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City Council Agenda

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

October 17, 2006
6:00 PM

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>)

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PROCLAMATIONS:

2. ROLL CALL:

3. CONSENT AGENDA:

A. Resolution-WatKansas Vanaram Noise Exception

 [ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Bill Haynes granting WatKansas Vanaram, a Buddhist Temple, an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 5)*

(The third annual Khathina Celebration will be held on October 21 and October 22, 2006.)

B. MINUTES of the regular meeting of October 10, 2006

C. APPLICATIONS:

4. PUBLIC HEARINGS:

A. Public Hearing and Ordinance - Special Assessment for Street Improvement Project No. 60598-01H

 [ATTACHMENTS](#)

A PUBLIC HEARING for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 60598 Phase 1, authorized by Resolution No. 7419, adopted and approved November 25, 2003. *(Council District No. 4)*

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Street Improvement Project No. 60598-01 H, located at approximately SE 22nd Terrace and SE Croco Road, with concrete curb and gutter, asphalt pavement, storm drainage facilities and all other contingencies required to complete Street Improvement Project No. 60598-01 H, as defined and described in Resolution No. 7419, adopted and approved November 25, 2003. **Final Reading.** *(Council District No. 4)*

(Levies special assessments for Street Improvement Project No. 60598-01.)

5. UNFINISHED BUSINESS:

A. Ordinance - City Council Special Fund Expenditures

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Clark Duffy amending City of Topeka Code Sections 2-326, 2-328, 2-331, 2-332, and 2-335 concerning the expenditure of monies from special funds established by the City Council, and specifically repealing said original sections. **Final Reading.**

(The ordinance would allow approval by the City Manager of expenditures from special funds established by the City Council.)

B. Ordinance - Waterline Upgrade Project No. 30245-00

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$175,000 and **AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Project No. 30245-00, which provides for the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard, as more specifically described herein, all pursuant to Section A12-1

(This project would authorize selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard.)

C. Ordinance - 2006 Standard Traffic Ordinance

 [ATTACHMENTS](#)

AN ORDINANCE regulating traffic and vehicles within the city limits of Topeka, Kansas, that adopts by reference the Standard Traffic Ordinance for Kansas Cities, 2006 edition. Final Reading.

(The ordinance would adopt the 2006 Standard Traffic Ordinance for Kansas Cities published by the Kansas League of Municipalities, with certain amendments and deletions.)

D. Ordinance - Amending Certain Provisions of the 2006 Standard Traffic Ordinance

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 142-152 to amend and delete certain provisions of the current edition of the Standard Traffic Ordinance for Kansas Cities, and specifically repealing said original section. Final Reading.

(Adoption of this ordinance would amend or delete certain provisions of the 2006 Standard Traffic Ordinance for Kansas Cities.)

E. Ordinance - Court Costs/Fees, Warrant Fees, Municipal Court Procedure

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to court ordered costs and fees, witness fees, contempt powers, warrants, arrest procedures, sentencing procedures and parole, repealing City of Topeka Code Sections 50-47, 50-49 and 50-50, amending City of Topeka Code Sections 50-26, 50-41, 50-54, 50-60, 50-64, 50-99 and 50-101, and repealing said original sections. Final Reading. *(Deferred from the meeting of October 10, 2006)*

(The Kansas Legislature has made significant changes recently to provisions of state law concerning increased court costs. While reviewing these new provisions for compliance, city staff also discovered other changes that need to be incorporated in City Code to better comply with state law relating to Municipal Court powers, costs, fees and procedures. Additionally, amendments are proposed to reduce duplicative and potentially contradictory provisions of City Code related to costs and fees.)

F. Ordinance - Human Relations Ordinance Amendments

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember John Nave concerning the Topeka Human Relations Commission amending City of Topeka Code, Sections 86-1, 86-2, 86-51, 86-53, 86-68, 86-79 and 86-112 and specifically repealing said original Sections. Final Reading. *(The Policy and Finance Committee recommended approval as amended by a vote of 2-0)*

(This is an update to the existing ordinance which removes certain legal defects and would bring the ordinance into closer conformity with the Kansas Act Against Discrimination. This also would create conformity with Kansas Regulations adopted by the Kansas Human Rights Commission.)

G. Project Budget and Ordinance - Gage Park Improvement Project 30271-00

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$255,000 and **AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30271-00, which provides for improvements to Gage Park located at 625 SW Gage Boulevard, 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 project will provide stone renovation and tuck pointing of six pillars and reconstruction of the east entrance at the Reinisch Rose Garden in Gage Park.)

H. Project Budget and Ordinance on Fire Station Training Tower Improvement Project No. 13154-00

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$291,200 and **AN ORDINANCE** introduced by City

Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13154-00, which provides for the design and construction services for improvements to the existing 1963 Fire Station Training Tower, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading. (Council District No. 1)

(Improvements to the Fire Station Training Tower located at S.E. Jefferson Street.)

6. NEW BUSINESS:

A. Resolution - Capital Improvement Budget for 2007-2008

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2007-2008 Capital Improvement Budget for the City of Topeka, Kansas.

(The resolution would approve the two-year capital improvement budget.)

B. Resolution - Capital Improvement Program 2007 - 2011

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting the 2007-2011 Capital Improvement Program for the City of Topeka, Kansas.

(The resolution approves the 2007-2011 Capital Improvement Program)

C. Resolution - Purchase of New Aerial Apparatus

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager, Norton N. Bonaparte, Jr., setting forth the City of Topeka's intention to acquire one (1) aerial platform apparatus, pursuant to K.S.A. 12-110c.

(This resolution will authorize the issuance of GO bonds for the purchase of an aerial fire apparatus in the amount of \$963,000. The resolution also provides an option for a lease-purchase at significant savings.)

D. Resolution Transferring Funds from Police to Contingency

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the transfer of Police Department General Fund dollars to the General Fund Contingency.

(The resolution will transfer \$300,000 from the Police Department that was originally designated for the "Protect With Honor Initiative" to the General Fund Contingency for carry forward to 2007)

E. Resolution - Condemnation Proceedings for Water Main Improvement Project No. 28580-00

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Water System Improvement Project No. 28580-00, for water main transmission extension along Highway 75 from the north end of the Westgate Bridge north to Lower Silver Lake Road, then east to Austin Avenue.

(Council District No. 2)

(Negotiations are in progress to acquire the necessary easements for Water Improvement Project No. 28580-00. This Resolution will initiate condemnation proceedings for this project if successful negotiations to acquire the needed easements are not reached.)

F. Ordinance - Weekly Expenditures for 09/25/06 - 10/01/06

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 25, 2006, through October 1, 2006, and enumerating said expenditures therein. First and Final Reading.

7. PLANNING:

A. Final Plat- Urban Hills Subdivision No. 18 (P06/31)

 [ATTACHMENTS](#)

A FINAL PLAT for Urban Hills Subdivision No. 18 located approximately 2,850 feet north of NW 46th Street, between NW Jennings Road and NW Brickyard Road within unincorporated Shawnee County, Kansas. (P06/31)(The Planning Commission recommended approval by a vote of 6-0-2.)(The Planning Department recommended disapproval.)

(Approval would accomodate the development of the 6-acre property for 11 single-family residences.)

8. FIRST READINGS:

A. Ordinance - Darrell, Mark, and Steve Martinek, and Rick Flynn (Z06/01)

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made part of the Zoning Ordinances by Section 48-1.04 of the City of Topeka, by providing for certain changes in zoning on property located at the southeast corner of SW Van Buren Street and SW Hampton Street in the City of Topeka, Kansas from "M-1" Two-Family Dwelling District TO "C-4" Commercial District. First Reading. (Z06/01) (Council District No. 3) (The Planning Commission recommended approval by a vote of 8-0-0 on September 18, 2006.)

(Approval would bring the bring the present use of the property for commercial purposes into conformance.)

B. Ordinance - Neighborhood Revitalization Plan

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. adopting a neighborhood revitalization plan and designating a revitalization area, all as provided for in K.S.A. 12-17, 114 et. seq., Neighborhood Revitalization Act. First Reading.

(Approval would extend the City's Neighborhood Revitalization Program through 2009 and repeal a previously adopted ordinance. The item was originally approved by City Council on June 13, 2006 and has since been revised to comply with State law.)

C. Ordinance - Sign Code Amendment for Temporary Signs

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmembers Brett Blackburn and Lana Kennedy relating to temporary signs by amending Section 48-31.01 of the Zoning Code and Sections 118-276 and 118-277 of the Sign Code. First reading.

(The ordinance provides for various classifications of temporary signage, including off-premise advertising during certain days and hours.)

D. Ordinance - Tax Exemption for Reser's Fine Foods, Inc.

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Norton N. Bonaparte, Jr., exempting certain property, more specifically property owned by Reser's Fine Foods, Inc. from property taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 3167 SE 10th Street, Topeka, Shawnee County, Kansas, and repealing City of Topeka Ordinance No. 18403. First Reading.

(Ordinance 18403 called for a \$22 million exemption, this ordinance increases the exemption to approximately \$31.9 million.)

E. Ordinance Condemnation for Project No. 28580-00

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Water System Improvement Project No. 28580-00, for water main transmission extension along Highway 75 from the north end of the Westgate Bridge north to Lower Silver Lake Road, then east to Austin Avenue. First Reading. (Council District No. 2)

(This Ordinance will initiate condemnation proceedings to acquire the necessary easements to construct the project.)

F. Ordinance Special Assessment for Project 70197-01

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Industrial Boulevard with pavement, curb and gutter and all other contingencies needed to complete Trafficway Improvement Project No. 70197-01 as defined and described in Resolution No. 7231 adopted and approved April 16, 2002. First Reading. (Council District No. 5)

9. MISCELLANEOUS:

-

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

-

11. PUBLIC COMMENT:

-

12. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2006

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DATE:	October 4, 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



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SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 10, 2006

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DATE: October 4, 2006
CONTACT PERSON: Bill Haynes **DOCUMENT #:**
SECOND PARTY/SUBJECT: WatKansas Vanaram Noise **PROJECT #:**
Exception
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Bill Haynes granting WatKansas Vanaram, a Buddhist Temple, an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 5)*

(The third annual Khathina Celebration will be held on October 21 and October 22, 2006.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for an amplified sound system located at 3901 SE Adams during the hours of 9:00 a.m. and 9:00 p.m.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Letter](#)

[Resolution](#)

WatKansas Vanaram
3901 SE Adams St.
Topeka, Kansas 66609

October 1, 2006

Dear Mr. Hanes,

WatKansas Vanaram, a Buddhist Temple located at 3901 SE Adams St., is requesting to be granted a permit to allow us to use a loud speaker for the two days these events will be held i.e. , Saturday, October 21 - Sunday 22 The event is our third annual Khathina celebration. Each year, monks are bound to one area for three months. This period is traditionally referred to as the Rains Residence. At the end of this three month period, a large celebration is held, called Kathina 4. At this time, we are preparing to celebrate the conclusion of this confinement, by planning a large gathering on the grounds of the Temple. Metzger Tent Rental is putting up three large tents, food is being prepared for free distribution, and traditional Buddhist Rule and cultural events, including Thai dancers from Keller, Texas and Thailand will be held on Temple grounds. Although the general public is warmly encouraged to come and experience this traditional Thai cuisine and culture, most participants will, in all likelihood, be Buddhist devotees from around the country. No alcohol beverages are permitted. Enclosed, please find a schedule of events for these two days. Please note that you and your family, as well as all other City Council members and their families are cordially invited to attend any and all of these cultural events.

Title:	WatKansas Vanaram
Contact Person:	Phrakhrupalad Bunliang Thammawaro 3901 SE Adams St. Topeka, Kansas 66609 816 - 217 - 0822 & 785 - 640 - 8602 Fax 785 478-0143
Organization:	WatKansas Vanaram Buddhist Temple Meditation and Wisdom Center

Respectfully,



Phrakhrupalad Bunliang Thammawaro
President / Abbot

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Bill Haynes, granting WatKansas Vanaram, Buddhist Temple 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, WatKansas Vanaram 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 WatKansas Vanaram 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 WatKansas Vanaram is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 while providing an amplified

26 sound system for the third annual Khathina celebration located at 3901 SE
27 Adams Street during the hours of 9:00 a.m. and 9:00 p.m. on October 21, 2006
28 and October 22, 2006.

29 ADOPTED and APPROVED by the City Council _____.

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William W. Bunten, Mayor

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Iris E. Walker, City Clerk

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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



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SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

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POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Topeka, Kansas 66603

October 4, 2006

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DATE:	October 4, 2006	
CONTACT PERSON:	Jeff Hunt	DOCUMENT #:
SECOND PARTY/SUBJECT:	Special Assessment	PROJECT #: 60598-01H
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 008 Special Assessments	
CIP PROJECT:	No	
ACTION OF COUNCIL:	10/10/06 First reading.	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

A PUBLIC HEARING for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 60598 Phase 1, authorized by Resolution No. 7419, adopted and approved November 25, 2003. (Council District No. 4)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Street Improvement Project No. 60598-01 H, located at approximately SE 22nd Terrace and SE Croco Road, with concrete curb and gutter, asphalt pavement, storm drainage facilities and all other contingencies required to complete Street Improvement Project No. 60598-01 H, as defined and described in Resolution No. 7419, adopted and approved November 25, 2003. Final Reading. (Council District No. 4)

(Levies special assessments for Street Improvement Project No. 60598-01.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Ordinance as presented.

BACKGROUND:

To pave:

To construct SW 22nd Terrace from SE Croco Road east approximately 365 feet and SE Aspen Court from SE 22nd Terrace to north end of cul-de-sac. The project would provide for concrete curb and gutter, asphalt pavement, storm drainage facilities, and all other contingencies needed to complete the project. Lots 1 through 8, Block "A"; Lots 1 through 4, Block "B"; Woodglen Subdivision, in the City of Topeka, Kansas.

BUDGETARY IMPACT:

Final Project Cost: \$110,000

Item #8

On a unit basis for all lots or parcels which are included in the improvement district.

SOURCE OF FUNDING:

Improvement district will pay 100% of the costs.

ATTACHMENTS:

[Public Hearing Notice](#)

[Assessment Ordinance](#)

(Published in The Topeka Metro News October 6, 2006)

NOTICE OF PUBLIC HEARING

STREET IMPROVEMENT PROJECT NO 60598 Phase 1

Notice is hereby given that there will be a special meeting of the City Council of the City of Topeka, Shawnee County, Kansas, held on October 17, 2006, at 6:00 P.M., in the Council Chamber 214 E. 8th, for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No 60598 Phase 1, authorized by Resolution No. 7419, adopted and approved November 25, 2003.

GENERAL NATURE OF IMPROVEMENT:

To pave: To construct SW 22nd Terrace from SE Croco Road east approximately 365 feet and SE Aspen Court from SE 22nd Terrace to north end of cul-de-sac. The project would provide for concrete curb and gutter, asphalt pavement, storm drainage facilities, and all other contingencies needed to complete the project.

IMPROVEMENT DISTRICT:

Lots 1 through 8, Block "A"; Lots 1 through 4, Block "B"; Woodglen Subdivision, in the City Of Topeka, Kansas.

METHOD OF ASSESSMENT:

On a unit basis for all lots or parcels which are included in the improvement district.

TOTAL COST & APPORTIONMENT OF COSTS:

Final Project Cost = \$110,000.00

Costs are spread to the Improvement District by the following cost breakdown:

12 Housing Units at \$9,166.67 per unit
District consists of 12 Lots or Units.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City for Topeka to be affixed on _____, 2006.

Iris E. Walker, City Clerk

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Street Improvement Project No. 60598-01 H, located at approximately SE 22nd Terrace and SE Croco Road, with concrete curb and gutter, asphalt pavement, storm drainage facilities and all other contingencies required to complete Street Improvement Project No. 60598-01 H, as defined and described in Resolution No. 7419, adopted and approved November 25, 2003.

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

Section 1. For the purpose of paying the cost of concrete curb and gutter, asphalt pavement, storm drainage facilities, and all other contingencies needed to complete the project, same being Street Improvement Project No. 60598-01 H, in the City of Topeka, Shawnee County, Kansas, there is hereby levied and assessed a special assessment on all lots and pieces of ground liable therefore. Said assessments are computed as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To pave:

To construct SE 22nd Terrace from SE Croco Road east approximately 365 feet and SE Aspen Court from SE 22nd Terrace to north end of cul-de-sac. The project would provide for concrete curb and gutter, asphalt pavement, storm drainage facilities, and all other contingencies needed to complete the project.

B. IMPROVEMENT DISTRICT:

Lots 1 through 8, Block "A"; Lots 1 through 4, Block "B"; Woodglen Subdivision, in the City of Topeka, Kansas.

C. METHOD OF ASSESSMENT:

On a unit basis for all lots or parcels which are included in the improvement district.

D. TOTAL COST AND APPORTIONMENT OF COSTS:

FINAL PROJECT COST = \$110,000.00

Improvement district will pay 100% of the costs.

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

STREET IMPROVEMENT PROJECT NO. 60598-01 H

<u>Parcel Identification No.</u>	<u>Description</u>	<u>Assessment</u>
Woodglen Subdivision		
<u>Block "A"</u>		
1311102001037000	Lot 1	\$9,166.67
1311102001036000	Lot 2	\$9,166.67
1311102001035000	Lot 3	\$9,166.67
1311102001034000	Lot 4	\$9,166.67
1311102001033000	Lot 5	\$9,166.67
1311102001032000	Lot 6	\$9,166.67
1311102001031000	Lot 7	\$9,166.67
1311102001030000	Lot 8	\$9,166.67
<u>Block "B"</u>		
1311102002012000	Lot 1	\$9,166.67
1311102002013000	Lot 2	\$9,166.67
1311102002014000	Lot 3	\$9,166.67
1311102002015000	Lot 4	\$9,166.67

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

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

Section 5. The owner of any property so assessed may at any time prior to ninety (90) days from the date of publication of this Ordinance, pay the whole of the assessment against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

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

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

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2006

+ Back Print

DATE: October 4, 2006

CONTACT PERSON: Clark Duffy **DOCUMENT #:**

SECOND PARTY/SUBJECT: Expenditure of monies from special funds **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Clark Duffy amending City of Topeka Code Sections 2-326, 2-328, 2-331, 2-332, and 2-335 concerning the expenditure of monies from special funds established by the City Council, and specifically repealing said original sections. Final Reading.

