line of said SW 46th Terrace, a distance of 195.70 feet (195.0 feet, platted) to the Northwest corner of Lot 2, Block G, WOODLAND HEIGHTS 2ND SUBDIVISION; thence S 00° 02' 44" W a distance of 155.00 feet to the Southwest corner of said Lot 2, Block G; thence S 89° 57' 16" E a distance of 244.57 feet (244.58 feet, platted) to the Southeast corner of said Lot 2, Block G; thence S 00° 01' 56" W, along the West line of Lot 1, Block G, WOODLAND HEIGHTS 2ND SUBDIVISION, and its extension thereof, a distance of 214.07 feet (214.22 feet, platted) to a point on the South right-of-way line of a public street, as platted; thence S 89° 59' 13" E, along the South right-of-way line of said public street, a distance of 107.64 feet (107.50 feet, platted); thence Northeasterly, continuing along the South right-of-way line of said public street on a curve to the left having a radius of 282 feet, for a distance of 168.26 feet (168.39 feet, platted) to the Northwest corner of Lot 5, Block C, WOODLAND HEIGHTS SUBDIVISION; thence S 34° 13' 14" E a distance of 261.85 feet (261.93 feet, platted) to the Southwest corner of said Lot 5, Block C; thence S 30° 00' 04" E a distance of 182.33 feet (182.48 feet, described) thence S 89° 53' 59" E a distance of 44.40 feet (44.43 feet, described) to the Southwest corner of Lot 3, Block C, WOODLAND HEIGHTS SUBDIVISION; thence S 30° 03' 22" E a distance of 59.89 feet (60.00 feet, platted) to the South right-of-way line of SW Algonquin Traffic Way, as platted; thence N 60° 04' 22" E, along the South right-of-way line of said SW Algonquin Traffic Way, a distance of 31.97 feet (32.00 feet, platted); thence Northeasterly, continuing along the South right-of-way line of said SW Algonquin Traffic Way, on a curve to the right having a radius of 222 feet, for a distance of 116.20 feet (116.24 feet, platted); thence S 89° 58' 11" E a distance of 60.04 feet (60.00 feet, platted) to a point on the West right-of-way line of SW Wanamaker Road, as now established, said point being 40.00 feet West of the East line of said Northeast Quarter; thence S 00° 00' 39" W, along said West right-of-way line and parallel with the East line of said Northeast Quarter, a distance of 386.18 feet (385.96 feet, platted) to a point on the North right-of-way line of SW Algonquin Traffic Way, as platted; thence N 89° 59' 22" W, along the North right-of-way line of said SW Algonquin Traffic Way, a distance of 60.00 feet; thence Westerly, continuing along the North right-of-way line of said SW Algonquin Traffic Way, on a curve to the right having a radius of 792 feet, for a distance of 142.16 feet; thence S 10° 50' 29" W, along the West line of Block D, WOODLAND HEIGHTS SUBDIVISION, a distance of 636.35 feet (636.25 feet, platted) to the Southwest corner of Lot 3, Block D, WOODLAND HEIGHTS SUBDIVISION, said point also being on the South line of said Northeast Quarter; thence S 89° 37' 18" W, along the South line of said Northeast Quarter, a distance of 398.96 feet; thence S 00° 04' 35" W, parallel with the East line of the Southeast Quarter of said Section 29, a distance of 1,128.48 feet (1,129.12 feet, described) to a point 198.0 feet North of the South line of the Northeast Quarter of said Southeast Quarter; thence N 89° 17' 53" E a distance of 99.94 feet (100.00 feet, described); thence S 00° 03' 22" W a distance of 198.12 feet (198.00 feet, described) to a point on the South line of the Northeast Quarter of said Southeast Quarter, said point being 660.00 feet West of the Southeast corner of the Northeast Quarter of said Southeast Quarter; thence S 89° 31' 22" W, along the South line of the North Half of said Southeast Quarter a distance of 1,978.08 feet to the Southwest corner of the Northwest Quarter of said Southeast Quarter; thence N 00° 10' 05" W a distance of 1,329.04 feet to the Northwest corner of said Southeast Quarter; thence S 89° 39' 24" W a distance of 1,319.13 feet to the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 29; thence N 00° 10' 10" W, along the West line of the Southeast Quarter of said Northwest Quarter and along the West line of the East Half of Lot 2 in said Northwest Quarter, a distance of 1,693.97 feet; thence S 89° 49' 39" E a distance of 676.36 feet (676.44 feet, described); thence N 00° 11' 59" W a distance of 673.72 feet (673.86 feet, described) to a point on the North line of Lot 2 in said Northwest Quarter, said point also being the Southwest corner of Lot 3, Block C, BRIDLE PATH ACRES SUBDIVISION; thence S 89° 48' 38" E, along the North line of Lot 2 in said Northwest Quarter, a distance of 650.24 feet (650.00 feet, platted) to the POINT OF BEGINNING, containing 227.23 acres, more or less.