(The ordinance would allow approval by the City Manager of expenditures from special funds established by the City Council.)

POLICY ISSUE:

Whether or not the City Manager should be given the authority to approve the expenditures from special funds established by the City Council

STAFF RECOMMENDATION:

BACKGROUND:

Currently the expenditures of special funds established by the Council are made upon the approval by resolution of the Council. Passage of this amendment will allow the City Manager to approve the expenditures of special funds.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Clark Duffy amending City of Topeka Code §§ 2-326, 2-328, 2-331, 2-332 and 2-335 concerning the expenditure of monies from special funds established by the City Council, and specifically repealing said original sections.

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

Section 1. That City of Topeka Code § 2-326, Park land acquisition and development fund, is hereby amended to read as follows:

Park land acquisition and development fund.

(a) There is hereby created a park land acquisition and development fund. The purpose of the fund shall be to act as a depository for moneys to be used for the purchase and development of land for park purposes.

(b) The park land acquisition and development fund may receive budgeted transfers from the general improvement fund, the parks and recreation fund, or any other fund having available resources and the legal authority to be so transferred. All such transfers shall be subject to budget appropriations and shall be specifically authorized by resolution of the city council.

(c) *Expenditures.* All expenditures from the park land acquisition and development fund shall only be for the purpose stated in this section and shall only be made upon approval by ~~resolution of the city~~ manager council.

Section 2. That City of Topeka Code § 2-328, Zoo improvement reserve fund, is hereby amended to read as follows:

Zoo improvement reserve fund.

(a) There is hereby created a zoo improvement reserve fund. The fund is established for the purpose of providing a depository for moneys to be used for capital improvements at the city zoo.

(b) The fund shall receive grants or donations from either public or private sources, interest on the funds held in the fund, and any other fund having available resources and legal authority to be so deposited or transferred. All such transfers shall be subject to budget appropriations and shall be specifically authorized by resolution of the city council. All expenditures from the fund shall only be for the purpose stated in this section and shall only be made upon approval by ~~resolution of the city~~ manager council.

Section 3. That City of Topeka Code § 2-331, Historic asset preservation fund, is hereby amended to read as follows:

Historic asset preservation fund.

There is hereby created in the city a special fund to be known as the historic asset preservation fund. Monies from the city's general fund, community block grant funds or funds from any other source legally available for such purpose shall be credited to this special fund. Monies so credited may be expended, upon approval by the ~~council~~ of the city manager for the acquisition, rehabilitation and preservation of historic landmarks or historic resources located within the city.

Section 4. That City of Topeka Code § 2-332, [Graffiti removal fund.], is hereby amended to read as follows:

[Graffiti removal fund.]

(a) The council of the city, hereby creates a special fund to be known as the graffiti removal fund. Moneys from the city's general fund, community development block grant funds, or funds from any other source legally available for such purpose may be credited to this special fund. Moneys in the graffiti removal fund shall be used for activities relating to the removal of graffiti.

(b) Written requests for grants to be used for programs and projects aimed at the expeditious removal of graffiti shall be submitted to the city. By resolution, the council shall establish the procedure to govern the grant application and review. The ~~council~~ city manager shall make the final determination on awards.

Section 5. That City of Topeka Code § 2-335, Economic development fund, is hereby amended to read as follows:

Economic development fund.

(a) There is hereby created the city economic development fund. The purpose of the fund shall be to promote, stimulate, and improve the economic welfare of the city and assist in the creation, retention, expansion, and development of economic opportunities for its citizens. The fund shall be administered by the director of the financial services department.

(b) Monies from the fund shall be used to promote, stimulate, and improve economic development in the City of Topeka and its environs, to encourage and assist in the location of new business, and the expansion, relocation, or retention of existing business, industry, and health development. To further the goal of economic development, monies from the fund may be expended for or transferred to, specifically for, but not limited to, the Topeka Arts Fund.

(c) Monies from the city's general fund, origination fees collected from economic development revenue bonds issued by the city pursuant to K.S.A. 12-1740, *et seq.*, and monies from any other source legally available for such purpose may be credited to the economic development fund.

(d) All transfer or expenditure of monies from the economic development fund shall be only for the purposes of this section and shall be specifically authorized by the city manager ~~resolution~~ of the city council.

Section 6. That City of Topeka Code §§ 2-326, 2-328, 2-331, 2-332 and 2-335 are hereby specifically repealed.

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

PASSED AND APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Buntten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2006

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DATE:	October 4, 2006	DOCUMENT #:	
CONTACT PERSON:	Mark Schreiner	PROJECT #:	30245-00
SECOND PARTY/SUBJECT:	Park Improvement		
CATEGORY/SUBCATEGORY	004 Budgets or Appropriations / 004 Project Budget - Capital Project		
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	10/10/06 First reading.	JOURNAL #:	06
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$175,000 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Project No. 30245-00, which provides for the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard, 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 project would authorize selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Project Budget and Adopt Ordinance as presented.

BACKGROUND:

This project will provide for the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard. The selected water line locations are in excess of 50 years old and have had numerous failures. The addition of waterlines will separate the main service from the Zoo. Additionally, control valves will be installed at numerous locations for convenient maintenance servicing.

BUDGETARY IMPACT:

Project Budget \$175,000

SOURCE OF FUNDING:

General Obligation Bonds and any other lawfully available funds.

ATTACHMENTS:

[Vicinity Map](#)

[Ordinance](#)

Item #10

[Project Budget](#)

[Debt Service document](#)

Gage Park Selected Water Line Upgrade Project No. 30245-00



City of Topeka

GIS

Geographic Information Systems

Map Produced On:
August 7, 2006
Map Revised on:

Map Printed On:
August 7, 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

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(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30245-00 which provides for the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

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

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

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide for the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard. The selected water line locations are in excess of 50 years old and have had numerous failures. The addition of waterlines will separate the main service from the Zoo. Additionally, control valves will be installed at numerous locations for convenient maintenance servicing.

B. TOTAL PROJECT BUDGET COST:

\$175,000.00

C. SOURCE OF FUNDS:

General Obligation Bonds and any other lawfully available funds.

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

36 PASSED and APPROVED by the City Council_____.

37 CITY OF TOPEKA, KANSAS

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41 _____

42 William W. Bunten, Mayor

43 ATTEST:

44

45 _____

46 Iris E. Walker, City Clerk

PROJECT BUDGET

Project No. 30245-00

LOCATION:

Gage Park
625 S.W. Gage Boulevard

Contact Person: Ron Cathey

DESCRIPTION OF PROJECT:

This project consists of the design and construction of selected water line upgrades and additions at Gage Park, S.W. 625 Gage Boulevard. The selected water line locations are in excess of 50 years old and have had numerous failures. The addition of waterlines will separate the main service from the Zoo. Additionally, control valves will be installed at numerous locations for convenient maintenance servicing.

SOURCE OF FUNDS:

G.O.B.
CIP 2004

COST ESTIMATE:

	FUNDING SOURCE 1	FUNDING SOURCE 2	FUNDING SOURCE 3
Construction:	\$136,612		
Design:	\$12,295		
Construction Services Fees:	\$10,929		
Administrative Fees:	\$2,732		
Right-of Way Acquisition:	\$0		
Contingency Amount:	\$4,099		
Interim Interest	\$8,333		
Total:	\$175,000		

PUBLIC HEARING:

PROJECT AUTHORITY:

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

PROJECT ENGINEER: Mark Schreiner, P.E.

PROJECT:

Project No. 30245-00 Water Line Replacement

Interest rate 5.25%

Number of Years 20

Cost of Issuance 2.00%

Temp Note interest 5.000%

Principal (project cost) \$166,667

Plus Temp Note Interest (unless included in Principal) \$8,333

Subtotal \$175,000

Plus Cost of Issuance \$3,500

Total \$178,500

Annual Debt Service **\$14,628**

Annual Debt Service as Percent of Total 8.2%

Total Debt Service (principal and interest) \$292,570

Difference Project Cost and Total Debt Service \$125,903

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 \$10,339,580

Total Indebtedness \$192,281,321

Plus Project \$192,459,821

* 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 \$5,070,000

Total \$148,705,000



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2006

+ Back Print

DATE: October 4, 2006

CONTACT PERSON: John Knoll **DOCUMENT #:**

SECOND PARTY/SUBJECT: Incorporating Standard Traffic Ordinance for Kansas Cities, 2006 edition **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 142 Traffic and Vehicles

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE regulating traffic and vehicles within the city limits of Topeka, Kansas, that adopts by reference the Standard Traffic Ordinance for Kansas Cities, 2006 edition. Final Reading.

(The ordinance would adopt the 2006 Standard Traffic Ordinance for Kansas Cities published by the Kansas League of Municipalities, with certain amendments and deletions.)

POLICY ISSUE:

Whether the City Council wants to enact this ordinance which will make the City traffic code consistent with the state traffic code.

STAFF RECOMMENDATION:

Enact the ordinance.

BACKGROUND:

The League of Kansas Municipalities annually publishes a new traffic ordinance incorporating changes in traffic laws adopted by the Kansas Legislature. Enactment of this ordinance would adopt changes made to state traffic laws over the last four years.

BUDGETARY IMPACT:

Minimal. The cost of publishing the ordinance and the cost of equipping the police department with sufficient copies of the ordinance.

SOURCE OF FUNDING:

Copies for the city prosecutor's office and the municipal court (30) will be funded from the legal department budget. Copies for the Police Department (300) will be funded from the police department budget.

ATTACHMENTS:

[Ordinance](#)

Item #11

(Published in the Topeka Metro News_____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regulating traffic within the corporate limits of the City of Topeka, Kansas, incorporating by reference the "Standard Traffic Ordinance for Kansas Cities" edition of 2006, with certain omissions, changes and additions; amending City of Topeka Code § 142-151, and repealing said original section.

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

Section 1. That City of Topeka Code § 142-151, Incorporation of standard traffic ordinance, is hereby amended to read as follows:

Incorporation of standard traffic ordinance.

(a) *Generally; copies.* There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Topeka, Kansas, that certain Standard Traffic Ordinance known as the "Standard Traffic Ordinance For Kansas Cities," edition of ~~2002~~ 2006, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections or parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three (3) copies of the Standard Traffic Ordinance shall be marked or stamped "Official Copy As Adopted By Ordinance No. _____," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the city clerk to 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 enforcement of

the ordinance shall be supplied, at the cost of the city, such number of official copies of the Standard Traffic Ordinance similarly marked, as may be deemed expedient.

(b) *Traffic infractions and traffic offenses.*

(1) A traffic infraction is a violation of any section of Chapter 142 of the City Code or of the Standard Traffic Ordinance that prohibits or requires the same behavior as that prohibited or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, and amendments thereto.

(2) All traffic violations which are included within this ordinance and which are not traffic infractions as defined in paragraph (1) above of this section, shall be considered traffic offenses.

Section 2. That original City of Topeka Code § 142-151 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 _____.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2006

 + Back  Print

DATE: October 4, 2006

CONTACT PERSON: John Knoll **DOCUMENT #:**

SECOND PARTY/SUBJECT: Amending and deleting certain provisions of the Standard Traffic Ordinance **PROJECT #:**

CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 142 Traffic and Vehicles

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 142-152 to amend and delete certain provisions of the current edition of the Standard Traffic Ordinance for Kansas Cities, and specifically repealing said original section. Final Reading.

(Adoption of this ordinance would amend or delete certain provisions of the 2006 Standard Traffic Ordinance for Kansas Cities.)

POLICY ISSUE:

None.

STAFF RECOMMENDATION:

Enact the ordinance.

BACKGROUND:

This ordinance amends or deletes certain provisions of the Standard Traffic Ordinance for Kansas Cities. The sections deleted are generally already covered by existing ordinances in Chapter 142. This ordinance would also amend the exhibition of speed/racing on highways ordinance, separate it into two clearly different theories, and adopt definitions of what actions constitute each violation.

BUDGETARY IMPACT:

None - merely the cost of publication.

SOURCE OF FUNDING:

ATTACHMENTS:

[Ordinance](#)

Item #12

1 Published in the Topeka Metro News_____)

2
3
4 ORDINANCE NO. _____

5
6 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City
7 of Topeka Code § 142-152 to amend and delete certain provisions of
8 the current edition of the Standard Traffic Ordinance for Kansas
9 Cities, and specifically repealing said original section.

10
11 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

12
13 Section 1. That City of Topeka Code § 142-152, Amendments, is hereby
14 amended to read as follows:

15 **Amendments.**

16 The current edition of the Standard Traffic Ordinance for Kansas Cities as adopted
17 by reference, shall be amended as follows:

18 (a) Section 1 of the standard traffic ordinance, relating to definitions, is hereby
19 amended as follows:

20 Other competent evidence includes: (1) Alcohol concentration tests obtained from
21 samples taken two hours or more after the operation or attempted operation of a vehicle;
22 and (2) readings obtained from a partial alcohol concentration test on a breath testing
23 ~~machine~~ instrument.

24 All other definitions not modified, deleted or changed shall remain in effect.

25 (b) Section 13 of the standard traffic ordinance, relating to traffic control signal
26 legend, is hereby declared to be and is omitted and deleted.

27 (c) Section 33 of the standard traffic ordinance, relating to maximum speed
28 limits, is hereby declared to be and is omitted and deleted.

(d) Section 37 of the standard traffic ordinance, relating to racing on highways; exhibition of speed, is amended to read as follows:

(1) No person shall drive any vehicle on any road, street, alley, public or private parking lot or highway in the city in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, ~~exhibition of speed or acceleration~~, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, or test or exhibition. For purposes of this section, "speed competition or contest" means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to, rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other racing participants.

(2) No person shall knowingly engage in a speed exhibition on a highway. For purposes of this section, "speed exhibition" means the operation of a motor vehicle to present a display of speed or power. "Speed exhibition" includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire

slippage, or leaving visible tire acceleration marks on the surface of
the highway or ground.

(e) Section 50 of the standard traffic ordinance relating to right, left and U-turns at intersection: obedience to, is hereby declared to be and is omitted and deleted.

(f) Section 67 of the standard traffic ordinance, relating to pedestrians to use right half of crosswalks, is hereby declared to be and is omitted and deleted.

(g) Section 104 of the standard traffic ordinance, relating to inattentive driving, is hereby declared to be and is omitted and deleted.

(h) Section 119 of the standard traffic ordinance, relating to parades and processions, is hereby declared to be and is omitted and deleted.

(i) Section 194 of the standard traffic ordinance, relating to driving while license canceled, suspended or revoked, is hereby declared to be and is omitted and deleted.

(j) Section 195.1 of the standard traffic ordinance, relating to operation of a motor vehicle when a habitual violator is hereby declared to be and is omitted and deleted.

(k) Section 198 of the standard traffic ordinance, relating to vehicle license; illegal tag, is hereby declared to be and is omitted and deleted.

Section 2. That original City of Topeka Code § 142-152 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.

70 PASSED and APPROVED by the City Council_____.

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William W. Bunten, Mayor

75 ATTEST:

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78 _____
Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 11, 2006

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DATE:	October 4, 2006	
CONTACT PERSON:	Steven R. Ebberts	DOCUMENT #:
SECOND PARTY/SUBJECT:	Court Costs 2006	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:	First Reading (07/11) Deferred 1 week (07/18) Deferred 3 weeks (07/25) Deferred 1 week (08/22) Deferred 1 week (10/10)	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to court ordered costs and fees, witness fees, contempt powers, warrants, arrest procedures, sentencing procedures and parole, repealing City of Topeka Code Sections 50-47, 50-49 and 50-50, amending City of Topeka Code Sections 50-26, 50-41, 50-54, 50-60, 50-64, 50-99 and 50-101, and repealing said original sections. Final Reading. *(Deferred from the meeting of October 10, 2006)*

(The Kansas Legislature has made significant changes recently to provisions of state law concerning increased court costs. While reviewing these new provisions for compliance, city staff also discovered other changes that need to be incorporated in City Code to better comply with state law relating to Municipal Court powers, costs, fees and procedures. Additionally, amendments are proposed to reduce duplicative and potentially contradictory provisions of City Code related to costs and fees.)

POLICY ISSUE:

Whether the Council desires to approve ordinance changes that would allow the Municipal Court to comply with state law concerning increased court costs effective July 1, 2006, codify a warrant fee surcharge, and generally "clean-up" provisions of Municipal Court procedure.

STAFF RECOMMENDATION:

Staff from the City Attorney's Office and Municipal Court recommend approval of all provisions.

BACKGROUND:

The Kansas Legislature has made significant changes recently to provisions of state law concerning increased costs for municipal court cases. While reviewing these provisions for compliance, City staff discovered other changes that need to be amended in City Code to better comply with state law, reduce duplicative and potentially contradicting provisions of City Code and add provisions of the City Code relating to Municipal Court powers, costs, fees and procedures.

Item #13

BUDGETARY IMPACT:

Three provisions of the proposed ordinance have a budgetary impact. First, increased court costs. Although court costs are to be increased by \$10, this amount is a “pass through” to persons convicted of crimes and should have little, if any, effect on the court’s budget. Second, increasing the warrant from the current \$5.00 to \$25.00 will increase General Fund revenue and should ultimately help defer costs for warrant processing. Third, increased witness fees. This will increase the court’s expenditures, but by a projected increase amount of less than \$1000 per year.

SOURCE OF FUNDING:

Persons convicted of crimes in court and the court’s budget.

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to court costs and fees, search warrants, arrest procedures, and sentencing procedures, repealing City of Topeka Code §§ 50-47, 50-49 and 50-50, amending City of Topeka Code §§ 50-26, 50-41, 50-54, 50-60, 50-64, 50-99, and 50-101, and repealing said original sections.

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

Section 1. Topeka City Code § 50-26, Court costs and fees, is hereby amended to read as follows:

Court costs and fees.

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

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

a. Each case, except as described in ~~\$38.00~~61.00

subsection b without regard to the
number of counts.

b. Each criminal misdemeanor case ~~\$105.00~~128.00

equivalent to an A or B
misdemeanor as defined by state
law or a misdemeanor defined by City ordinance

c. ~~Each continuance requested by~~ \$5.00

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

33 appearance

35 ten (10) miles consistent with Internal

38	(3)	For mileage driven by a law	Reimbursement
----	-----	-----------------------------	---------------

39 enforcement officer to serve a consistent with Internal

40	subpoena or warrant or to transport	Revenue Service allowed
41	a person arrested or detained in the	rate.

42 state under a warrant issued by the

43 municipal court, per mile actually

44 driven over ten (10) miles outside the

45 city limits

46	(4)	For each warrant issued	\$25.00
----	-----	-----------------------------------	---------

47 (5) ~~For each commitment warrant \$25.00~~

48 ~~issued for failure to pay a fine or~~

49 ~~abide by a sentence of the court.~~

50 ~~(6)~~ State mandated fees:

- a. Judicial branch education fund
(K.S.A. 12-4116 and
amendments thereto): Each
case, without regard to the
number of counts, shall be
assessed an amount fixed by
order of the state supreme
court. Funds collected pursuant
to this assessment shall be
distributed as required by state
law.
- b. Local law enforcement ~~training~~
~~center funds~~, ~~local law~~
~~enforcement reimbursement~~
~~fund~~, ~~juvenile detention facilities~~
~~fund~~, ~~protection from abuse~~
~~fund~~, ~~and crime victims~~
~~assistance fund~~ (as required by
state law): Each case, without
regard to the number of counts,
charging a criminal or public
offense or charging an offense

defined as a moving traffic
offense pursuant to state law
shall be assessed an amount
fixed by state law. Funds
collected shall be distributed as
required by state law.

e. ~~Domestic violence shelter shall
be assessed an amount fixed
pursuant to state law. Funds
collected shall be distributed as
required by state law~~

(76) Crime Prevention Fund. \$3.50

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

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

Section 2. Topeka City Code § 50-41, Municipal judge; powers and duties,
hereby amended to read as follows:

Municipal judge; powers and duties.

(a) The municipal judge shall have the power to administer the oaths and enforce all orders, rules and judgments made by such municipal judge; may issue search warrants based on probable cause for violations of municipal ordinance, excluding warrants sought by the public works director or designated employees of that department; and may fine or imprison for contempt ~~committed in court or for failure to obey process issued by such municipal judge, the city attorney or an assistant city attorney, a law enforcement officer, an animal control officer, parking control officer as specifically authorized by Topeka City Code section 142-429, property maintenance inspectors as specifically authorized by Topeka City Code section 142-355 or a fire department employee with authority to enforce the uniform fire code,~~ in the same manner and to the same extent as a judge of the district court.

(b) The municipal judge shall have the power to hear and determine all cases properly brought before such municipal judge and to: issue search or arrest warrants for violations of municipal ordinance, excluding warrants sought by the environmental code services director or employees of that agency; grant continuances; sentence those found guilty to a fine or confinement in jail, or both; commit accused persons to jail in default of bond; determine applications for parole; release on probation; grant time in which a fine may be paid; correct a sentence; suspend imposition of a sentence; set aside a judgment; permit time for post trial motions; and discharge accused persons.

(c) The municipal judge shall maintain a docket in which every cause commenced before such municipal judge shall be entered. Such docket shall contain

the names of the accused persons and complainant, the nature or character of the offense, the date of trial, the names of all witnesses sworn and examined, the finding of the court, the judgment and sentence, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in each case.

(d) The municipal judge shall promptly make such reports and furnish the information requested by any departmental justice or the judicial administrator, in the manner and form prescribed by the ~~S~~supreme ~~C~~court.

(e) The municipal judge shall ensure that information concerning dispositions of city ordinance violations that result in convictions comparable to convictions for class A and B misdemeanors under Kansas Criminal Statutes is forwarded to the Kansas Bureau of Investigation central repository. This information shall be transmitted, on a form or in a format approved by the attorney general, within thirty (30) days of final disposition.

Section 3. Topeka City Code § 50-47, Costs, is hereby specifically repealed:

~~Costs.~~

~~Persons who plead no contest, plead guilty, or who are convicted shall be assessed costs for the administration of justice in any municipal court case, including, but not limited to: witness fees and mileage as set forth in K.S.A. 12-4411, and amendments thereto; the assessments required by K.S.A. 1998 Supp. 20-1a11 for the Judicial Branch Education Fund; the assessment required by K.S.A. 1998 Supp. 12-~~

~~4117 and amendments thereto for the Law Enforcement Training Center Fund established pursuant to K.S.A. 74-5619 and amendments thereto; the Local Law Enforcement Training Reimbursement Fund established pursuant to K.S.A. 74-5620; the Juvenile Detention Facilities Fund as provided in K.S.A. 1998 Supp. 12-4117 and amendments thereto; and for the assessment required by K.S.A. 1998 Supp. 12-16, 119, and amendments thereto, for the detention facility processing fee.~~

Section 4. Topeka City Code § 50-49, Judicial branch education fund; assessments against municipal cases, is hereby specifically repealed.

~~Judicial branch education fund; assessments against municipal cases.~~

~~In each case filed in municipal court where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond, or a diversion, a sum in an amount not to exceed \$1.00 shall be assessed for the training, testing and continuing judicial education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto. Except as provided herein, the judge or clerk of the municipal court shall remit at least monthly all assessments received pursuant to this section to the state treasurer for deposit in the state treasury to the credit of the judicial branch education fund. If the amount of assessments collected in a month are less than \$250.00, the municipal court may delay remitting its assessments until a month in which the cumulative amount of assessments collected equals or exceeds \$250.00. If the cumulative amount of assessments collected never equals or exceeds \$250.00 for the year, the amount of assessments collected and on hand on December 31 of the year shall be remitted to the state treasurer. The specific amount of the assessment shall be fixed by order of the~~

~~supreme court. For the purpose of determining the amount to be assessed according to this section, if more than one complaint is filed against one individual arising out of the same incident, all such complaints shall be considered as one case. For the purpose of this section, parking violations shall not be considered as cases.~~

Section 5. Topeka City Code § 50-50, Municipal Court assessments, is hereby specifically repealed.

~~Municipal court assessments.~~

~~(a) In each case filed in municipal court charging a criminal or public offense or charging an offense defined to be a moving violation by rules and regulations adopted pursuant to K.S.A. 8-249 and amendments thereto, where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion, a sum in the amount of \$10.50 shall be assessed and such assessment shall be credited as follows:~~

~~One dollar to the Local Law Enforcement Training Reimbursement Fund established pursuant to K.S.A. 74-5620 and amendments thereto, \$2.00 to the Law Enforcement Training Center Fund established pursuant to K.S.A. 74-5619 and amendments thereto, \$2.00 to the Juvenile Detention Facilities Fund established pursuant to K.S.A. 79-4803 and amendments thereto to be expended for operational costs of facilities for the detention of juveniles, \$0.50 to the Protection from Abuse Fund established pursuant to K.S.A. 74-7325 and amendments thereto, \$0.50 to the Crime Victims Assistance Fund established pursuant to K.S.A. 74-7334 and amendments thereto, and \$1.00 to the Trauma Fund established pursuant to K.S.A. 1999 Supp. 75-~~

5670, and amendments thereto, and \$3.50 to the Crime Prevention Fund established pursuant to City of Topeka Code [section] 2-231.

(b) ~~The judge or clerk of the municipal court shall remit at least monthly the appropriate assessments received pursuant to this section to the city treasurer for deposit in the Crime Prevention Fund or to the state treasurer for deposit in the state treasury to the credit of the Local Law Enforcement Training Reimbursement Fund, the Law Enforcement Training Center Fund, the Juvenile Detention Facilities Fund, the Crime Victims Assistance Fund and the Trauma Fund, as provided in this section.~~

(c) ~~For the purpose of determining the amount to be assessed according to this section, if more than one complaint is filed in the municipal court against one individual arising out of the same incident, all such complaints shall be considered as one case.~~

Section 6. Topeka City Code § 50-54, Same; how used; issuance of warrant; refusal to issue; effect, is hereby amended to read as follows:

Same; how used; issuance of warrant; refusal to issue; effect.

A copy of the complaint shall be served, together with a notice to appear or a warrant, by a law enforcement officer, the city attorney, an assistant city attorney, an animal control officer, or a fire department employee with authority to enforce the uniform fire code, upon the accused person, and forthwith, the complaint shall be filed with the municipal court, except that a complaint may be filed initially with the municipal court, and if so filed, a copy of the complaint shall forthwith be delivered to the city attorney. ~~The city attorney shall cause a notice to appear to be issued, unless he or she~~

~~has good reason to believe that the accused person will not appear in response to a notice to appear, in which case the city attorney may request that a warrant be issued. Such warrant will be issued if the complaint is positively sworn to and the municipal judge has probable cause to believe that (a) there has been the commission of a violation of a municipal ordinance, (b) the accused person committed such violation and (c) the accused person will not appear in response to a notice to appear.~~

If a city attorney fails either to cause a notice to appear or to request a warrant to be issued, on a complaint initially filed with the municipal court, the municipal judge may, upon affidavits filed with him or her alleging the violation of an ordinance, order the city attorney to institute proceedings against any person. Any such municipal judge shall be disqualified from sitting in any case wherein such order was entered and is further prohibited from communicating about such case with the municipal judge pro tem appointed by the municipal judge to preside therein.

Section 7. Topeka City Code § 50-60, Warrants; when issued; limitations, is hereby amended to read as follows:

Warrants; when issued; limitations.

A warrant may be issued:

- ~~(1) When an accused person fails to appear as required in a notice to appear after its service.~~
- ~~(2) In all other cases where a complaint has been filed and the municipal judge determines that a warrant should be issued. No warrant~~

223 ~~shall issue unless the complaint giving rise to its issuance is supported by~~
224 ~~oath or affirmation.~~

225 (a) The city attorney shall cause a notice to appear to be issued, except that,
226 if requested by the city attorney, a warrant for the accused shall be issued if the
227 municipal judge finds from the complaint, or from an affidavit or affidavits filed with the
228 complaint or from other evidence that there is probable cause to believe both that a
229 crime has been committed and that the defendant has committed such crime.

230 (b) More than one (1) warrant or notice to appear may be issued on the same
231 complaint.

232 (c) If a defendant fails to appear in response to a notice to appear, a warrant
233 shall be issued.

234 (d) Affidavits or sworn testimony in support of the probable cause
235 requirements of this section shall not be made available for examination without a
236 written order of the municipal judge, except that such affidavits or testimony, when
237 requested, shall be made available to the defendant or the defendant's counsel.

238 (e) No warrant shall issue for an ordinance traffic infraction or an ordinance
239 cigarette or tobacco infraction unless the person charged has received service of a
240 notice to appear and has failed to appear for the infraction.

241 Section 8. Topeka City Code § 50-64, Persons under arrest; procedures; right
242 to post bond; release on personal recognizance, is hereby amended to read as follows:

243 **Persons under arrest; procedures; right to post bond; release on personal**
244 **recognizance.**

(a) Any person arrested by a law enforcement officer shall be taken immediately by the law enforcement officer to the police station of the city or the office in the city designated by the municipal judge. At that time, the person shall have the right to post bond for the person's appearance, in accordance with Topeka City Code section § 50-66 and section § 50-67, and amendments thereto except as hereinafter provided. ~~However, if the law enforcement officer has probable cause to believe that such person may cause injury to oneself or others, or damage to property, and there is no responsible person or institution to which the person might be released, the person shall remain in the protective custody of the law enforcement officer, in a city or county jail for a period not to exceed six hours, at which time such person shall be given an opportunity to post bond for the person's appearance. While so held in protective custody, the person shall be permitted to consult with counsel or other persons on the person's behalf. Any person who does not make bond for the person's appearance shall be placed in the city or county jail, to remain there until the person makes bond for the person's appearance, or appears before the municipal court at the earliest practical time, except that the person shall be released on the person's personal recognizance to appear at a later date if the person has not made bond, has not appeared before the municipal court within 18 hours after arrest and if no warrant has been issued for the person's arrest.~~

(b) A law enforcement officer may detain a person arrested for violation of a municipal ordinance in protective custody for a period not to exceed six (6) hours, including custody in a city or county jail, if such officer has probable cause to believe

that: (1) Such person may cause injury to oneself or others, or damage to property; and
(2) There is no responsible person or institution to which such person might be released. Any person so held in protective custody shall be permitted to consult with counsel or other persons who may act on such person's behalf. Such person held in protective custody for six (6) hours shall be given an opportunity to post bond for such person's appearance in the municipal court at the end of six (6) hours or sooner if a responsible person or institution presents to take defendant.

(c) Any person held in custody pursuant to the provisions of this section, and who has not made bond for such person's appearance, may be held in custody until the earliest practical time for such person's appearance in municipal court if a warrant is issued by the municipal court in accordance with Topeka City Code § 50-60, and amendments thereto.

(d) Any person who remains in custody for forty-eight (48) hours pursuant to the provisions of this section after arrest, and who is awaiting a first appearance before a municipal judge in the absence of a warrant being issued, shall be released on the person's personal recognizance. Bond shall be set within eighteen (18) hours of the person being placed in custody.

Section 9. Topeka City Code § 50-99, Sentence; possible disposition, is hereby amended to read as follows:

Sentence; possible disposition.

(a) Whenever a person is found guilty of the violation of an ordinance, the municipal judge may:

(1) Release the person without imposition of sentence;

(2) Release the person on probation after the imposition of sentence, without imprisonment or the payment of a fine or a portion thereof, subject to conditions imposed by the court as provided in subsection (e); ~~or~~

(3) Impose such sentence of fine or imprisonment, or both, as authorized for the ordinance violation; or

(4) Order the person to make reparation or restitution to the aggrieved party or other for the damage or loss caused by the defendant's crime, in an amount and manner determined by the court and to the person specified by the court.

(b) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance and there is evidence that the act constituting the violation of the ordinance was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the judge may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the chief judge of the judicial district or licensed by the secretary of social and rehabilitation services.

(c) Except as provided in subsection (d), in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having violated, while under twenty-one (21) years of age, an ordinance prohibiting an act prohibited by the uniform controlled substances act (K.S.A. 65-4101 *et seq.* and amendments thereto) or

K.S.A. 41-719, 41-727, 65-4152, 65-4153, 65-4154 or 65-4155 or K.S.A. 1998 Supp. 8-1599, and amendments thereto, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee not to exceed the fee established by that statute for such evaluation. If the judge finds that the person is indigent, the fee may be waived.

(d) If the person is eighteen (18) or more years of age but less than twenty-one (21) years of age and is convicted of a violation of ~~K.S.A. 41-727~~, or section § 10-55 of the Code of the City of Topeka (1994), as amended, and amendments thereto, involving cereal malt beverage, the provisions of subsection (c) are permissive and not mandatory.

(e) The court may impose any conditions of probation or suspension of sentence that the court deems proper, including, but not limited to, requiring that the defendant:

- (1) Avoid such injurious or vicious habits, as directed by the court or the probation officer;
- (2) Avoid such persons or places of disreputable or harmful character, as directed by the court or the probation officer;
- (3) Report to the probation officer as directed;
- (4) Permit the probation officer to visit the defendant at home or elsewhere;
- (5) Work faithfully at suitable employment insofar as possible;

- 332 (6) Remain within the state unless the court grants permission to leave;
- 333 (7) Pay a fine or costs, applicable to the ordinance violation, in one or
- 334 several sums and in the manner as directed by the court;
- 335 (8) Support the defendant's dependents;
- 336 (9) Reside in a residential facility located in the community and
- 337 participate in educational counseling, work and other correctional or
- 338 rehabilitative programs;
- 339 (10) Perform community or public service work for local governmental
- 340 agencies, private corporations organized not for profit, or charitable
- 341 or social service organizations performing services for the
- 342 community;
- 343 (11) Perform services under a system of day fines whereby the
- 344 defendant is required to satisfy fines, costs or reparation or
- 345 restitution obligations by performing services for a period of days
- 346 determined by the court on the basis of ability to pay, standard of
- 347 living, support obligations and other factors;
- 348 (12) Make reparation or restitution to the aggrieved party for the damage
- 349 or loss caused by the defendant's crime, in an amount and manner
- 350 determined by the court and to the person specified by the court; or
- 351 (13) Reimburse the city, in accordance with any order made under
- 352 subsection (f), for all or a part of the reasonable expenditures by

the city to provide counsel and other defense services to the defendant.

(f) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance the judge may order such person to reimburse the city for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

Section 10. Topeka City Code § 50-101, Parole, is hereby amended to read as follows:

Parole.

Except as otherwise provided by law, the municipal judge may parole any person confined to jail as a result of a conviction of a violation of a city ordinance. The judge may set such conditions and restrictions as ~~he or she~~ the judge sees fit to impose for a

term of parole not exceeding ~~one year~~ two (2) years and may at any time discharge such person for good cause shown. The term of parole ordered by the court is subject to renewal and extension for additional periods not exceeding an additional two (2) years for any misdemeanor case upon the municipal court's finding that the defendant has not yet successfully completed the conditions imposed therein within the original term of such parole.

After notice and hearing, the municipal judge may ~~terminate~~ revoke such parole for violation of conditions by directing the proper authority to execute the sentence and again confine the accused person to jail for the time specified by the court, which shall not exceed the initial jail sentence imposed, less the time served.

Section 11. That original City of Topeka Code §§ 50-26, 50-41, 50-47, 50-49, 50-50, 50-54, 50-60, 50-64, 50-99, and 50-101 are hereby specifically repealed.

Section 12. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

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

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 23, 2006

+ Back Print

DATE: October 4, 2006

CONTACT PERSON: John Nave **DOCUMENT #:**

SECOND PARTY/SUBJECT: Human Relations Commission **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 001 General Provisions

CIP PROJECT: No

ACTION OF COUNCIL: First Reading (07-11-06) **JOURNAL #:**
Deferred 30 days (07-18-06)
Referred to the Policy and
Finance Comm. (08/22/06)

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember John Nave concerning the Topeka Human Relations Commission amending City of Topeka Code, Sections 86-1, 86-2, 86-51, 86-53, 86-68, 86-79 and 86-112 and specifically repealing said original Sections. Final Reading. *(The Policy and Finance Committee recommended approval as amended by a vote of 2-0)*

(This is an update to the existing ordinance which removes certain legal defects and would bring the ordinance into closer conformity with the Kansas Act Against Discrimination. This also would create conformity with Kansas Regulations adopted by the Kansas Human Rights Commission.)

POLICY ISSUE:

STAFF RECOMMENDATION:

The HRC Staff and HRC Commissioners recommend approval.