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

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

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

DATE: July 27, 2006

Revised August 11, 2006

Sheet 8 of 8

LAUREN'S BAY ESTATES

SEC. 29, T12S, R15E,

SHAWNEE COUNTY, KANSAS

LEVEL ENGINEERING, LLC.
Developing Great Ideas

11257 Strang Line Road | Lenexa, Kansas 66215 | 913.317.9500 | 913.317.9501 (F)

FINAL PLAT
LAUREN'S BAY ESTATES

A TRACT OF LAND IN THE NORTHEAST QUARTER, SOUTHEAST QUARTER, AND NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6th P.M. IN SHAWNEE COUNTY, KANSAS

LOT AREAS

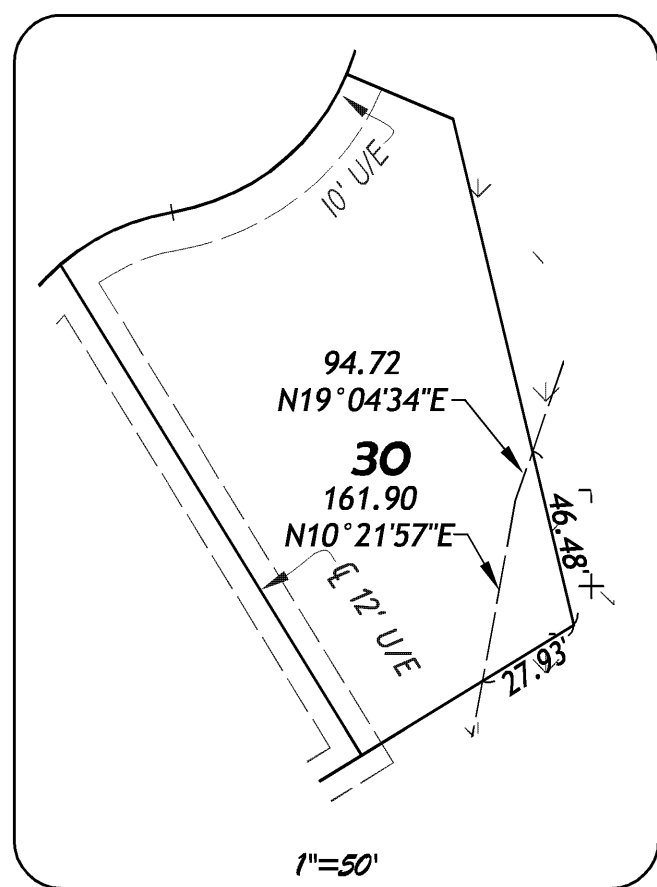
BLOCK A		BLOCK E		BLOCK H		BLOCK L	
Lot 1	13,195 S.F.	Lot 1	13,584 S.F.	Lot 1	16,727 S.F.	Lot 1	13,336 S.F.
Lot 2	10,804 S.F.	Lot 2	10,534 S.F.	Lot 2	11,374 S.F.	Lot 2	11,013 S.F.
Lot 3	11,739 S.F.	Lot 3	10,237 S.F.	Lot 3	11,938 S.F.	Lot 3	11,013 S.F.
Lot 4	13,889 S.F.	Lot 4	11,255 S.F.	Lot 4	11,871 S.F.	Lot 4	11,013 S.F.
BLOCK B		BLOCK F		BLOCK I		BLOCK M	
Lot 1	16,927 S.F.	Lot 1	11,428 S.F.	Lot 1	13,142 S.F.	Lot 1	10,853 S.F.
Lot 2	8,511 S.F.	Lot 2	10,328 S.F.	Lot 2	18,896 S.F.	Lot 2	11,058 S.F.
Lot 3	7,809 S.F.	Lot 3	10,507 S.F.	Lot 3	12,846 S.F.	Lot 3	11,058 S.F.
Lot 4	7,840 S.F.	Lot 4	307,574 S.F.	Lot 4	11,577 S.F.	Lot 4	11,058 S.F.
Lot 5	9,980 S.F.	Lot 5	4,384 S.F.	Lot 5	11,517 S.F.	Lot 5	11,017 S.F.
Lot 6	15,989 S.F.	Lot 6	11,432 S.F.	Lot 6	11,129 S.F.	Lot 6	10,838 S.F.
Lot 7	9,966 S.F.	Lot 7	12,067 S.F.	Lot 7	14,985 S.F.	Lot 7	10,984 S.F.
Lot 8	10,190 S.F.	Lot 8	12,482 S.F.	Lot 8	14,060 S.F.	Lot 8	11,255 S.F.
Lot 9	13,176 S.F.	Lot 9	12,669 S.F.	Lot 9	15,977 S.F.	Lot 9	10,993 S.F.
Lot 10	11,420 S.F.	Lot 10	12,189 S.F.	Lot 10	15,021 S.F.	Lot 10	10,922 S.F.
Lot 11	10,668 S.F.	Lot 11	16,222 S.F.	Lot 11	20,906 S.F.	Lot 11	11,255 S.F.
Lot 12	10,657 S.F.	Lot 12	11,560 S.F.	Lot 12	13,259 S.F.	Lot 12	11,255 S.F.
Lot 13	10,762 S.F.	Lot 13	13,164 S.F.	Lot 13	17,107 S.F.	Lot 13	10,998 S.F.
Lot 14	16,475 S.F.	Lot 14	12,773 S.F.	Lot 14	14,448 S.F.	Lot 14	10,873 S.F.
Lot 15	17,824 S.F.	Lot 15	12,835 S.F.	Lot 15	13,041 S.F.	Lot 15	12,080 S.F.
Lot 16	10,351 S.F.	Lot 16	12,387 S.F.	Lot 16	12,137 S.F.	Lot 16	14,620 S.F.
Lot 17	16,588 S.F.	Lot 17	23,644 S.F.	Lot 17	15,293 S.F.	Lot 17	12,646 S.F.
Lot 18	22,419 S.F.	Lot 18	2,964 S.F.	Lot 18	14,950 S.F.	Lot 18	14,950 S.F.
Lot 19	13,370 S.F.	Lot 19	14,513 S.F.	Lot 19	647,118 S.F.	Lot 19	647,118 S.F.
Lot 20	12,304 S.F.	Lot 20	13,052 S.F.	Lot 20	20,438 S.F.	Lot 20	12,563 S.F.
Lot 21	19,645 S.F.	Lot 21	12,697 S.F.	Lot 21	14,329 S.F.	Lot 21	11,449 S.F.
Lot 22	15,527 S.F.	Lot 22	11,841 S.F.	Lot 22	14,995 S.F.	Lot 22	10,853 S.F.
Lot 23	9,792 S.F.	Lot 23	12,947 S.F.	Lot 23	15,319 S.F.	Lot 23	11,780 S.F.
Lot 24	8,801 S.F.	Lot 24	12,177 S.F.	Lot 24	14,419 S.F.	Lot 24	11,486 S.F.
Lot 25	8,760 S.F.	Lot 25	11,416 S.F.	Lot 25	13,202 S.F.	Lot 25	10,720 S.F.
Lot 26	11,093 S.F.	Lot 26	12,969 S.F.	Lot 26	12,320 S.F.	Lot 26	10,403 S.F.
Lot 27	15,784 S.F.	Lot 27	13,897 S.F.	Lot 27	11,658 S.F.	Lot 27	12,104 S.F.
Lot 28	9,929 S.F.	Lot 28	14,651 S.F.	Lot 28	10,988 S.F.	Lot 28	12,576 S.F.
BLOCK C		BLOCK G		BLOCK J		BLOCK N	
Lot 1	15,100 S.F.	Lot 1	14,090 S.F.	Lot 1	13,719 S.F.	Lot 1	14,318 S.F.
Lot 2	14,251 S.F.	Lot 2	25,332 S.F.	Lot 2	11,485 S.F.	Lot 2	11,219 S.F.
Lot 3	12,214 S.F.	Lot 3	17,955 S.F.	Lot 3	21,694 S.F.	Lot 3	10,394 S.F.
Lot 4	12,528 S.F.	Lot 4	11,930 S.F.	Lot 4	20,137 S.F.	Lot 4	10,683 S.F.
Lot 5	18,821 S.F.	Lot 5	14,459 S.F.	Lot 5	14,459 S.F.	Lot 5	12,370 S.F.
Lot 6	25,165 S.F.	Lot 6	11,262 S.F.	Lot 6	18,169 S.F.	Lot 6	16,099 S.F.
Lot 7	13,137 S.F.	Lot 7	11,298 S.F.	Lot 7	13,215 S.F.	Lot 7	17,213 S.F.
Lot 8	12,008 S.F.	Lot 8	11,334 S.F.	Lot 8	11,142 S.F.	Lot 8	12,715 S.F.
Lot 9	17,888 S.F.	Lot 9	11,238 S.F.	Lot 9	12,842 S.F.	Lot 9	10,632 S.F.
BLOCK D		BLOCK K		BLOCK O		BLOCK P	
Lot 1	12,183 S.F.	Lot 1	11,550 S.F.	Lot 1	14,563 S.F.	Lot 1	16,429 S.F.
Lot 2	11,702 S.F.	Lot 2	11,960 S.F.	Lot 2	13,982 S.F.	Lot 2	12,873 S.F.
Lot 3	11,702 S.F.	Lot 3	12,532 S.F.	Lot 3	12,975 S.F.	Lot 3	11,996 S.F.
Lot 4	12,067 S.F.	Lot 4	12,106 S.F.	Lot 4	12,066 S.F.	Lot 4	11,648 S.F.
Lot 5	15,004 S.F.	Lot 5	11,933 S.F.	Lot 5	11,773 S.F.	Lot 5	11,898 S.F.
Lot 6	141,570 S.F.	Lot 6	11,933 S.F.	Lot 6	11,773 S.F.	Lot 6	12,751 S.F.
Lot 7	16,874 S.F.	Lot 7	11,602 S.F.	Lot 7	12,240 S.F.	Lot 7	14,182 S.F.
Lot 8	12,113 S.F.	Lot 8	11,213 S.F.	Lot 8	11,257 S.F.	Lot 8	15,817 S.F.
Lot 9	12,738 S.F.	Lot 9	12,053 S.F.	Lot 9	17,705 S.F.	Lot 9	65,288 S.F.
Lot 10	13,193 S.F.	Lot 10	12,605 S.F.	Lot 10	13,504 S.F.	Lot 10	12,021 S.F.
Lot 11	19,813 S.F.	Lot 11	13,349 S.F.	Lot 11	13,086 S.F.	Lot 11	11,114 S.F.
Lot 12	15,059 S.F.	Lot 12	15,554 S.F.	Lot 12	13,885 S.F.	Lot 12	10,528 S.F.
Lot 13	13,566 S.F.	Lot 13	18,029 S.F.	Lot 13	13,857 S.F.	Lot 13	10,494 S.F.
Lot 14	13,349 S.F.	Lot 14	20,365 S.F.	Lot 14	12,637 S.F.	Lot 14	10,494 S.F.
Lot 15	15,554 S.F.	Lot 15	12,566 S.F.	Lot 15	13,932 S.F.	Lot 15	172.85
Lot 16	18,029 S.F.	Lot 16	12,670 S.F.	Lot 16	3,057 S.F.	Lot 16	75.40
Lot 17	20,365 S.F.	Lot 17	12,808 S.F.	Lot 17	14,426 S.F.	Lot 17	79.22
Lot 18	15,561 S.F.	Lot 18	12,814 S.F.	Lot 18	16,689 S.F.	Lot 18	
Lot 19	12,953 S.F.	Lot 19	12,602 S.F.	Lot 19	15,510 S.F.	Lot 19	
Lot 20	17,085 S.F.	Lot 20	13,996 S.F.	Lot 20	11,583 S.F.	Lot 20	
Lot 21	15,967 S.F.	Lot 21	16,698 S.F.	Lot 21	11,711 S.F.	Lot 21	
Lot 22	11,577 S.F.	Lot 22	12,276 S.F.	Lot 22	14,963 S.F.	Lot 22	
Lot 23	12,476 S.F.	Lot 23	12,037 S.F.	Lot 23	17,054 S.F.	Lot 23	
Lot 24	16,444 S.F.	Lot 24	13,054 S.F.	Lot 24	15,925 S.F.	Lot 24	
Lot 25	15,061 S.F.	Lot 25	16,839 S.F.	Lot 25	15,620 S.F.	Lot 25	
Lot 26	12,725 S.F.	Lot 26	25,103 S.F.	Lot 26	12,846 S.F.	Lot 26	
		Lot 27	19,061 S.F.	Lot 27	13,325 S.F.	Lot 27	
		Lot 28	22,572 S.F.	Lot 28		Lot 28	
		Lot 29	14,042 S.F.	Lot 29		Lot 29	
		Lot 30	20,879 S.F.	Lot 30		Lot 30	
		Lot 31	20,938 S.F.	Lot 31		Lot 31	
				Lot 32		Lot 32	
				Lot 33		Lot 33	
				Lot 34		Lot 34	
				Lot 35		Lot 35	
				Lot 36		Lot 36	
				Lot 37		Lot 37	
				Lot 38		Lot 38	
				Lot 39		Lot 39	
				Lot 40		Lot 40	
				Lot 41		Lot 41	
				Lot 42		Lot 42	
				Lot 43		Lot 43	
				Lot 44		Lot 44	
				Lot 45		Lot 45	
				Lot 46		Lot 46	
				Lot 47		Lot 47	
				Lot 48		Lot 48	
				Lot 49		Lot 49	
				Lot 50		Lot 50	
						Lot 51	
						Lot 52	
						Lot 53	
						Lot 54	
						Lot 55	
						Lot 56	
						Lot 57	
						Lot 58	
						Lot 59	
						Lot 60	
						Lot 61	
						Lot 62	
						Lot 63	
						Lot 64	
						Lot 65	
						Lot 66	
						Lot 67	
						Lot 68	
						Lot 69	
						Lot 70	
						Lot 71	
						Lot 72	
						Lot 73	
						Lot 74	
						Lot 75	
						Lot 76	
						Lot 77	
						Lot 78	
						Lot 79	
						Lot 80	
						Lot 81	
						Lot 82	
						Lot 83	
						Lot 84	
						Lot 85	
						Lot 86	
						Lot 87	
						Lot 88	
						Lot 89	
						Lot 90	
						Lot 91	
						Lot 92	
						Lot 93	
						Lot 94	
						Lot 95	
						Lot 96	
						Lot 97	
						Lot 98	
						Lot 99	
						Lot 100	