BACKGROUND:

This is an update to the existing ordinance which removes certain legal defects and will bring the ordinance into closer conformity with the Kansas Act Against Discrimination. This also will include conformity to Kansas Administrative Regulations adopted by the Kansas Human Rights Commission.

BUDGETARY IMPACT:

None.

SOURCE OF FUNDING:

Not applicable.

Item #14

ATTACHMENTS:

[Ordinance](#)

[Committee Referral Sheet](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember John Nave concerning the Topeka Human Relations Commission amending City of Topeka Code §§ 86-1, 86-2, 86-51, 86-53, 86-68, 86-79 and 86-112 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 § 86-1, Topeka Human Relations Commission created, is hereby amended to read as follows:

Topeka Human Relations Commission created.

There is hereby created the Topeka Human Relations Commission. The executive director of the commission shall be appointed by the city manager, serve at the will and pleasure of the city manager, and be under the administrative direction of the city manager. The professional, administrative and support staff employed to support the commission shall be identified as the Topeka Human Relations Department, and the executive director of the commission shall be the director of the department.

Section 2. City of Topeka Code § 86-2, Same—Specific duties and responsibilities, is hereby amended to read as follows:

Same--Specific duties and responsibilities.

The commission's executive director shall have the following duties and responsibilities:

(1) To be the administrative head of the Topeka Human Relations Commission;

(2) To endeavor to eliminate prejudice because of race, religion, creed, color, sex, disability, national origin or ancestry, or age in the city and to further goodwill among all people of the city;

(3) To administer and enforce the provisions of this chapter;

(4) To draft regulations as directed by the commission for consideration by the commission;

(5) To receive, investigate, and attempt to conciliate or refer all complaints filed in accordance with this chapter;

(6) To exercise any other duties and responsibilities specified as the director's in any section of this chapter, or any other city ordinance;

(7) To manage any City of Topeka employees assigned to the Topeka Human Relation Department To delegate duties, functions and responsibilities to any staff personnel employed as authorized;

(8) To appoint conciliation committees, as needed, from among the commission members;

(9) To perform additional duties and responsibilities allocated by the city manager, as the need may arise;

(10) To support the commission to endeavor to eliminate prejudice because of race, religion, creed, color, sex, disability, national origin or ancestry, or age and further goodwill among all people of the city; promote goodwill, cooperation and conciliation; support the commission in seeking additional funding to effectuate the purposes of this article; issue such publications, results of investigation not confidential in nature, and research as, in the judgment of the city attorney's office and director, will tend to promote

goodwill and minimize or eliminate discrimination; and advise and support the commission and staff and receive and accept reports; and

(11) By March 1 of each year, to prepare and submit to the city and the city council a plan to address any problems or deficiencies identified by the commission in its annual report required by City Code section 86-28(3).

Section 3. City of Topeka Code § 86-51, 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:

Commission means the Topeka Human Relations Commission.

Complainant means a person who filed a written verified complaint alleging unlawful discrimination.

Director means the administrative head of the Topeka Human Relations Commission.

~~*Disability* means a physical, developmental, mental or emotional impairment which substantially limits one or more major life activities such as learning, communication, mobility, self care, socialization, employment, housing or recreation. This includes any individual who is so limited as a result of having a record of such an impairment or being regarded as having such an impairment. Such impairments shall not limit a person's ability to perform essential functions of a particular job for which that person is otherwise qualified, nor limit such person's ability to occupy housing or to use public accommodations~~

74 ~~or other services or facilities covered by this article; provided, that reasonable~~
75 ~~accommodation is made for the impairment, if required. Active alcohol, drug and other~~
76 ~~substance abuse is excluded from this definition.~~

77 ~~*Discrimination* means any direct or indirect exclusion, distinction, segregation,~~
78 ~~limitation, refusal, denial or any other differentiation or preference in the treatment of a~~
79 ~~person on account of race, religion, creed, color, sex, disability, national origin or ancestry~~
80 ~~or age, or any denial of any right, privilege or immunity secured or protected by the~~
81 ~~constitution or laws of the state or the United States. Discrimination shall include but not be~~
82 ~~limited to any practice which produces a demonstrable racial or ethnic effect without a valid~~
83 ~~business motive~~

84 ~~Governing body means the mayor and city council of the city~~

85 ~~*Respondent* means the person against whom a written verified complaint alleging~~
86 ~~unlawful discrimination has been filed with the director commission.~~

87 ~~*Written verified complaint* means a complaint, in writing, alleging unlawful~~
88 ~~discrimination, filed in accordance with division 2 of this article, which has been witnessed~~
89 ~~and signed by a notary public.~~

90 ~~Section 4. City of Topeka Code § 86-53, Application of state law, is hereby~~
91 ~~amended to read as follows:~~

92 **Application of state law.**

93 The provisions of the following statutes and any amendments thereto are hereby
94 incorporated by reference as if the same had been set out in full herein: K.S.A. 44-1001;
95 44-1002; 44-1006; 44-1007; 44-1009; 44-1011; 44-1013; ~~44-1015 through 44-1018; 44-~~
96 ~~1021(a), (b), and (c); 44-1026; 44-1027; 44-1028; 44-1039; 44-1041; 44-1042; 44-1044;~~

44-1111; 44-1112; 44-1113; 44-1117; 44-1118; 44-1119, 44-1121 except that wherever reference therein is made to the state, such reference shall be construed as referring to the city, unless the sense thereof would be incongruous. All reference therein to the Kansas Human Rights Commission shall be construed to refer to the Topeka's Human Relations Commission; and all reference therein to the attorney general or county attorney shall be construed to refer to the city attorney. By no means shall the penalty for K.S.A. ~~44-1020~~; ~~44-1027~~; 44-1041 and 44-1117 exceed the limits established by section 1-7 of the Code of the City of Topeka.

Section 5. City of Topeka Code § 86-68, Investigation; time limit, is hereby amended to read as follows:

Investigation; time limit.

(a) Upon the filing of a complaint alleging that any person has engaged in an unlawful act in violation of this article or has engaged in a pattern or practice of discrimination, the chairperson of the commission, in consultation with the director, shall designate a commission member as investigating commissioner. The director, or designated staff, shall investigate that alleged illegal act. The investigating commissioner shall review or direct further investigation and determine probable or no probable cause.

~~(b) The investigation provided for in this section shall be completed, and a determination of probable cause or no probable cause made, within 120 calendar days from the date the complaint was filed with the commission. Notwithstanding the time limit imposed by the foregoing sentence, for good cause the director with concurrence of the investigating commissioner may extend the time limit for completion of the investigation an additional period of 60 calendar days if such additional time is necessary to complete the~~

~~investigation. The investigation or the determination of probable cause or no probable cause shall not continue more than 180 calendar days beyond the date the complaint was filed with the commission unless the respondent refuses to comply with a subpoena and subsequent legal proceedings make these time limits impractical. The commission shall not lose jurisdiction over a complaint after 180 calendar days when legal proceedings are pending or were active during that 180 day time period.~~

(b) Complaints filed with the commission may be dismissed by the commission on its own initiative, and shall be dismissed by the commission upon the written request of the complainant, if the commission has not issued a finding of probable cause or no probable cause or taken other administrative action dismissing the complaint within three hundred (300) days of filing the complaint. The commission shall mail written notice to all parties of dismissal of a complaint within five (5) days of dismissal. Dismissal of a complaint in accordance with this section shall not be subject to appeal or judicial review by any court under the provisions of K. S. A. 44-1011 and amendments thereto.

Section 5. City of Topeka Code § 86-79, Reserved, is hereby amended to read as follows:

Rules and regulations.

The commission shall follow the Kansas Administrative Rules and Regulations as adopted by the Kansas Human Rights Commission pursuant to K.S.A. 77-415 et seq. as applicable and insofar as the rules and regulations are not in conflict with Kansas statutes, provisions of the Code of the City of Topeka, and other rules and/or regulations adopted by the commission under authority of Topeka City Code Section 86-28(4).

Section 6. City of Topeka Code § 86-112, Definition, is hereby amended to read as follows:

Definition.

The affirmative action program is a positive program designed to ensure that a good faith effort will be made to employ applicants and to treat employees equally without regard to race, religion, creed, color, sex, ~~physical handicap~~ disability, national origin or ancestry ~~or age~~ which is unrelated to the ability to perform a particular job or occupation ~~national origin or ancestry.~~

Section 7. Original City of Topeka Code §§ 86-1, 86-2, 86-51, 86-53, 86-79, and 86-112 are hereby specifically repealed.

Section 8. 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. Buntin, Mayor

ATTEST:

Iris E. Walker, City Clerk

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee:	Policy and Finance
Title:	Ordinance concerning the Topeka Human Relations Commission – amending TCC Sections 86-1, 86-2, 86-51, 86-53, 86-68, 86-79, and 86-112
Date referred from Council meeting:	August 22, 2006
Date referred from Committee:	October 2, 2006
Committee Action:	Duffy moved to amend the ordinance as presented. Motion passed 2-0; Duffy moved to recommend “do pass” to the full Council on the ordinance as amended. Motion passed 2-0 (Harmon absent)
Comments:	
Amendments:	1) Line 137 (amend with the inclusion of the underlined language): The commission shall follow <u>articles 30, 32, 33, 34, 41, 42, 43, 45 and 80</u> of the Kansas Administrative Rules and Regulations as adopted by the Kansas Human Rights Commission pursuant to K.S.A. 77-415 et seq. as applicable ... 2) Line 133 (insert the following new language after line 133): <u>(c) Upon the filing of a complaint, a complainant shall be advised by human relations commission staff of any additional remedies, rights and obligations potentially available to the complainant under state and federal civil rights law, as may be appropriate. Human relations staff will also notify state and federal civil rights enforcement agencies of the filing.</u>
Members of Committee:	Chair Richard Harmon, Jeff Preisner, Clark Duffy
Agenda Date Requested:	On or before 10/24/06



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2006

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DATE:	October 4, 2006		
CONTACT PERSON:	Mark B. Schreiner	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Park Improvement	PROJECT #:	30271-00
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 004 Public Improvements		
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	10/10/06 First reading.	JOURNAL #:	06
		PAGE #:	

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$255,000 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30271-00, which provides for improvements to Gage Park located at 625 SW Gage Boulevard, 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 project will provide stone renovation and tuck pointing of six pillars and reconstruction of the east entrance at the Reinisch Rose Garden in Gage Park.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Project Budget and adopt Ordinance as presented.

BACKGROUND:

This project consists of design and construction services for stone renovation and tuck pointing of the six (6) pillars and reconstruction of the east entrance at the Reinisch Rose Garden. Additionally, if funding is available, provide bank stabilization and limestone addition to the Doran Rock Garden pond.

BUDGETARY IMPACT:

Project Budget: \$255,000. This project is included in the 2006 Capital Improvement Budget. The project cost is the same as the \$255,000 in the adopted budget. The cost of \$255,000 will be financed with General Obligation Bonds. The Total Debt Service cost for the project, spread over 20 years, will be \$426,316.

SOURCE OF FUNDING:

Funded by General Obligation Bonds

Item #15

ATTACHMENTS:

[Vinicity Map](#)

[Project Budget](#)

[Debt Service](#)

[Ordinance](#)

Gage Park Improvement Project No. 30271-00



City of Topeka

GIS

Geographic Information Systems

Map Produced On:
August 17, 2006
Map Revised on:

Map Printed On:
August 17, 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

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PROJECT BUDGET

Project No. 30271-00

LOCATION:

Gage Park
625 S.W. Gage Boulevard

Contact Person: Ron Cathey

DESCRIPTION OF PROJECT:

This project consists of the design and construction services for the stone renovation and tuck pointing of the 6 pillars and reconstruction of the east entrance of the Reinisch Rose Garden. Additionally, if funding is available, provide bank stabilization and limestone addition to the Doran Rock Garden pond.

SOURCE OF FUNDS:

G.O.B.
CIP 2006

COST ESTIMATE:

	FUNDING SOURCE 1	FUNDING SOURCE 2	FUNDING SOURCE 3
Construction:	\$187,534		
Design:	\$17,816		
Construction Services Fees:	\$15,003		
Administrative Fees:	\$3,751		
Right-of Way Acquisition:	\$0		
Contingency Amount:	\$18,753		
Interim Interest	\$12,143		
Total:	\$255,000		

PUBLIC HEARING:

PROJECT AUTHORITY:

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

PROJECT ENGINEER: Mark Schreiner, P.E.

PROJECT: Project No. 30271-00

Gage Park Reinisch Rose Garden and Doran Rock Garden pond Renovation Project

Interest rate 5.25%
Number of Years 20

Cost of Issuance 2.00%
Temp Note interest 5.000%

Principal (project cost)	\$242,857
Plus Temp Note Interest (unless included in Principal)	<u>\$12,143</u>
Subtotal	\$255,000
Plus Cost of Issuance	<u>\$5,100</u>
Total	\$260,100

Annual Debt Service **\$21,316**
Annual Debt Service as Percent of Total 8.2%

Total Debt Service (principal and interest) \$426,316
Difference Project Cost and Total Debt Service \$183,459

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 \$192,541,421

* 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

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30271-00, which provides for improvements to Gage Park located at 625 SW Gage Boulevard, 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 improvements be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project consists of the design and construction services for the stone renovation and tuck pointing of the six (6) pillars and reconstruction of the east entrance of the Reinisch Rose Garden. Additionally, if funding is available, provide bank stabilization and limestone addition to the Doran Rock Garden pond.

B. TOTAL PROJECT BUDGET COST:

\$255,000.00

C. SOURCE OF FUNDS:

General obligation bonds and any other lawfully available funds.

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

35 PASSED and APPROVED by the City Council _____.

36 CITY OF TOPEKA, KANSAS

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40 ATTEST: _____ William W. Bunten, Mayor

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43 _____
Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2006

+ Back Print

DATE: October 4, 2006
CONTACT PERSON: Mark Schreiner
SECOND PARTY/SUBJECT: Park Improvement
CATEGORY/SUBCATEGORY: 004 Budgets or Appropriations / 004 Project Budget - Capital Project
CIP PROJECT: Yes
ACTION OF COUNCIL: 10/10/06 First reading.
DOCUMENT #:
PROJECT #: 13154-00
CATEGORY/SUBCATEGORY: 004 Budgets or Appropriations / 004 Project Budget - Capital Project
JOURNAL #: 06
PAGE #:

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$291,200 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13154-00, which provides for the design and construction services for improvements to the existing 1963 Fire Station Training Tower, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final Reading. (Council District No. 1)

(Improvements to the Fire Station Training Tower located at S.E. Jefferson Street.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Project Budget and Adopt Ordinance as presented.

BACKGROUND:

This project will provide design and construction services for improvements to the existing 1963 Fire Station Training Tower located at 324 S.E. Jefferson Street. Improvements will include the addition of protective fire tile to the burn room to prevent structural damage to the building, repair of spalled and damaged concrete, installation of a second egress out of the basement stair shaft, installation of shutters over the windows, and fire doors to contain smoke during training.

BUDGETARY IMPACT:

Total Project Budget Cost: \$291,200.00

This project was adopted in 2005 of the 2005-2006 Capital Improvement Budget. The project cost is the same as the \$291,200 in the adopted budget.

Total Debt Service cost for the project, spread over 20 years will be \$486,836.

SOURCE OF FUNDING:

General Obligation Bonds

Item #16

ATTACHMENTS:

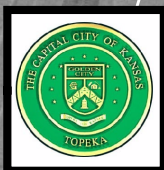
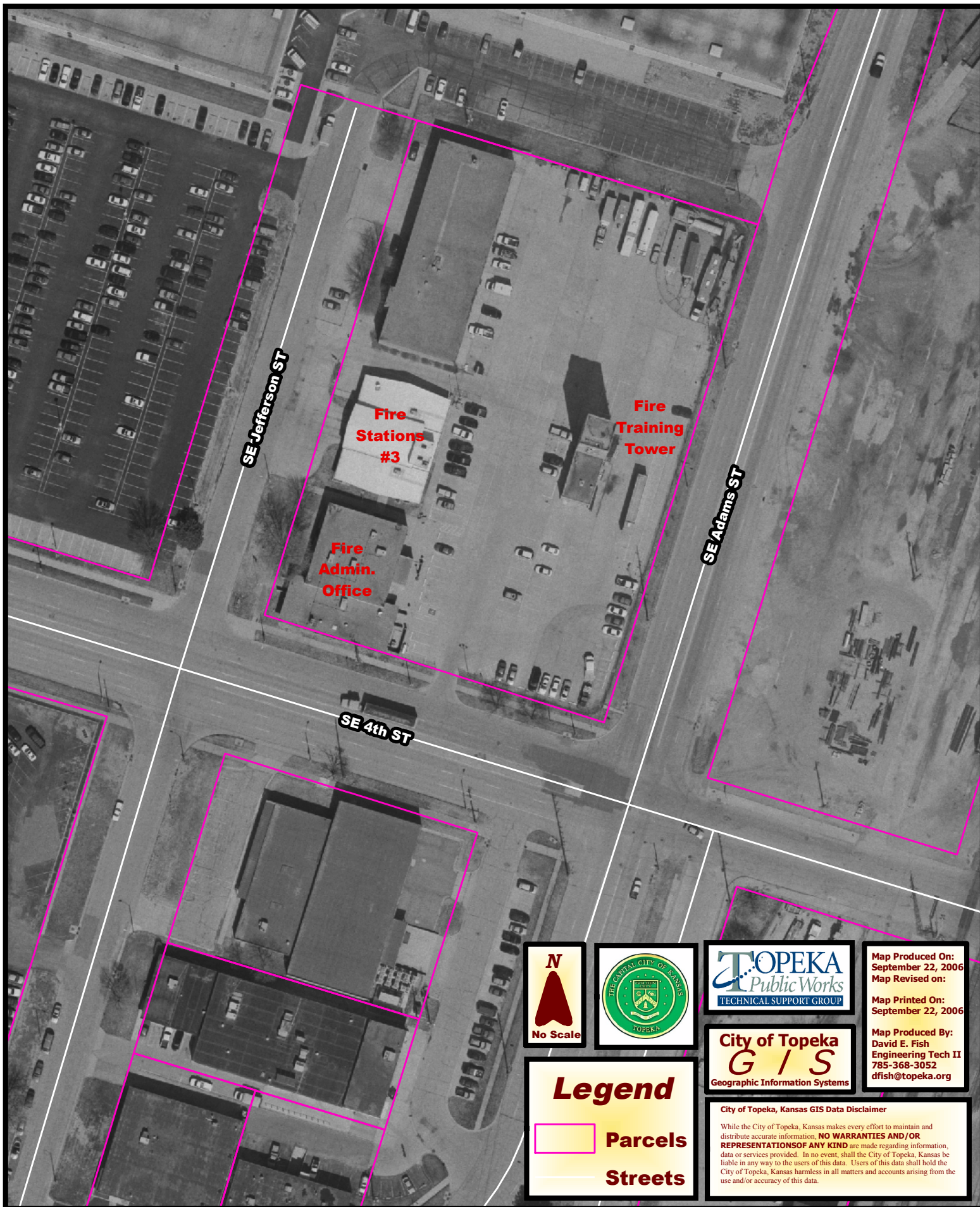
[Vinicity Map](#)

[Debt Service](#)

[Project Budget](#)

[Ordinance](#)

City of Topeka Fire Training Tower



Map Produced On:
September 22, 2006
Map Revised on:

Map Printed On:
September 22, 2006

Map Produced By:
David E. Fish
Engineering Tech II
785-368-3052
dfish@topeka.org

Legend

 **Parcels**

 **Streets**



City of Topeka, Kansas GIS Data Disclaimer

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PROJECT:

Fire Station Training Tower Improvement Project

Project No. 13154-00

Interest rate 5.25%

Number of Years 20

Cost of Issuance 2.00%

Temp Note interest 5.000%

Principal (project cost) \$277,333

Plus Temp Note Interest (unless included in Principal) \$13,867

Subtotal \$291,200

Plus Cost of Issuance \$5,824

Total \$297,024

Annual Debt Service **\$24,342**

Annual Debt Service as Percent of Total 8.2%

Total Debt Service (principal and interest) \$486,836

Difference Project Cost and Total Debt Service \$209,503

GO Bonded Indebtedness as of March, 2005 \$138,245,000

2005-A Temporary Notes that Finance Future GO
Bond projects \$23,487,369

Approved, but not Included in GO Bond Issue or
Temporary Notes \$1,892,503

Total Indebtedness \$163,624,872

Plus Project \$163,921,896

PROJECT BUDGET

Project No. 13154-00

LOCATION:

Fire Station Training Tower
324 S.E. Jefferson Street

Contact Person: Tom Garcia

DESCRIPTION OF PROJECT:

This project consists of providing design and construction services for improvements to the existing 1963 Fire Station Training Tower located at 324 S.E. Jefferson Street. Improvements will include the addition of protective fire tile to the burn room to prevent structural damage to the building, repair of spalled and damaged concrete, installation of a second egress out of the basement stair shaft, installation of shutters over the windows, and fire doors to contain smoke during training.