CURVE DATA

LABEL	RADIUS	LENGTH	CHORD	DELTA
C1	400	54.99	54.95	07°52'36"
C2	1000	278.28	320.16	18°25'24"
C3	300	182.59	179.79	34°52'22"
C4	240	306.25	285.89	73°06'42"
C5	350	394.00	373.53	64°29'58"
C6	250	58.38	58.25	13°22'45"
C7	200	106.89	105.62	30°37'21"
C8	350	344.72	330.96	56°25'54"
C9	200	118.90	100.14	34°03'47"
C10	350	82.24	82.05	13°27'45"
C11	250	112.35	111.40	25°44'54"
C12	250	23.55	23.54	05°23'51"
C13	300	285.03	274.43	54°26'13"
C14	250	63.93	63.76	14°39'07"
C15	250	144.16	142.17	33°02'18"
C16	1005	206.62	206.25	11°46'46"
C17	1005	137.21	137.10	07°49'21"
C18	495	300.93	296.32	34°49'56"
C19	305	156.80	155.66	25°41'55"
C20	250	299.47	281.88	68°38'00"
C21	500	382.75	373.47	43°51'34"
C22	250	243.73	234.19	55°51'35"
C23	300	103.67	103.15	19°47'57"
C24	250	258.94	247.52	59°20'39"
C25	295	115.93	115.87	22°30'56"
C26	305	265.44	257.14	49°51'50"
C27	300	272.01	262.79	51°57'00"

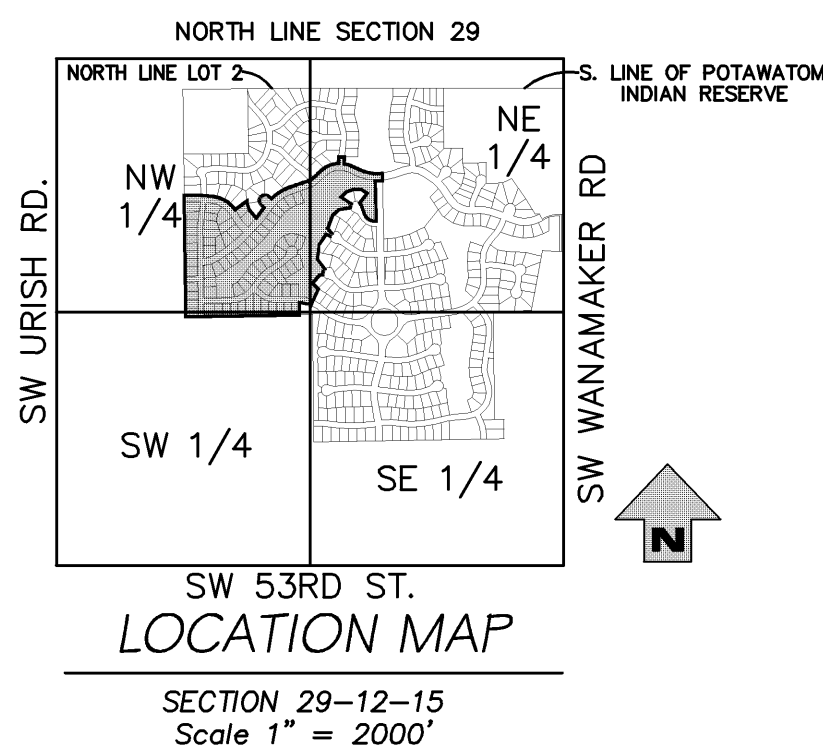
FINAL PLAT LAUREN'S BAY ESTATES

A TRACT OF LAND IN THE NORTHEAST QUARTER, SOUTHEAST QUARTER, AND NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6th P.M. IN SHAWNEE COUNTY, KANSAS



STREAM BUFFER DETAIL
LOT 30, BLOCK M

- DENOTES FOUND 1/2" SOLID REBAR, REMONUMENTED IN CONCRETE
- DENOTES SET 1/2" x 24" SOLID REBAR SET IN CONCRETE, WITH PLASTIC CAP # 988
- U/E DENOTES UTILITY EASEMENT
- D/E DENOTES DRAINAGE EASEMENT
- TTE DENOTES TEMPORARY TURNAROUND EASEMENT
- /// DENOTES RESTRICTED ACCESS
- + DENOTES STREAM BUFFER
- DENOTES DRAINAGE DETENTION FACILITY EASEMENT (DDFE)
- DENOTES GREENSPACE