SOURCE OF FUNDS:

G.O.B.
CIP 2005

	FUNDING SOURCE 1	FUNDING SOURCE 2	FUNDING SOURCE 3
<u>COST ESTIMATE:</u>			
Construction:	\$220,106		
Design:	\$19,810		
Construction Services Fees:	\$11,005		
Administrative Fees:	\$4,402		
Right-of Way Acquisition:	\$0		
Contingency Amount:	\$22,010		
Interim Interest	\$13,867		
Total:	\$291,200		

PUBLIC HEARING:

PROJECT AUTHORITY:

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

Date: _____

PROJECT ENGINEER: Mark B. Schreiner, P.E.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13154-00, which provides for the design and construction services for improvements to the existing 1963 Fire Station Training Tower, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

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

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

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide design and construction services for improvements to the existing 1963 fire Station Training Tower located at 324 S.E. Jefferson Street. Improvements will include the addition of protective fire tile to the burn room to prevent structural damage to the building, repair of spalled and damaged concrete, installation of a second egress out of the basement stair shaft, installation of shutters over the windows, and fire doors to contain smoke during training.

B. TOTAL PROJECT BUDGET COST:

\$291,200.00

C. SOURCE OF FUNDS:

General Obligation Bonds and any other lawfully available funds.

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

37 PASSED and APPROVED by the City Council _____.

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William W. Bunten, Mayor

41 ATTEST:

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45 _____
Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 2, 2006

+ Back Print

DATE:	October 4, 2006		
CONTACT PERSON:	Jim Langford	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Capital Improvement Budget	PROJECT #:	
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	06
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2007-2008 Capital Improvement Budget for the City of Topeka, Kansas.

(The resolution would approve the two-year capital improvement budget.)

POLICY ISSUE:

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

STAFF RECOMMENDATION:

Approve the resolution.

BACKGROUND:

Under the City's Capital Improvement Policy, a two-year capital improvement budget (CIB) is adopted for the next two years, in this case 2007 and 2008. Projects contained in the CIB may be brought forth as capital projects for the City Council's consideration and approval. The CIB represents the first two years of the five-year capital improvement program (CIP).

BUDGETARY IMPACT:

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

SOURCE OF FUNDING:

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

Item #17

ATTACHMENTS:

[Resolution adopting 2007-08 CIB](#)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2007-2008 Capital Improvement Budget for the City of Topeka, Kansas.

WHEREAS, a 2007-2008 Capital Improvement Budget has been prepared and recommended to the City Manager; and

WHEREAS, the City Manager has considered the 2007-2008 Capital Improvement Budget and recommends approval to the City Council.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby approves and adopts the 2007-2008 Capital Improvement Budget consisting of the following improvement projects and funding source as contained in Attachment "A," attached hereto.

The City Council shall not authorize any other capital improvement projects for the 2007-2008 period without rescinding this Resolution and adopting a new resolution. All proposed changes shall be accompanied by a fiscal analysis demonstrating the financial implications and the ability of the City to fund such projects.

Implementation of the projects contained in the 2007-2008 Capital Improvement Budget shall be approved by applicable ordinance or resolution as required by law. This Resolution shall be rescinded and a new resolution adopted when the project budget exceeds the amount identified.

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

ADOPTED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk

VYRES/07-08CIB 9/27/2006
JD

2007 - 2011 Capital Improvement Program	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008
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Enterprise Funded Projects

Pub Wrks/Water Pollution Control Fund

Sewer Service Extension	1,000,000	-	-	1,000,000	-	-
Inflow/Infiltration correction Prg.	700,000	-	-	700,000		
SKRPS Study--South Kansas Pump Station						
SKRPS Project	3,500,000	500,000	500,000	3,500,000	9,500,000	9,500,000
Rehab/Replace Adams Interceptor	4,500,000					
Curtis Interceptor Sewer Rehab						
Soldier Creek Interceptor	900,000					
Grant/Jefferson Pump Station Rehab	1,800,000					
Rehab Oakland Plant Phase 2		4,380,000	4,380,000			
Rehab Oakland Plant Phase 3	1,032,110	-	-	7,433,945		
West Branch Interceptor Phase 4				150,000		
Deer Creek Force Main		2,000,000	2,000,000		2,581,500	2,581,500
50th & Kendall Pump Station		250,000	250,000			
New & Rehab Sanitary Sewer						
Rehab/Replace Pump Stations						
Subtotal Water Pollution Control	13,432,110	7,130,000	7,130,000	12,783,945	12,081,500	12,081,500

/ is a combination of the following projects: 1) South Kansas Pump Station; 2) Potwin Pump Station; 3) Ne

Public Works/Stormwater Fund

Retrofit/New Storm Sewer System	2,000,000			2,000,000		
"Wanamaker Wetlands"						
Septic Tank Elimination Program		1,000,000	1,000,000		1,000,000	1,000,000
Hwy 24 Storm Project					750,000	750,000
Levee Work						
Downtown VanBuren System						
Subtotal Stormwater	2,000,000	1,000,000	1,000,000	2,000,000	1,750,000	1,750,000

2007 - 2011 Capital Improvement Program	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008
Public Works/Water Fund						
Routine Mains, Valves, Etc.	300,000	300,000	300,000	300,000	300,000	300,000
Main Replacement Program	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Topeka Blvd. Bridge over Kansas River						
Fairlawn Booster St-New West Pump						
21St from Oakley to Gage, S to Shunga						
12th St from Western to Monroe						
12th St from Monroe to California				1,887,200		
California-12th to 6th to Market						
45th St from Topeka to California						
Crane Topeka Bridge E to Jefferson				1,907,900		
W. Elevated Tank on Indian Hills Rd	4,538,500				5,083,200	5,083,200
Burlingame, 49th to 57th, E to Tpk Blvd	3,306,800	3,703,700	3,703,700			
Skyline Dr-37th & Fairlawn to 41st and Wanamaker	933,790	1,045,890	1,045,890			
Portage Route - Water Treatment Plant	250,000	280,000	280,000			
6th from Market to Norwood						
Indian Hills Rd-33d to 41st, E to Sherwood Tower						
MacVicar 29th to 37th & Burlingame				2,252,670		
Fairlawn, Skyline Dr to 53d, E to Burl.				2,138,600	560,000	560,000
Fairlawn 45 to 53 East to Burlingame						
Kirk lawn Booster St-Modify Pump Units				275,000		
HWY 75 from Westgate Bridge to Furman a Warehouse - Water Treatment Plt		1,120,000	1,120,000			
17th & Belle Improvement						
5th & Norwood Booster Station						
Fairlawn Booster St-New East Pump				353,700		
S. Elevated Tank-65th and Morrill Rd						
5th & Norwood to 10th & Rice Road						
Morrill Rd from New Tower to 69th				599,100		
Hiway 75-57th St S. to New Tank				580,000		
45th St from Fairlawn to Gage					494,930	494,930
Montara Booster Station Demolition						
Montara Elevated Tank Demolition						
Furman-HWY24 to HWY75N & 39th						
39th from HWY 75 E to Greenhills						
Kansas Ave-Gordon to Soldier						
Rochester Campdoras to 43 to N 46th						
Indian Hills Rd - 21 to 29						
Chemical Feed System at the WTP 07		300,000	300,000			
Chemical Feed System at the WTP 08					300,000	300,000
is for California from 29th to 34th		940,800	940,800			
Berryton Rd 50th to 53rd					145,200	145,200
Croco Rd 36th to North of 45th						
Croco Rd from 29 to 36						
Reo -Kansas Ave to Topeka Blvd					506,200	506,200
Subtotal Water	10,529,090	8,890,390	8,890,390	11,494,170	8,589,530	8,589,530
Sub-Total Enterprise Fund	25,961,200	17,020,390	17,020,390	26,278,115	22,421,030	22,421,030

2007 - 2011 Capital Improvement Program	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008
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General Improvement Fund

Housing & Neighborhood Dev.

Affordable Housing Projects	200,000	220,000	275,000	200,000	220,000	200,000
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Police Department

Radios: Base, Mobile, and Portable						
Fleet Replacement Vehicles		1,000,000	-		1,000,000	800,000

Fire Department

Fleet Replacement Vehicles	1,185,600	963,000	-	655,200	674,100	674,100
Lease Pmt. on Breathing Apparati	100,000	100,000	100,000	100,000	100,000	100,000

Zoo

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

Rehabilitation and Repair for City Hall	200,000	250,000	200,000	250,000	250,000	250,000
ERP Purchase Payment	700,000	700,000	600,000	700,000	700,000	700,000
PW-Sidewalk Repair 50-50	100,000	100,000	50,000			

Sub-Total General Improvement Fund	2,535,600	3,383,000	1,275,000	1,905,200	2,944,100	2,774,100
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General Fund Transfers

Police-Fleet Replacement			800,000			
Police-Thermal Imaging Camera						
PW-Infrastructure Revitalization/Curb & Gutter Replacement						
PW-Sidewalk Repair 50-50						
City Hall/Holliday/LEC-Major Maintenance						

Sub-Total General Fund Transfers	-	-	800,000	-	-	-
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Other Revenue Funded

Public Works/Transportation

Topeka Blvd. Bridge/Half-Cent Sales tax						
--	--	--	--	--	--	--

Zoo

African Canid Exhibit	120,000	120,000	120,000			
African Primate/Bird Exhibit	150,000	150,000	150,000			
Wild Bird Pond Renovation	50,000	-	-			
Animal Kingdom/Hertpetarium				1,000,000	1,000,000	1,000,000
Creatures of the Night						

Sub-Total Other Revenue	320,000	270,000	270,000	1,000,000	1,000,000	1,000,000
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2007 - 2011 Capital Improvement Program	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008
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GO Bonded Projects

Fire Department

Fleet Replacement Vehicles	-			-		
Refurbish Training Tower						
Rehab and Repair Station #5						
Remodel Fire Admin Building*	141,533	141,533	141,533			
Refurbish Station #2*				-		
Refurbish Station #11*				312,000	312,000	312,000
Subtotal	141,533	141,533	141,533	312,000	312,000	312,000
Fire Department Annual Target	750,000	750,000	750,000	750,000	750,000	750,000
Difference Target to Subtotal	608,467	608,467	608,467	438,000	438,000	438,000
Running Total	(1,138,909)	(1,138,909)	(1,138,909)	(700,909)	(700,909)	(700,909)

Police Department

Helicopter	530,000	530,000	530,000			
Subtotal	530,000	530,000	530,000	-	-	-
Police Department Annual Target	250,000	250,000	250,000	250,000	250,000	250,000
Difference Target to Subtotal	(280,000)	(280,000)	(280,000)	250,000	250,000	250,000
Running Total	(30,000)	(30,000)	(30,000)	220,000	220,000	220,000

Neighborhoods/Citywide

Washburn-Lane TIF District						
Citywide Neighborhood Infrastructure	600,000	600,000	600,000			
Heartland Park Improvements						
Heartland Park STAR Bonds	-			-		
Neighborhood Infrastructure	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000
Subtotal	2,000,000	2,000,000	2,000,000	1,400,000	1,400,000	1,400,000
Neighborhood /Citywide Annual Target	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000
Difference Target to Subtotal	500,000	500,000	500,000	1,100,000	1,100,000	1,100,000
Running Total	(3,000,000)	(3,000,000)	(3,000,000)	(1,900,000)	(1,900,000)	(1,900,000)

Signals

STP Safety Projects	75,000	75,000	75,000	78,000	78,000	78,000
Signals Replacement	600,000	600,000	600,000	620,000	620,000	620,000
Traffic Controller Upgrade	102,400	102,400	102,400	102,400	102,400	102,400
Subtotal	777,400	777,400	777,400	800,400	800,400	800,400
Signals Annual Target	825,000	825,000	825,000	825,000	825,000	825,000
Difference Target to Subtotal	47,600	47,600	47,600	24,600	24,600	24,600
Running Total	117,200	117,200	117,200	141,800	141,800	141,800

2007 - 2011 Capital Improvement Program	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008
Streets						
ADA Street Curb Repair	500,000	500,000	500,000	500,000	500,000	500,000
MacVicar-I-70 to 6th St.						
Bridge W. 10th St.-W. of Wanamaker**						
California: SE 21st to SE 29th						
E 6th - Golden to Market						
California: 29th to 33rd	1,692,100	1,692,100	1,692,100			
SW 29th Street and Fairlawn Rd	1,285,500	128,000	128,000		77,000	77,000
Lower Silver Lake Rd over UP Railroad	580,240	899,100	899,100			
California: 37th to 41st	150,000	150,000	150,000	1,934,650	1,934,650	1,934,650
SW 10th Sidewalk-Meadow to Civitan					250,000	250,000
California: 33rd to 37th	215,000	215,000	215,000	150,000	150,000	150,000
Wanamaker Rd: 29th to 33rd				190,000	190,000	190,000
US HWY 24 and Topeka Blvd						
California: 41st to 45th						
Subtotal	4,422,840	3,584,200	3,584,200	2,774,650	3,101,650	3,101,650
Streets Annual Target	3,750,000	3,750,000	3,750,000	3,750,000	3,750,000	3,750,000
Difference Target to Subtotal	(672,840)	165,800	165,800	975,350	648,350	648,350
Running Total	(2,040,048)	(1,201,408)	(1,201,408)	(1,064,698)	(553,058)	(553,058)
Bridges						
Bridge E. 10th St.-over Shunga	459,960	547,800	547,800			
Topeka Blvd. Over Soldier Cutoff	15,000	15,000	15,000	155,400	157,040	157,040
E 10th St. Bridge over Deer Creek	88,000				35,000	35,000
Bridge Wittenberg Road	-			62,000		
Bridge SW 49th W or Topeka Blvd						
Subtotal	562,960	562,800	562,800	217,400	192,040	192,040
Bridges Annual Target	300,000	300,000	300,000	300,000	300,000	300,000
Difference Target to Subtotal	(262,960)	(262,800)	(262,800)	82,600	107,960	107,960
Running Total	(246,560)	(246,400)	(246,400)	(163,960)	(138,440)	(138,440)
Parks & Recreation						
Trail Development	100,000	100,000	100,000	100,000	100,000	100,000
Playground Equipment	100,000	100,000	100,000	100,000	100,000	100,000
Resurface Parks & CC Parking Lots						
Dornwood Park Restrooms						
Special Services - Creative Play Reno.						
Central Park Center Lower Roof Replace.						
Gage Park Rose Garden Pond & Pillars						
Garfield Center HVAC*						
Ward-Meade Botanical Garden ADA Imp.						
Crestview Park Shelter ADA Renovation						
Central Park Center ADA Renovation	886,800	886,800	886,800			
ADA Upgrades in Various Parks						
Ball Field Fence Renovations						
Water Spray Park - Jackson Park				250,000	250,000	250,000
Abbott Center Addition	825,000	825,000	825,000			
Resurfacing Park Lots Various Parks	437,000	437,000	437,000			
Gage Park Playland Renovation				215,000	215,000	215,000
Outdoor Sport Court Resurfacing (NEW)				100,000	100,000	100,000
Park Restrooms - Gage and Oakland	212,200	212,200	212,200			
CC Window and Door Replacement*						
Ballfield Lighting (Phase 2)						
Bandshell Replacement (NEW)						
Gage Park Storage Building						

2007 - 2011 Capital Improvement Program	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008
Little Russia Park (Phase 1)						
Oakland Center Gym Floor Replace.						
Parks System Security Lightning						
Gage Park Victorian Lighting (Phase 1)						
Gage Park ADA Walkways						
Park Restrooms - B Shunga, M Palm (NEW)						
Garfield Center Gym Floor Replace (NEW)						
Gage Park Snyders' Cabin Shelter (NEW)						
Rueger Park Maintenance Building (NEW)						
Subtotal	2,561,000	2,561,000	2,561,000	765,000	765,000	765,000
Parks & Recreation Target	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000
Difference Target to Subtotal	(811,000)	(811,000)	(811,000)	985,000	985,000	985,000
Running Total	(1,163,650)	(1,163,650)	(1,163,650)	(178,650)	(178,650)	(178,650)
Zoo						
Animal Health Ctr Expansion						
Tropical Rain Forest Roof						
Australian Down Under Adventure						
Indoor Lowland Gorilla Exhibit						
Subtotal	-	-	-	-	-	-
Zoo Target	150,000	150,000	150,000	150,000	150,000	150,000
Difference Target to Subtotal	150,000	150,000	150,000	150,000	150,000	150,000
Running Total	(215,625)	(215,625)	(215,625)	(65,625)	(65,625)	(65,625)
Subtotal GO Bond Projects	10,995,733	10,156,933	10,156,933	6,269,450	6,571,090	6,571,090
Contingency				500,000	500,000	500,000
TOTAL GO Bond PROJECTS	10,995,733	10,156,933	10,156,933	6,769,450	7,071,090	7,071,090
Total Annual Target	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000
Difference Target to Subtotal	(720,733)	118,067	118,067	3,505,550	3,203,910	3,203,910
Running Total	(7,717,592)	(6,878,792)	(6,878,792)	(4,212,042)	(3,674,882)	(3,674,882)
Total CIP	39,812,533	30,830,323	29,522,323	35,952,765	33,436,220	33,266,220
Sub-Total GO Bond Projects	10,995,733	10,156,933	10,156,933	6,769,450	7,071,090	7,071,090
(annual debt service X 20 years)	\$18,382,959	\$16,980,631	\$16,980,631	\$11,317,346	\$11,821,636	\$11,821,636
Annual Debt Service	\$919,148	\$849,032	\$849,032	\$565,867	\$591,082	\$591,082
Annual Mill Levy Impact	0.92	0.85	0.85	0.55	0.57	0.57
Cumulative Mill Levy	2.41	2.34	2.34	2.96	2.91	2.91



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 2, 2006

+ Back Print

DATE: October 4, 2006
CONTACT PERSON: Jim Langford
SECOND PARTY/SUBJECT: 2007-2011 CIP
CATEGORY/SUBCATEGORY: 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL:
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting the 2007-2011 Capital Improvement Program for the City of Topeka, Kansas.