PART OF PHASE 1 & PART OF PHASE 2

DATE: July 27, 2006

Revised August 11, 2006

Sheet 6 of 8

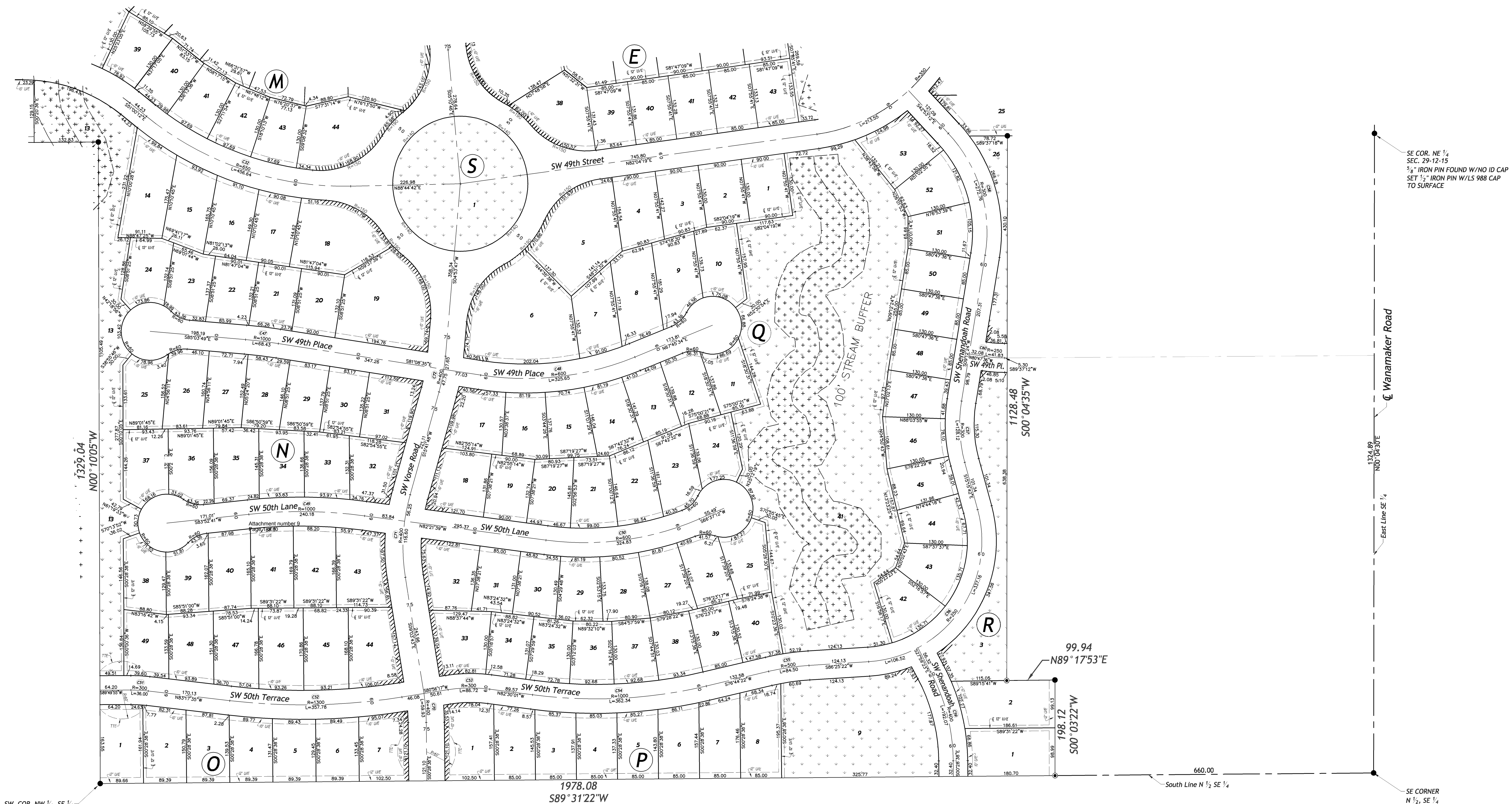
LAUREN'S BAY ESTATES

SEC. 29, T12S, R15E, SHAWNEE COUNTY, KANSAS

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

FINAL PLAT LAUREN'S BAY ESTATES

A TRACT OF LAND IN THE NORTHEAST QUARTER, SOUTHEAST QUARTER, AND NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6th P.M. IN SHAWNEE COUNTY, KANSAS

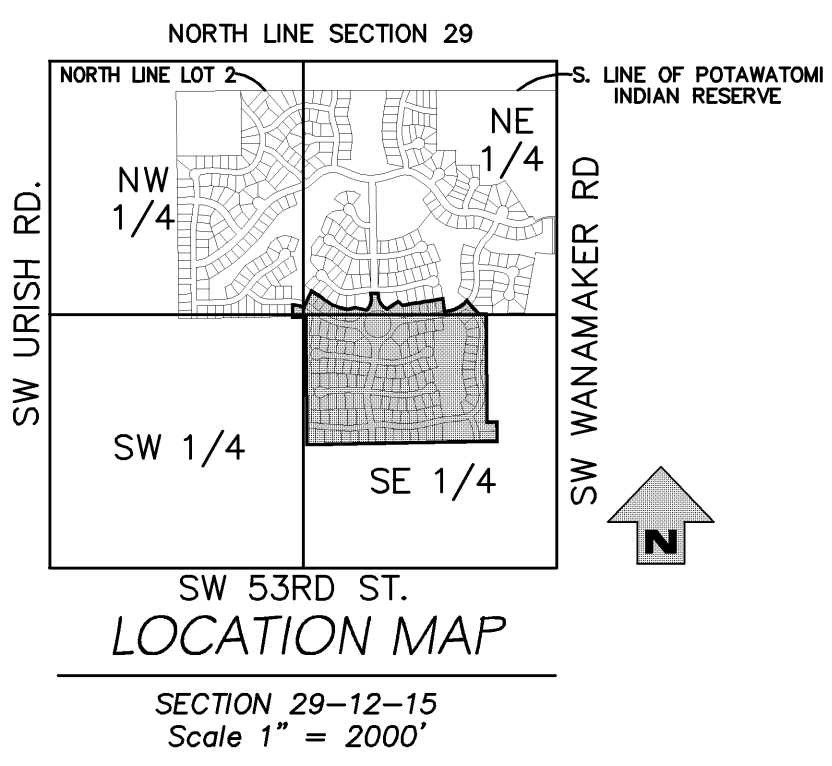


SW. COR. NW 1/4, SE 1/4
SEC. 29-12-15
3/8" IRON PIN FOUND W/NO ID CAP
0.4" N. OF FENCE TO E. &
1.5" W. OF N-S FENCE

SE COR. NE 1/4
SEC. 29-12-15
3/8" IRON PIN FOUND W/NO ID CAP
SET 1/2" IRON PIN W/LS 988 CAP
TO SURFACE

SE CORNER
N 1/2, SE 1/4
SEC. 29-12-15
3/8" IRON PIN FOUND
W/NO ID CAP

- DENOTES FOUND 1/2" SOLID REBAR, REMONUMENTED IN CONCRETE
- DENOTES SET 1/2" x 24" SOLID REBAR SET IN CONCRETE, WITH PLASTIC CAP # 988
- U/E DENOTES UTILITY EASEMENT
- D/E DENOTES DRAINAGE EASEMENT
- TTE DENOTES TEMPORARY TURNAROUND EASEMENT
- /// DENOTES RESTRICTED ACCESS
- + DENOTES STREAM BUFFER
- DDFE DENOTES DRAINAGE DETENTION FACILITY EASEMENT (DDFE)
- GS DENOTES GREENSPACE



PART OF PHASE 2 & PART OF PHASE 3
DATE: July 27, 2006 Revised August 11, 2006 Sheet 5 of 8