(The resolution approves the 2007-2011 Capital Improvement Program)

POLICY ISSUE:

The policy question is to determine which projects and funding should be included in the five-year Capital Improvement Program (CIP).

STAFF RECOMMENDATION:

Approve the resolution.

BACKGROUND:

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

BUDGETARY IMPACT:

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

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Resolution adopting 2007-2011 CIP](#)

[Attachment A](#)

Item #18

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting the 2007-2011 Capital Improvement Program for the City of Topeka, Kansas.

WHEREAS, the 2007-2011 Capital Improvement Program has been prepared by staff; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Topeka, Kansas, approves and adopts the 2007-2011 Capital Improvement Program, as contained in Attachment "A," for the purpose of preliminary planning, long-range financial implications and analysis leading to the prioritization of projects to be included in the respective Capital Budget for the succeeding years.

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

ADOPTED and APPROVED by City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

2007 - 2011 Capital Improvement Program	Adopted 2006	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008	Adopted 2009	REQUEST 2009	City Manager 2009
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Enterprise Funded Projects

Pub Wrks/Water Pollution Control Fund										
Sewer Service Extension	1,000,000	1,000,000	-	-	1,000,000	-	-	1,000,000	-	-
Inflow/Infiltration correction Prg.	700,000	700,000	-	-	700,000			700,000	300,000	300,000
SKRPS Study--South Kansas Pump Station	1,000,000									
SKRPS Project		3,500,000	500,000	500,000	3,500,000	9,500,000	9,500,000		6,500,000	6,500,000
Rehab/Replace Adams Interceptor	1,500,000	4,500,000								
Curtis Interceptor Sewer Rehab	1,500,000									
Soldier Creek Interceptor	100,000	900,000								
Grant/Jefferson Pump Station Rehab	200,000	1,800,000							856,000	856,000
Rehab Oakland Plant Phase 2			4,380,000	4,380,000						
Rehab Oakland Plant Phase 3		1,032,110	-	-	7,433,945			7,433,945	-	-
West Branch Interceptor Phase 4					150,000			1,350,000		
Deer Creek Force Main			2,000,000	2,000,000		2,581,500	2,581,500			
50th & Kendall Pump Station			250,000	250,000						
New & Rehab Sanitary Sewer										
Rehab/Replace Pump Stations										
Subtotal Water Pollution Control	6,000,000	13,432,110	7,130,000	7,130,000	12,783,945	12,081,500	12,081,500	10,483,945	7,656,000	7,656,000
* SKRPS Study is a combination of the following projects: 1) South Kansas Pump Station; 2) Potwin Pump Station; 3) New Kansas River Forced Main										
Public Works/Stormwater Fund										
Retrofit/New Storm Sewer System	2,000,000	2,000,000			2,000,000			2,000,000	1,000,000	1,000,000
"Wanamaker Wetlands"	300,000									
Septic Tank Elimination Program			1,000,000	1,000,000		1,000,000	1,000,000		1,000,000	1,000,000
Hwy 24 Storm Project						750,000	750,000			
Levee Work										
Downtown VanBuren System								3,650,000		
Subtotal Stormwater	2,300,000	2,000,000	1,000,000	1,000,000	2,000,000	1,750,000	1,750,000	5,650,000	2,000,000	2,000,000

2007 - 2011 Capital Improvement Program	Adopted 2006	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008	Adopted 2009	REQUEST 2009	City Manager 2009
Public Works/Water Fund										
Routine Mains, Valves, Etc.	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000
Main Replacement Program	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Topeka Blvd. Bridge over Kansas River	1,628,600									
Fairlawn Booster St-New West Pump	1,258,000									
21St from Oakley to Gage, S to Shunga	3,475,200									
12th St from Western to Monroe	1,543,000									
12th St from Monroe to California					1,887,200				2,113,600	2,113,600
California-12th to 6th to Market								1,002,600		
45th St from Topeka to California	1,028,200									
Crane Topeka Bridge E to Jefferson					1,907,900					
W. Elevated Tank on Indian Hills Rd		4,538,500				5,083,200	5,083,200			
Burlingame, 49th to 57th, E to Tpk Blvd		3,306,800	3,703,700	3,703,700						
Skyline Dr-37th & Fairlawn to 41st and Wanamaker	-	933,790	1,045,890	1,045,890						
Portage Route - Water Treatment Plant		250,000	280,000	280,000						
6th from Market to Norwood								2,022,300		
Indian Hills Rd-33d to 41st, E to Sherwood Tower	1,132,200									
MacVicar 29th to 37th & Burlingame					2,252,670				2,522,970	2,522,970
Fairlawn, Skyline Dr to 53d, E to Burl.					2,138,600	560,000	560,000			
Fairlawn 45 to 53 East to Burlingame										
Kirklawn Booster St-Modify Pump Units					275,000				275,000	275,000
HWY 75 from Westgate Bridge to Furman a	2,235,700									
Warehouse - Water Treatment Plt	1,000,000		1,120,000	1,120,000						
17th & Belle Improvement	120,000									
5th & Norwood Booster Station								1,176,900		
Fairlawn Booster St-New East Pump					353,700					
S. Elevated Tank-65th and Morrill Rd								4,136,000		
5th & Norwood to 10th & Rice Road										
Morrill Rd from New Tower to 69th					599,100					
Hiway 75-57th St S. to New Tank					580,000					
45th St from Fairlawn to Gage						494,930	494,930	441,930		
Montara Booster Station Demolition								90,000		
Montara Elevated Tank Demolition										
Furman-HWY24 to HWY75N & 39th										
39th from HWY 75 E to Greenhills										
Kansas Ave-Gordon to Soldier										
Rochester Campdoras to 43 to N 46th								1,112,600	1,246,200	1,246,200
Indian Hills Rd - 21 to 29										

2007 - 2011 Capital Improvement Program	Adopted 2006	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008	Adopted 2009	REQUEST 2009	City Manager 2009
Chemical Feed System at the WTP 07			300,000	300,000						
Chemical Feed System at the WTP 08						300,000	300,000			
is for California from 29th to 34th			940,800	940,800						
Berryton Rd 50th to 53rd						145,200	145,200			
Croco Rd 36th to North of 45th										
Croco Rd from 29 to 36						506,200	506,200			
Reo -Kansas Ave to Topeka Blvd						8,589,530	8,589,530			
Subtotal Water	14,920,900	10,529,090	8,890,390	8,890,390	11,494,170	8,589,530	8,589,530	11,482,330	7,657,770	7,657,770
Sub-Total Enterprise Fund	23,220,900	25,961,200	17,020,390	17,020,390	26,278,115	22,421,030	22,421,030	27,616,275	17,313,770	17,313,770

2007 - 2011 Capital Improvement Program	Adopted 2006	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008	Adopted 2009	REQUEST 2009	City Manager 2009
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General Improvement Fund

Housing & Neighborhood Dev.

Affordable Housing Projects	200,000	200,000	220,000	275,000	200,000	220,000	200,000	200,000	220,000	220,000
Police Department										
Radios: Base, Mobile, and Portable										
Fleet Replacement Vehicles			1,000,000	-		1,000,000	800,000		850,000	650,000
Fire Department										
Fleet Replacement Vehicles	-	1,185,600	963,000	-	655,200	674,100	674,100	333,060	707,805	707,805
Lease Pmt. on Breathing Apparati	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Zoo										
Zoo Infrastructure		50,000	50,000	50,000			50,000	50,000	50,000	50,000
City Wide Projects (except utilities)										
Rehabilitation and Repair for City Hall	-	200,000	250,000	200,000	250,000	250,000	250,000	300,000	300,000	300,000
ERP Purchase Payment		700,000	700,000	600,000	700,000	700,000	700,000	700,000	700,000	700,000
PW-Sidewalk Repair 50-50	-	100,000	100,000	50,000						

Sub-Total General Improvement Fund	300,000	2,535,600	3,383,000	1,275,000	1,905,200	2,944,100	2,774,100	1,683,060	2,927,805	2,727,805
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General Fund Transfers

Police -Fleet Replacement	800,000			800,000						
Police -Thermal Imaging Camera	220,000									
PW -Infrastructure Revitalization/Curb & Gutter Replacement	751,579									
PW -Sidewalk Repair 50-50	100,000									
City Hall/Holliday/LEC -Major Maintenance	235,000									

Sub-Total General Fund Transfers	2,106,579	-	-	800,000	-	-	-	-	-	-
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2007 - 2011 Capital Improvement Program	Adopted 2006	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008	Adopted 2009	REQUEST 2009	City Manager 2009
Neighborhoods/Citywide										
Washburn-Lane TIF District	1,500,000									
Citywide Neighborhood Infrastructure	600,000	600,000	600,000	600,000						
Heartland Park Improvements	2,500,000									
Heartland Park STAR Bonds	-	-								
Neighborhood Infrastructure	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000
Subtotal	6,000,000	2,000,000	2,000,000	2,000,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000
Neighborhood /Citywide Annual Target	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000
Difference Target to Subtotal	(3,500,000)	500,000	500,000	500,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000
Running Total	(3,500,000)	(3,000,000)	(3,000,000)	(3,000,000)	(1,900,000)	(1,900,000)	(1,900,000)	(800,000)	(800,000)	(800,000)
Signals										
STP Safety Projects	73,000	75,000	75,000	75,000	78,000	78,000	78,000	120,000	120,000	120,000
Signals Replacement	580,000	600,000	600,000	600,000	620,000	620,000	620,000	640,000	640,000	640,000
Traffic Controller Upgrade	102,400	102,400	102,400	102,400	102,400	102,400	102,400	102,400	102,400	102,400
Subtotal	755,400	777,400	777,400	777,400	800,400	800,400	800,400	862,400	862,400	862,400
Signals Annual Target	825,000	825,000	825,000	825,000	825,000	825,000	825,000	825,000	825,000	825,000
Difference Target to Subtotal	69,600	47,600	47,600	47,600	24,600	24,600	24,600	(37,400)	(37,400)	(37,400)
Running Total	69,600	117,200	117,200	117,200	141,800	141,800	141,800	104,400	104,400	104,400
Streets										
ADA Street Curb Repair	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
MacVicar-I-70 to 6th St.	1,931,690									
Bridge W. 10th St.-W. of Wanamaker**	106,428									
California: SE 21st to SE 29th	340,000									
E 6th - Golden to Market	1,297,090									
California: 29th to 33rd	360,000	1,692,100	1,692,100	1,692,100						
SW 29th Street and Fairlawn Rd	120,000	1,285,500	128,000	128,000		77,000	77,000		453,000	453,000
Lower Silver Lake Rd over UP Railroad	252,000	580,240	899,100	899,100						
California: 37th to 41st	210,000	150,000	150,000	150,000	1,934,650	1,934,650	1,934,650			
SW 10th Sidewalk-Meadow to Civitan						250,000	250,000			
California: 33rd to 37th		215,000	215,000	215,000	150,000	150,000	150,000	2,108,400	2,108,400	2,108,400
Wanamaker Rd: 29th to 33rd					190,000	190,000	190,000		100,000	100,000
US HWY 24 and Topeka Blvd										
California: 41st to 45th									200,000	-
Subtotal	5,117,208	4,422,840	3,584,200	3,584,200	2,774,650	3,101,650	3,101,650	2,608,400	3,361,400	3,161,400
Streets Annual Target	3,750,000	3,750,000	3,750,000	3,750,000	3,750,000	3,750,000	3,750,000	3,750,000	3,750,000	3,750,000
Difference Target to Subtotal	(1,367,208)	(672,840)	165,800	165,800	975,350	648,350	648,350	1,141,600	388,600	588,600
Running Total	(1,367,208)	(2,040,048)	(1,201,408)	(1,201,408)	(1,064,698)	(553,058)	(553,058)	76,902	(164,458)	35,542

2007 - 2011 Capital Improvement Program	Adopted 2006	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008	Adopted 2009	REQUEST 2009	City Manager 2009
Bridges										
Bridge E. 10th St.-over Shunga	170,000	459,960	547,800	547,800						
Topeka Blvd. Over Soldier Cutoff	113,600	15,000	15,000	15,000	155,400	157,040	157,040	-		
E 10th St. Bridge over Deer Creek		88,000				35,000	35,000	195,350	186,000	186,000
Bridge Wittenberg Road		-			62,000			40,000		
Bridge SW 49th W or Topeka Blvd									84,000	84,000
Subtotal	283,600	562,960	562,800	562,800	217,400	192,040	192,040	235,350	270,000	270,000
Bridges Annual Target	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000
Difference Target to Subtotal	16,400	(262,960)	(262,800)	(262,800)	82,600	107,960	107,960	64,650	30,000	30,000
Running Total	16,400	(246,560)	(246,400)	(246,400)	(163,960)	(138,440)	(138,440)	(99,310)	(108,440)	(108,440)
Parks & Recreation										
Trail Development	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Playground Equipment	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Resurface Parks & CC Parking Lots	300,000									
Dornwood Park Restrooms	108,150									
Special Services - Creative Play Reno.	165,000									
Central Park Center Lower Roof Replace.	212,200									
Gage Park Rose Garden Pond & Pillars	255,000									
Garfield Center HVAC*	105,300									
Ward-Meade Botanical Garden ADA Imp.	212,000									
Crestview Park Shelter ADA Renovation	225,000									
Central Park Center ADA Renovation		886,800	886,800	886,800						
ADA Upgrades in Various Parks	160,000									
Ball Field Fence Renovations	160,000									
Water Spray Park - Jackson Park	-				250,000	250,000	250,000			
Abbott Center Addition		825,000	825,000	825,000						
Resurfacing Park Lots Various Parks		437,000	437,000	437,000						
Gage Park Playland Renovation					215,000	215,000	215,000			
Outdoor Sport Court Resurfacing (NEW)					100,000	100,000	100,000			
Park Restrooms - Gage and Oakland		212,200	212,200	212,200						
CC Window and Door Replacement*								444,200	319,200	319,200
Ballfield Lighting (Phase 2)								394,000	394,000	394,000
Bandshell Replacement (NEW)									125,000	125,000
Gage Park Storage Building										
Little Russia Park (Phase 1)										
Oakland Center Gym Floor Replace.										
Parks System Security Lightning										
Gage Park Victorian Lighting (Phase 1)										
Gage Park ADA Walkways										

2007 - 2011 Capital Improvement Program	Adopted 2006	Adopted 2007	REQUEST 2007	City Manager 2007	Adopted 2008	REQUEST 2008	City Manager 2008	Adopted 2009	REQUEST 2009	City Manager 2009
Park Restrooms - B Shunga, M Palm (NEW)										
Garfield Center Gym Floor Replace (NEW)										
Gage Park Snyders' Cabin Shelter (NEW)										
Rueger Park Maintenance Building (NEW)										
Subtotal	2,102,650	2,561,000	2,561,000	2,561,000	765,000	765,000	765,000	1,038,200	1,038,200	1,038,200
Parks & Recreation Target	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000
Difference Target to Subtotal	(352,650)	(811,000)	(811,000)	(811,000)	985,000	985,000	985,000	711,800	711,800	711,800
Running Total	(352,650)	(1,163,650)	(1,163,650)	(1,163,650)	(178,650)	(178,650)	(178,650)	533,150	533,150	533,150
Zoo										
Animal Health Ctr Expansion	215,625									
Tropical Rain Forest Roof	300,000									
Australian Down Under Adventure										
Indoor Lowland Gorilla Exhibit										
Subtotal	515,625	-	-	-	-	-	-	-	-	-
Zoo Target	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
Difference Target to Subtotal	(365,625)	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
Running Total	(365,625)	(215,625)	(215,625)	(215,625)	(65,625)	(65,625)	(65,625)	84,375	84,375	84,375