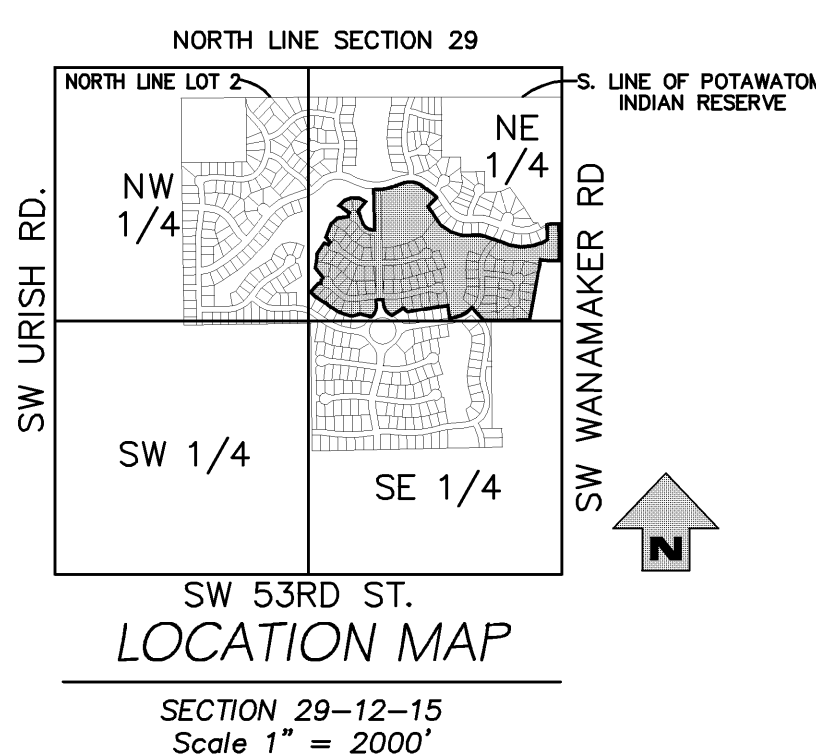
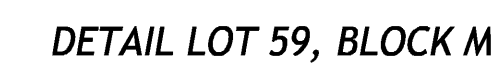
LAUREN'S BAY ESTATES

SEC. 29, T12S, R15E, SHAWNEE COUNTY, KANSAS

LEVEL ENGINEERING, LLC.
Developing Great Ideas

11257 Strang Line Road | Lenexa, Kansas 66215 | 913.317.9500 | 913.317.9501 (F)

A TRACT OF LAND IN THE NORTHEAST QUARTER, SOUTHEAST QUARTER, AND NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6th P.M. IN SHAWNEE COUNTY, KANSAS



- DENOTES FOUND 1/2" SOLID REBAR, REMONUMENTED IN CONCRETE
 - DENOTES SET 1/2" x 24" SOLID REBAR SET IN CONCRETE, WITH PLASTIC CAP # 988
- U/E DENOTES UTILITY EASEMENT
- D/E DENOTES DRAINAGE EASEMENT
- TTE DENOTES TEMPORARY TURNAROUND EASEMENT
- //// DENOTES RESTRICTED ACCESS
-  DENOTES STREAM BUFFER
-  DENOTES DRAINAGE DETENTION FACILITY EASEMENT (DDFE)
-  DENOTES GREENSPACE