Subtotal GO Bond Projects	17,271,859	10,995,733	10,156,933	10,156,933	6,269,450	6,571,090	6,571,090	6,404,350	7,192,000	6,992,000
Contingency					500,000	500,000	500,000	500,000	500,000	500,000
TOTAL GO Bond PROJECTS	17,271,859	10,995,733	10,156,933	10,156,933	6,769,450	7,071,090	7,071,090	6,904,350	7,692,000	7,492,000
Total Annual Target	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000
Difference Target to Subtotal	(6,996,859)	(720,733)	118,067	118,067	3,505,550	3,203,910	3,203,910	3,370,650	2,583,000	2,783,000
Running Total	(6,996,859)	(7,717,592)	(6,878,792)	(6,878,792)	(4,212,042)	(3,674,882)	(3,674,882)	(841,392)	(1,091,882)	(891,882)
Total CIP	69,314,338	39,812,533	30,830,323	29,522,323	35,952,765	33,436,220	33,266,220	36,878,685	28,608,575	28,208,575

Sub-Total GO Bond Projects	17,271,859	10,995,733	10,156,933	10,156,933	6,769,450	7,071,090	7,071,090	6,904,350	7,692,000	7,492,000
(annual debt service X 20 years)	\$28,875,553	\$18,382,959	\$16,980,631	\$16,980,631	\$11,317,346	\$11,821,636	\$11,821,636	\$11,542,876	\$12,859,690	\$12,525,325
Annual Debt Service	\$1,443,778	\$919,148	\$849,032	\$849,032	\$565,867	\$591,082	\$591,082	\$577,144	\$642,985	\$626,266
Annual Mill Levy Impact	1.49	0.92	0.85	0.85	0.55	0.57	0.57	0.54	0.61	0.59
Cumulative Mill Levy	1.49	2.41	2.34	2.34	2.96	2.91	2.91	3.50	3.52	3.50

Funding Key

GIF	General Improvement Fund
GO	General Obligation Bond
IMP. DIST	Improvement District
RB	Revenue Bond
SRF Loan	State Revolving Fund Loan
SWU	Stormwater Utility
STP	Surface Transportation Program

Water	Water Utility Fund
WPC	Water Pollution Control Fund
BID	Business Improvement District
TIF	Tax Increment Financing
FHWA	Federal Highway Administration
FOTZ	Friends of the Zoo

2007 - 2011 Capital Improvement Program	Adopted 2010	<i>REQUEST 2010</i>	<i>City Manager 2010</i>	<i>REQUEST 2011</i>	<i>City Manager 2011</i>	Other Source	Other Contrib.
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Enterprise Funded Projects

Pub Wrks/Water Pollution Control Fund							-
Sewer Service Extension	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	Operations	-
Inflow/Infiltration correction Prg.	700,000	700,000	700,000	700,000	700,000	Operations	-
SKRPS Study--South Kansas Pump Station							-
SKRPS Project						SRF Loan	
Rehab/Replace Adams Interceptor		300,000	300,000	2,500,000	2,500,000	Rev Bond	-
Curtis Interceptor Sewer Rehab							-
Soldier Creek Interceptor							-
Grant/Jefferson Pump Station Rehab		1,800,000	1,800,000	10,000,000	10,000,000	Rev Bond	-
Rehab Oakland Plant Phase 2						SRF Loan	
Rehab Oakland Plant Phase 3							-
West Branch Interceptor Phase 4							-
Deer Creek Force Main						SRF Loan	
50th & Kendall Pump Station						Operations	
New & Rehab Sanitary Sewer	3,000,000						
Rehab/Replace Pump Stations	2,000,000			1,000,000	1,000,000	Operations	
Subtotal Water Pollution Control	6,700,000	3,800,000	3,800,000	15,200,000	15,200,000		
Public Works/Stormwater Fund							
Retrofit/New Storm Sewer System	2,000,000	1,000,000	1,000,000	1,000,000	1,000,000	Operations	-
"Wanamaker Wetlands"							
Septic Tank Elimination Program						Operations	
Hwy 24 Storm Project							
Levee Work		1,000,000	1,000,000	1,000,000	1,000,000	Operations	
Downtown VanBuren System							-
Subtotal Stormwater	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000		

2007 - 2011 Capital Improvement Program	Adopted 2010	<i>REQUEST</i> <i>2010</i>	<i>City Manager</i> <i>2010</i>	<i>REQUEST</i> <i>2011</i>	<i>City Manager</i> <i>2011</i>	Other Source	Other Contrib.
Public Works/Water Fund							
Routine Mains, Valves, Etc.	300,000	300,000	300,000	300,000	300,000		-
Main Replacement Program	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	RB-Water	-
Topeka Blvd. Bridge over Kansas River							-
Fairlawn Booster St-New West Pump							-
21St from Oakley to Gage, S to Shunga							-
12th St from Western to Monroe							-
12th St from Monroe to California							-
California-12th to 6th to Market		1,123,000	1,123,000				-
45th St from Topeka to California							-
Crane Topeka Bridge E to Jefferson		2,136,900	2,136,900				-
W. Elevated Tank on Indian Hills Rd							-
Burlingame, 49th to 57th, E to Tpk Blvd							-
Skyline Dr-37th & Fairlawn to 41st and Wanamaker							-
Portage Route - Water Treatment Plant							
6th from Market to Norwood				2,264,900	2,264,900		-
Indian Hills Rd-33d to 41st, E to Sherwood Tower							-
MacVicar 29th to 37th & Burlingame							-
Fairlawn, Skyline Dr to 53d, E to Burl.							-
Fairlawn 45 to 53 East to Burlingame				1,835,300	1,835,300		-
Kirklawm Booster St-Modify Pump Units							
HWY 75 from Westgate Bridge to Furman a							
Warehouse - Water Treatment Plt							
17th & Belle Improvement							-
5th & Norwood Booster Station		1,318,100	1,318,100				-
Fairlawn Booster St-New East Pump		353,700	353,700				
S. Elevated Tank-65th and Morrill Rd				4,632,300	4,632,300		
5th & Norwood to 10th & Rice Road	690,000						
Morrill Rd from New Tower to 69th		671,000	671,000				
Hiway 75-57th St S. to New Tank		649,600	649,600				
45th St from Fairlawn to Gage							
Montara Booster Station Demolition							
Montara Elevated Tank Demolition	65,000						
Furman-HWY24 to HWY75N & 39th	3,969,330						
39th from HWY 75 E to Greenhills							
Kansas Ave-Gordon to Soldier	906,100	1,014,800	1,014,800				
Rochester Campdoras to 43 to N 46th							
Indian Hills Rd - 21 to 29	1,720,000						-

2007 - 2011 Capital Improvement Program	Adopted 2010	REQUEST 2010	City Manager 2010	REQUEST 2011	City Manager 2011	Other Source	Other Contrib.
Chemical Feed System at the WTP 07							-
Chemical Feed System at the WTP 08							-
is for California from 29th to 34th							-
Berryton Rd 50th to 53rd							-
Croco Rd 36th to North of 45th		1,120,000	1,120,000				-
Croco Rd from 29 to 36				1,120,000	1,120,000		-
Reo -Kansas Ave to Topeka Blvd	452,000						
Subtotal Water	9,302,430	9,887,100	9,887,100	11,352,500	11,352,500		
Sub-Total Enterprise Fund	18,002,430	15,687,100	15,687,100	28,552,500	28,552,500		

2007 - 2011 Capital Improvement Program	Adopted 2010	REQUEST 2010	City Manager 2010	REQUEST 2011	City Manager 2011	Other Source	Other Contrib.
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General Improvement Fund

Housing & Neighborhood Dev.

Affordable Housing Projects	200,000	220,000	220,000	220,000	220,000		-
Police Department							
Radios: Base, Mobile, and Portable	3,162,684	2,346,148	2,346,148				
Fleet Replacement Vehicles		650,000	650,000	850,000	650,000		
Fire Department							
Fleet Replacement Vehicles	333,060	743,195	743,195	780,355	780,355		
Lease Pmt. on Breathing Apparati	100,000	100,000	100,000				
Zoo							
Zoo Infrastructure			50,000		50,000		
City Wide Projects (except utilities)							
Rehabilitation and Repair for City Hall	350,000	350,000	350,000	500,000	500,000		-
ERP Purchase Payment	700,000	700,000	700,000	-	-		
PW-Sidewalk Repair 50-50						Assessments	50,000

Sub-Total General Improvement Fund	4,845,744	5,109,343	5,159,343	2,350,355	2,200,355		
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General Fund Transfers

Police-Fleet Replacement							
Police-Thermal Imaging Camera							
PW-Infrastructure Revitalization/Curb & Gutter Replacement							
PW-Sidewalk Repair 50-50						Assessments	100,000
City Hall/Holliday/LEC-Major Maintenance							

Sub-Total General Fund Transfers	-	-	-	-	-		
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2007 - 2011 Capital Improvement Program	Adopted 2010	REQUEST 2010	City Manager 2010	REQUEST 2011	City Manager 2011	Other Source	Other Contrib.
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Other Revenue Funded

Public Works/Transportation

Topeka Blvd. Bridge/Half-Cent Sales tax						Federal	16,825,000
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Zoo

African Canid Exhibit						FOTZ	120,000
African Primate/Bird Exhibit						FOTZ	150,000
Wild Bird Pond Renovation						FOTZ	50,000
Animal Kingdom/Hertpetarium						FOTZ	1,000,000
Creatures of the Night						FOTZ	675,000

Sub-Total Other Revenue	-	-	-	-	-		
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GO Bonded Projects

Fire Department

Fleet Replacement Vehicles							-
Refurbish Training Tower							
Rehab and Repair Station #5							
Remodel Fire Admin Building*							-
Refurbish Station #2*							-
Refurbish Station #11*							
Subtotal	-	-	-	-	-		
Fire Department Annual Target	750,000	750,000	750,000	750,000	750,000		
Difference Target to Subtotal	750,000	750,000	750,000	750,000	750,000		
Running Total	539,091	539,091	539,091	1,289,091	1,289,091		

Police Department

Helicopter							
Subtotal	-	-	-	-	-		
Police Department Annual Target	250,000	250,000	250,000	250,000	250,000		
Difference Target to Subtotal	250,000	250,000	250,000	250,000	250,000		
Running Total	720,000	720,000	720,000	970,000	970,000		

2007 - 2011 Capital Improvement Program	Adopted 2010	REQUEST 2010	City Manager 2010	REQUEST 2011	City Manager 2011	Other Source	Other Contrib.
Neighborhoods/Citywide							
Washburn-Lane TIF District							-
Citywide Neighborhood Infrastructure				1,000,000	1,000,000		
Heartland Park Improvements						Any available	-
Heartland Park STAR Bonds	-					STAR Bond	10,000,000
Neighborhood Infrastructure	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000		-
Subtotal	1,400,000	1,400,000	1,400,000	2,400,000	2,400,000		
Neighborhood /Citywide Annual Target	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000		
Difference Target to Subtotal	1,100,000	1,100,000	1,100,000	100,000	100,000		
Running Total	300,000	300,000	300,000	400,000	400,000		
Signals							
STP Safety Projects	120,000	120,000	120,000	120,000	120,000	FHWA Safety	1,890,000
Signals Replacement	640,000	640,000	640,000	640,000	640,000		-
Traffic Controller Upgrade	102,400	102,400	102,400	102,400	102,400		-
Subtotal	862,400	862,400	862,400	862,400	862,400		
Signals Annual Target	825,000	825,000	825,000	825,000	825,000		
Difference Target to Subtotal	(37,400)	(37,400)	(37,400)	(37,400)	(37,400)		
Running Total	67,000	67,000	67,000	29,600	29,600		
Streets							
ADA Street Curb Repair	500,000	500,000	500,000	500,000	500,000		-
MacVicar-I-70 to 6th St.						Assessment	3,447,378
Bridge W. 10th St.-W. of Wanamaker**						FHWA STP	251,572
California: SE 21st to SE 29th							-
E 6th - Golden to Market							
California: 29th to 33rd						FHWA STP	1,075,000
SW 29th Street and Fairlawn Rd						KDOT	1,548,000
Lower Silver Lake Rd over UP Railroad						KDOT/UP RR	4,392,377
California: 37th to 41st						FHWA STP	1,075,000
SW 10th Sidewalk-Meadow to Civitan							
California: 33rd to 37th						FHWA STP	1,075,000
Wanamaker Rd: 29th to 33rd	1,854,600	1,923,000	1,923,000			FHWA STP	906,000
US HWY 24 and Topeka Blvd	1,500,000	2,000,000	1,500,000			Fed/KDOT	6,000,000
California: 41st to 45th		150,000	-	2,850,000	3,200,000		
Subtotal	3,854,600	4,573,000	3,923,000	3,350,000	3,700,000		
Streets Annual Target	3,750,000	3,750,000	3,750,000	3,750,000	3,750,000		
Difference Target to Subtotal	(104,600)	(823,000)	(173,000)	400,000	50,000		
Running Total	(27,698)	(987,458)	(137,458)	(587,458)	(87,458)		

2007 - 2011 Capital Improvement Program	Adopted 2010	<i>REQUEST</i> <i>2010</i>	<i>City Manager</i> <i>2010</i>	<i>REQUEST</i> <i>2011</i>	<i>City Manager</i> <i>2011</i>	Other Source	Other Contrib.
Bridges							
Bridge E. 10th St.-over Shunga						FHWA STP	1,504,200
Topeka Blvd. Over Soldier Cutoff						FHWA STP	1,134,360
E 10th St. Bridge over Deer Creek						FHWA STP	224,500
Bridge Wittenberg Road	198,000					FHWA STP	600,000
Bridge SW 49th W or Topeka Blvd		70,000	70,000	286,000	286,000	FHWA STP	660,000
Subtotal	198,000	70,000	70,000	286,000	286,000		
Bridges Annual Target	300,000	300,000	300,000	300,000	300,000		
Difference Target to Subtotal	102,000	230,000	230,000	14,000	14,000		
Running Total	2,690	121,560	121,560	135,560	135,560		
Parks & Recreation							
Trail Development	100,000	100,000	100,000	100,000	100,000		-
Playground Equipment	100,000	100,000	100,000	100,000	100,000		-
Resurface Parks & CC Parking Lots							-
Dornwood Park Restrooms							-
Special Services - Creative Play Reno.							-
Central Park Center Lower Roof Replace.							-
Gage Park Rose Garden Pond & Pillars							-
Garfield Center HVAC*							-
Ward-Meade Botanical Garden ADA Imp.							-
Crestview Park Shelter ADA Renovation							-
Central Park Center ADA Renovation							-
ADA Upgrades in Various Parks							-
Ball Field Fence Renovations							
Water Spray Park - Jackson Park							
Abbott Center Addition							-
Resurfacing Park Lots Various Parks							
Gage Park Playland Renovation							
Outdoor Sport Court Resurfacing (NEW)	100,000	100,000	-				
Park Restrooms - Gage and Oakland							-
CC Window and Door Replacement*	457,500	357,500	357,500				-
Ballfield Lighting (Phase 2)							
Bandshell Replacement (NEW)							
Gage Park Storage Building	125,000	400,000	400,000				
Little Russia Park (Phase 1)	291,900			291,900	291,900		
Oakland Center Gym Floor Replace.	110,000	110,000	110,000				
Parks System Security Lightning	210,000	210,000	210,000				
Gage Park Victorian Lighting (Phase 1)	110,000	255,000	255,000				
Gage Park ADA Walkways	105,000	150,000	150,000				

2007 - 2011 Capital Improvement Program	Adopted 2010	REQUEST 2010	City Manager 2010	REQUEST 2011	City Manager 2011	Other Source	Other Contrib.
Park Restrooms - B Shunga, M Palm (NEW)				308,100	308,100		
Garfield Center Gym Floor Replace (NEW)				112,900	112,900		
Gage Park Snyders' Cabin Shelter (NEW)				614,800	614,800		
Rueger Park Maintenance Building (NEW)				250,000	250,000		
Subtotal	1,709,400	1,782,500	1,682,500	1,777,700	1,777,700		
Parks & Recreation Target	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000		
Difference Target to Subtotal	40,600	(32,500)	67,500	(27,700)	(27,700)		
Running Total	573,750	500,650	600,650	472,950	572,950		
Zoo							
Animal Health Ctr Expansion						FOTZ	71,875
Tropical Rain Forest Roof						-	-
Australian Down Under Adventure				750,000	500,000	FOTZ	1,000,000
Indoor Lowland Gorilla Exhibit				750,000	-	FOTZ	750,000
Subtotal	-	-	-	1,500,000	500,000		
Zoo Target	150,000	150,000	150,000	150,000	150,000		
Difference Target to Subtotal	150,000	150,000	150,000	(1,350,000)	(350,000)		
Running Total	234,375	234,375	234,375	(1,115,625)	(115,625)		
Subtotal GO Bond Projects	8,024,400	8,687,900	7,937,900	10,176,100	9,526,100		
Contingency	500,000	500,000	500,000	500,000	500,000		
TOTAL GO Bond PROJECTS	8,524,400	9,187,900	8,437,900	10,676,100	10,026,100		
Total Annual Target	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000		
Difference Target to Subtotal	1,750,600	1,087,100	1,837,100	(401,100)	248,900		
Running Total	909,208	(4,782)	945,218	(405,882)	1,194,118		
Total CIP	31,372,574	29,984,343	29,284,343	41,578,955	40,778,955		
Sub-Total GO Bond Projects	8,524,400	9,187,900	8,437,900	10,676,100	10,026,100		
(annual debt service X 20 years)	\$14,251,318	\$15,360,575	\$14,106,705	\$17,848,588	\$16,761,900		
Annual Debt Service	\$712,566	\$768,029	\$705,335	\$892,429	\$838,095		
Annual Mill Levy Impact	0.65	0.70	0.65	0.79	0.74		
Cumulative Mill Levy	4.15	4.22	4.15	5.01	4.89		
Funding Key							



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 12, 2006

+ Back Print

DATE: October 4, 2006
CONTACT PERSON: Thomas P Garcia
SECOND PARTY/SUBJECT:
CATEGORY/SUBCATEGORY 004 Budgets or Appropriations / 004 Project Budget - Capital Project
CIP PROJECT: No
ACTION OF COUNCIL: Authorize GO bonds for purchase of aerial apparatus
DOCUMENT #:
PROJECT #:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager, Norton N. Bonaparte, Jr., setting forth the City of Topeka's intention to acquire one (1) aerial platform apparatus, pursuant to K.S.A. 12-110c.

(This resolution will authorize the issuance of GO bonds for the purchase of an aerial fire apparatus in the amount of \$963,000. The resolution also provides an option for a lease-purchase at significant savings.)