PART OF PHASE 1 & PART OF PHASE 2

DATE: July 27, 2006

Revised August 11, 2006

Sheet 4 of 8

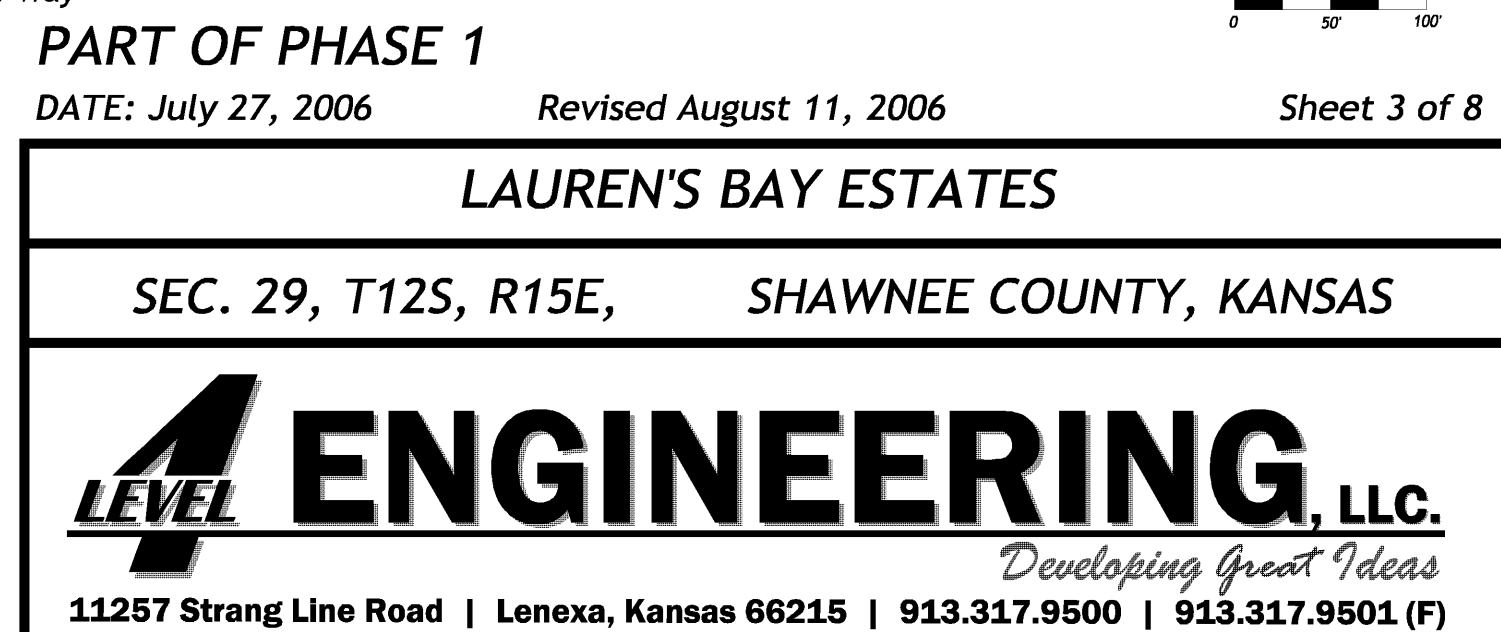
LAUREN'S BAY ESTATES

SEC. 29, T12S, R15E, SHAWNEE COUNTY, KANSAS

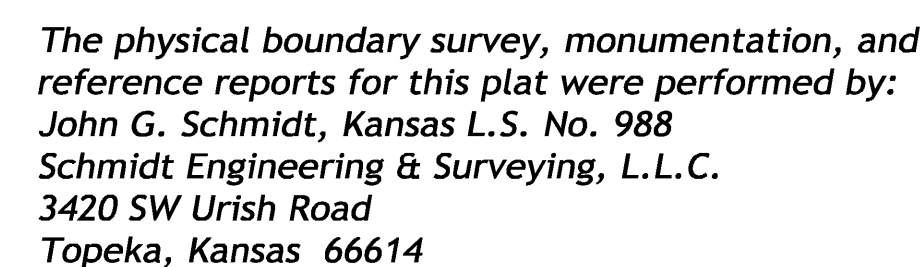
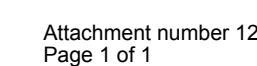
4 LEVEL ENGINEERING, LLC.

11257 Strang Line Road | Lenexa, Kansas 66215 | 913.317.9500 | 913.317.9501 (F)

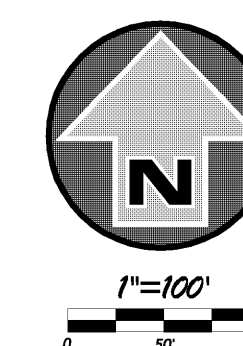
A TRACT OF LAND IN THE NORTHEAST QUARTER, SOUTHEAST QUARTER, AND NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6th P.M. IN SHAWNEE COUNTY, KANSAS



A TRACT OF LAND IN THE NORTHEAST QUARTER, SOUTHEAST QUARTER, AND NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6th P.M. IN SHAWNEE COUNTY, KANSAS



- DENOTES FOUND 1/2" SOLID REBAR, REMONUMENTED IN CONCRETE
 - DENOTES SET 1/2" x 24" SOLID REBAR SET IN CONCRETE, WITH PLASTIC CAP # 988
- U/E DENOTES UTILITY EASEMENT
- D/E DENOTES DRAINAGE EASEMENT
- TTE DENOTES TEMPORARY TURNAROUND EASEMENT
- //// DENOTES RESTRICTED ACCESS
- + DENOTES STREAM BUFFER
-  DENOTES DRAINAGE DETENTION FACILITY EASEMENT (DDFE)
-  DENOTES GREENSPACE



Sheet 2 of 8

SEC. 29, T12S, R15E, SHAWNEE COUNTY, KANSAS

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



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 28, 2006

+ Back Print

DATE:	August 29, 2006	DOCUMENT #:	
CONTACT PERSON:	Linda Voss	PROJECT #:	N/A
SECOND PARTY/SUBJECT:	Manual on Uniform Traffic Control Devices		
CATEGORY/SUBCATEGORY			
CIP PROJECT:	No		
ACTION OF COUNCIL:	Approve Ordinance	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning uniform traffic manual adopted, amending City of Topeka Code Section 142-123, and specifically repealing said original section. First Reading.

(This Ordinance would update the City Code to reflect the use of the current edition of the Manual on Uniform Traffic Control Devices.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Ordinance as presented.

BACKGROUND:

Adopting the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), 2003 Edition, is required to bring the City of Topeka in compliance with federal code and state law. The Secretary of Transportation has already adopted this manual (on September 19, 2005), and it is already being used by staff members. This Ordinance will update the City Code.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

Item #24

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning uniform traffic manual adopted, amending City of Topeka Code § 142-123, and specifically repealing said original section.

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

Section 1. That City of Topeka Code § 142-123, is hereby amended to read as follows:

Uniform traffic manual adopted.

(a) The Manual on Uniform Traffic Control Devices for Streets and Highways, ~~Millennium Edition, December 2000~~ 2003 Edition, hereinafter referred to as "MUTCD," approved by the Federal Highway Administrator as the National Standard in accordance with Title 23, U.S. Code, Sections 109(d), 114(a), 217, 315 and 402(a), 23 CFR 655 and 49 CFR 1.48(b)(8), 1.48(b)(33), and 1.48(c)(2), is adopted by reference and made a part of this chapter as if fully set out in this section; provided, however, that the lawful or designated authority empowered to make changes in sign sizes or other deviations as set forth in the manual shall be the city traffic engineer.

(b) Not less than ~~three copies~~ one (1) copy of the MUTCD, and of the ordinance or ordinances pertaining thereto, shall be filed with the city clerk and shall be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative departments of the city charged with the enforcement of such devices shall be supplied, at the cost of the city, such number of copies of MUTCD and ordinances pertaining thereto as may be deemed ~~expedient~~ necessary.



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 29, 2006

 + Back  Print

DATE:	August 29, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 29, 2006

 + Back  Print

DATE:	August 29, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 29, 2006

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

DATE:	August 29, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 29, 2006

 + Back  Print

DATE:	August 29, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available