POLICY ISSUE:

In keeping with City policy to provide quality fire protection for the patrons of the City and maintain defect-free equipment for firefighting personnel, the acquisition of this apparatus will replace a unit that is over 26 years old. Recently this aerial apparatus has been downgraded from its aerial capacity, due to structural deficiencies which include cracks in the aerial ladder base section.

STAFF RECOMMENDATION:

Approve GO bonds in the amount of \$963,000 to allow for the purchase and upgrade to a new aerial apparatus.

BACKGROUND:

The Fire department maintains two front-line aerial apparatus and one reserve apparatus. The reserve apparatus is over 26 years old and has recently been downgraded from its aerial capacity, due to structural deficiencies. Once removed from service this 26 year old apparatus will be sent to surplus. The purchase of this new apparatus will allow the department to relegate one of its front-line aerial devices (20 years old) to reserve status, allowing us to maintain a reserve apparatus to be used during regular maintenance or unforeseen equipment failures.

BUDGETARY IMPACT:

This purchase was initially approved in the 2006 CIB with GO bonds in the amount of \$868,400. Due to increase in steel and manufacturing costs, specifically new EPA emission standards, we are requesting an additional \$94,600 (totaling \$963,000) to facilitate this purchase. The annual debt service will be \$128,576 for ten years.

SOURCE OF FUNDING:

GO bonds.

Item #19

ATTACHMENTS:

[Project Debt Service Calculator](#)

[Resolution](#)

GO Bond Cost of Project

PROJECT:

Interest rate	5.25%
Number of Years	10

Cost of Issuance	2.00%
Temp Note interest	5.000%

Principal (project cost)	<u>\$963,000</u>
Plus Temp Note Interest (unless included in Principal)	<u>\$0</u>
Subtotal	\$963,000
Plus Cost of Issuance	<u>\$19,260</u>
Total	\$982,260

Annual Debt Service	\$128,756
Annual Debt Service as Percent of Total	13.1%

Total Debt Service (principal and interest)	\$1,287,561
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Difference Project Cost and Total Debt Service	\$324,561
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GO Bonded Indebtedness as of March 2006*	\$148,705,000
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2005-A Temporary Notes that Finance Future GO Bond projects	\$20,487,369
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Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$12,706,424
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Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	<u>\$10,809,580</u>
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Total Indebtedness	<u><u>\$192,708,373</u></u>
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Plus Project	\$193,690,633
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* 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

(Published in the Topeka Metro News _____ and
_____).

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager, Norton N. Bonaparte, Jr., setting forth the
City of Topeka's intention to acquire one (1) aerial platform apparatus,
pursuant to K.S.A. 12-110c.

BE IT RESOLVED, by the Council of the City of Topeka, Kansas, that it hereby
declares its intention to issue general obligation bonds of the City of Topeka in the amount
of Nine Hundred Sixty-Three Thousand Dollars (\$963,000.00) for the purpose of acquiring
one (1) aerial platform apparatus.

BE IT FURTHER RESOLVED, that the City Manager is hereby directed to make
every effort to utilize other lawfully available funds in lieu of issuing general obligation
bonds.

BE IT FURTHER RESOLVED, by the Council of City of Topeka, Kansas, that the
City Clerk shall cause this Resolution to be published once a week for two (2) consecutive
weeks in the official City newspaper, all pursuant to K.S.A. 12-110c.

ADOPTED and APPROVED by City Council _____.

CITY OF TOPEKA, KANSAS

Norton N. Bonaparte, Jr., City Manager

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 28, 2006

+ Back Print

DATE: October 4, 2006
CONTACT PERSON: Jim Langford **DOCUMENT #:**
SECOND PARTY/SUBJECT: Police Department Funds **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the transfer of Police Department General Fund dollars to the General Fund Contingency.

(The resolution will transfer \$300,000 from the Police Department that was originally designated for the "Protect With Honor Initiative" to the General Fund Contingency for carry forward to 2007)

POLICY ISSUE:

Whether to transfer the monies consistent with City Council action on the 2007 Operating Budget.

STAFF RECOMMENDATION:

Adopt the resolution.

BACKGROUND:

In adopting the 2007 Operating Budget, the City Council cut \$300,000 that had been designated for the "Protect with Honor Initiative" in the 2006 Police Department budget and designated them for carry-forward to 2007 for expenditure for specific purposes.

BUDGETARY IMPACT:

No impact to the 2007 budget as adopted by the City Council on August 22, 2006. This action positions the \$300,000 for carry-forward in the General Fund to 2007.

SOURCE OF FUNDING:

General Fund.

ATTACHMENTS:

[Transfer Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the transfer of Police Department General Fund dollars to the General Fund Contingency for the Protect With Honor Initiative.

WHEREAS, the Council of the City of Topeka, Kansas, desires to authorize the transfer of \$300,000.00 from the Police Department General Fund to the General Fund Contingency; and

WHEREAS, the monies to be transferred were originally budgeted for the "Protect with Honor Initiative", but were taken out of the Initiative by council action to finance the 2007 operating budget.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Topeka, Kansas, that it hereby authorizes the transfer of \$300,000.00 which was budgeted for the "Protect with Honor Initiative" and which lapsed to the Police Department General Fund to the General Fund Contingency.

ADOPTED and APPROVED by City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 28, 2006

+ Back Print

DATE:	October 4, 2006	DOCUMENT #:	
CONTACT PERSON:	Rusty Rakestraw	PROJECT #:	28580-00
SECOND PARTY/SUBJECT:	Water Main Transmission Extension Project		
CATEGORY/SUBCATEGORY	020 Resolutions / 002 Condemnations		
CIP PROJECT:	Yes		
ACTION OF COUNCIL:		JOURNAL #:	06
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Water System Improvement Project No. 28580-00, for water main transmission extension along Highway 75 from the north end of the Westgate Bridge north to Lower Silver Lake Road, then east to Austin Avenue.(Council District No. 2)

(Negotiations are in progress to acquire the necessary easements for Water Improvement Project No. 28580-00. This Resolution will initiate condemnation proceedings for this project if successful negotiations to acquire the needed easements are not reached.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve the Resolution

BACKGROUND:

To start condemnation proceedings, KSA 26-201 states that the governing body shall by resolution declare the necessity of condemnation proceedings and authorize a survey and description of land to be made. This Resolution will initiate condemnation proceedings for the water main transmission project.

Negotiations are in progress to acquire the easements for the construction of the project. If successful negotiations are completed, the respective parcel will not be included in the future condemnation ordinance.

BUDGETARY IMPACT:

To be determined by condemnation appraisers.

SOURCE OF FUNDING:

Combined water, wastewater and stormwater utility fund.

Item #21

ATTACHMENTS:

[Resolution](#)

(Published in the Topeka Metro News _____)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Water System Improvement Project No. 28580-00, for water main transmission extension along Highway 75 from the north end of the Westgate Bridge north to Lower Silver Lake Road, then east to Austin Avenue.

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 the public purposes of Water System Improvement Project No. 28580-00, which provides for the extension of City water service along Highway 75 from the north end of the Westgate Bridge north to Lower Silver Lake Road, then east to Austin Avenue 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 improvements, 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.

27 ADOPTED and APPROVED by City Council _____.

28 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

33 ATTEST:

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37 _____
Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 3, 2006

+ Back Print

DATE: October 4, 2006

CONTACT PERSON: Linda Wood **DOCUMENT #:**

SECOND PARTY/SUBJECT: Weekly Expenditures **PROJECT #:**
Authorization, Week Ended
October 1, 2006

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:** 06
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 25, 2006, through October 1, 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 September 25, 2006, through October 1, 2006, in the amount of \$8,367,576.72

SOURCE OF FUNDING:

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

ATTACHMENTS:

[Weekly Expenditure Ordinance, Week Ended October 1, 2006](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of September 25, 2006, through October 1, 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 598 vendor checks written in this period	\$5,148,149.23
	Total vendor checks voided in this period (net)	(191.00)
	Total electronic transfers to vendors in this period	649,344.72
	Total net payroll to employees this period	1,381,235.67
	Total payroll related electronic transfers this period	<u>1,189,038.10</u>
	Total for expenditures in this period	<u>\$8,367,576.72</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



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 20, 2006

+ Back Print

DATE:	October 4, 2006	DOCUMENT #:	N/A
CONTACT PERSON:	David Thurbon/Bill Fiander	PROJECT #:	P06/31
SECOND PARTY/SUBJECT:	Urban Hills Subdivision No. 18		
CATEGORY/SUBCATEGORY	017 Plats/002 Final		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	06
		PAGE #:	

DOCUMENT DESCRIPTION:

A FINAL PLAT for Urban Hills Subdivision No. 18 located approximately 2,850 feet north of NW 46th Street, between NW Jennings Road and NW Brickyard Road within unincorporated Shawnee County, Kansas. (P06/31)
(The Planning Commission recommended approval by a vote of 6-0-2.) (The Planning Department recommended disapproval.)

(Approval would accomodate the development of the 6-acre property for 11 single-family residences.)

POLICY ISSUE:

The proposal is **consistent** with City of Topeka Subdivision Regulations relative to design criteria. The proposal is **inconsistent** with Topeka Land Use and Growth Management Plan polices that encourage annexation prior to urbanized development. The property is located approximately 2.7 miles from the City limits with no guarantee for annexation to occur in the near future. However, the property is located outside the MSA and under current City Code it does not require annexation prior to receiving sanitary sewer service.

If approved, the City will not be able to collect parkland development fees at the time of building permit due to the property's location outside the city. The fee (\$2,475) will instead need to be collected upon recording of the final plat by the City Clerk as required by ordinance.

STAFF RECOMMENDATION:

The **Final Plat of Urban Hills Subdivision No. 18** was reviewed by the Planning Commission at their regular monthly meeting on September 18, 2006. At that time, the Planning Commission took the following action on the plat: **APPROVAL (6-0-2)** as referenced in their attached minutes dated **September 18, 2006**. The Planning Department evaluated this proposal relative to the standards and provisions of the Subdivision Regulations and recommended the Planning Commission **DISAPPROVE** the proposal as referenced in the attached staff report

BACKGROUND:

- See attached Staff Report.
- The owner of record has consented to annexation with recording of the final plat and by separate instrument as required.
- City Council options
 - Accept the plat as presented for recording by the Shawnee County Register of Deeds; or,

- 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:

N/A

ATTACHMENTS:

[Staff Report](#)

[Aerial Photo](#)

[Hand out from applicant to Planning Commission](#)

[Consent to Annexation- Pg. 1](#)

[Consent to Annexation- Pg. 2](#)

[Planning Commission Minutes 9-18-06](#)

[Final Plat](#)

DRAFT

**Minutes of the
Of the
Topeka Planning Commission
September 18, 2006**

Urban Hills Subdivision No. 18 (Preliminary and Final Plat Phases)(P06/31) by Nancy A. Bartee, William E. McKuster, Mark and/or Donna Law and Steve and/or Connie Brown on property located north of NW 46th Street between NW Jennings Road and NW Pueblo Court within unincorporated Shawnee County, Kansas. **(Driver)** Annie Driver summarized the staff report.

Discussion by members:

Ralph Skoog asked if all municipal services are available to this property? Mrs. Driver said the sewer line is not constructed yet. Fred Sanders added the pump station is there for them to connect to. Bill Fiander said this subdivision hasn't been paying on the bonds for the sewer but the lines are there. Mr. Sanders asked what the meaning of the de facto policy is that is stated in the staff report. Mr. Fiander stated it is based upon recent decisions of 2 plants that were rejected that were in the MSA but not contiguous. Council sets official policy. Policy statements in the comp plan discourage urbanized development until full urban service packages are available and the land can be annexed. The council adopted the comp plan policies but still must act on it to implement said policies.

Proponents:

Steve Brown, developer, passed out a summary of background of the property. He said the definition to de-facto is past action that must be agreed upon with out reason. We take issue to a couple of issues. This is the last phase of a project that was platted in 1976. The city took some of the property adjacent for sewer lines. We have all other utilities. Sewer is the one we have to work out. There are wastewater fees that could be collected. The money could go towards the bond. It will be lost if this isn't approved. We have agreed to be annexed. There is a policy against island annexation but we agree to annexation. We live in this neighborhood. We have vested interest to make it a good development. Initially we felt from the meetings we had that we were doing the right thing. We have issue w/parkland development fee. We don't feel we should have to pay this like the previous subdivision tonight. Mr. Sanders said if you hook up to sewer you would help to pay off the bonds. Mr. Brown said he is not sure where the money would go, towards the bond or upkeep. Michelle Hoferer said this is the second to the last phase? Mr. Brown said this is the final phase.

Mr. Skoog said I think if we approve this we will be consistent and council will be also. This is the same as hickory ridge which was closer to town. Would like applicants summary of background be included in city council packet.

No one spoke in opposition to the proposal.

Fred Sanders moved approval with staff conditions, seconded by Ralph Skoog. **APPROVAL. (6-0-2) Commissioners Boyd and Brown abstained.**

September 18, 2006
Agenda Item # G-5

SUBDIVISION REPORT

(Major Plat)

CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

NAME: Urban Hills Subdivision No. 18 - [P06/31]

OWNER/DEVELOPER: Nancy A. Bartee and William E. McKusker (Owners)/Mark and Donna Law and Steve and Connie Brown (Purchasers under Contract/Developers)

ENGINEER/SURVEYOR: Cook, Flatt, & Strobel Engineers

GENERAL LOCATION: On property located approximately 2850' north of NW 46th Street, between NW Jennings Road and NW Brickyard Road, within unincorporated Shawnee County, Kansas.

JURISDICTION: Class "C" subdivision within the three-mile extra territorial jurisdiction (ETJ) of the City of Topeka not contiguous to the city limits and outside the City's Municipal Service Area (MSA).

ANNEXATION: Class "C" subdivisions do not require consent to annexation per the City's Subdivision Regulations. The applicant has however granted their written consent to annexation with recording of the final plat, which is required by City Code to receive sanitary sewer service since the property is located within the Primary Urban Service Area. The applicant also needs to provide a separate consent to annexation prior to City Council consideration of the final plat. Annexation prior to receiving sanitary sewer service is not required under current City Code since the property is located outside the MSA.

Area	# of Lots	Residential Density	Proposed Land Use	Zoning
6 acres	11	1.83 DUs/acre	Single-Family Residential	"RR-1" Residential Reserve District
Pending Zoning Case: None.				
Design: The subject plat contains 6 acres, more or less and is irregular in shape, measuring approximately 752' X 414' with its greatest length running parallel to NW 46 th Street. The proposal consists of a one (1) block, 11-lot subdivision. The purpose of the plat is to establish 11 lots for single-family residential dwellings.				

BACKGROUND: The original Master Preliminary Plat for the entire Urban Hills development was approved by the Planning Commission on March 19, 1976. This would be the next to last phase to complete the Urban Hills development. The proposed lot and street configuration of this plat is the same as what was approved under the original Master Preliminary Plat.

SERVICES AND FACILITIES:

1. **WATER SERVICE:** Shawnee County Rural Water District #4 water supply and distribution system by means of connection to an existing water main located along the north side of NW 50th Court with all water main extensions at developer expense.
2. **SEWAGE DISPOSAL:** City of Topeka Half Day Creek Interceptor by means of connection to the existing sanitary sewer line located north and south throughout the subdivision, with all sewer main connection being at

September 18, 2006
Agenda Item # G-5

developer expense.

3. WASTEWATER PLAN SERVICE AREA: The property is located within the Primary Urban Service Area as reflected by the Shawnee County Wastewater Management Plan. The proposal appears in full compliance with said Plan.
4. DRAINAGE CONDITIONS: The Drainage Report as submitted by the Consultant to the City of Topeka Department of Public Works has been approved per memo dated September 8, 2006. A drainage detention facility easement has been established across the southwest corner of the subdivision. As required by the City Engineer, a drainage easement has been provided between lots 6 and 7 and minimum opening elevations have been established for lots 1-7. A drainage easement will also be established along the north ends of lots 1 and 2, as required by the City Engineer. The Drainage Report as submitted by the Consultant to the Shawnee County Department of Public Works has been approved per memo dated August 21, 2006.
5. STREET PLAN/ACCESS: The preliminary street plans as submitted by the Consultant to the Shawnee County Department of Public Works Department has been approved per memo dated August 21, 2006. All lots will take access off of the 295 ft. long cul-de-sac, NW 50th Court. When the property to the south is platted, it would be recommended that NW Sioux Lane and NW 47th Street be extended to the west in order to provide for the needed street connections through to NW Jennings Road.
6. FIRE DISTRICT: The Menoken Township has stated they will service this subdivision. However, they have indicated the township boundary line separating Menoken from Soldier lies on the east edge of this subdivision and there are not yet any street connections through to NW Jennings Road. In order to provide service Menoken Township must access this subdivision by going through Soldier Township.
7. STREAM BUFFER: The subdivision is impacted by a Type II stream. While the subdivision is not subject to the stream buffer ordinance since it is outside city limits, the applicant has willingly complied with the ordinance and the subdivision is found compliant with said ordinance.
8. SCHOOL DISTRICT: USD No. 345 – Seaman.
9. PARKS/OPEN SPACE: The parkland development fee is calculated at \$2,475. This figure is based on a total of 11 single-family residential dwelling units; with each dwelling unit being assessed a fee of \$225.00 per unit. Since this subdivision is located outside the city limits, the fee cannot be collected by the city at time of building permit approval; instead, it is recommended that it be collected by the City Clerk prior to recording of the final plat or at another legally acceptable time approved by City Council, whichever comes first.

WAIVER/VARIANCE TO STANDARDS: A waiver of extension to consolidate the preliminary and final plats was approved on August 17, 2006 by the Planning Director.

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

CAPITAL IMPROVEMENT PLAN (CIP): There are currently no projects in the City's CIP (2006-2009) affecting this area.

CONFORMANCE TO COMPREHENSIVE PLAN: The *Topeka Land Use and Growth Management Plan – 2025* establishes this area for *Urban Suburban Low Density Residential* land use. The proposal is consistent with this intent. The property is located within the North Planned Growth Area, which establishes an ideal residential density of 3 DUs/acre.

September 18, 2006
Agenda Item # G-5

The proposed subdivision is located outside the MSA boundary. The *Land Use and Growth Management Plan* supports annexation prior to urbanized development such as this. The proposal is **inconsistent** with this policy since there are no guarantees for annexation to occur with a property located approximately 2.7 miles from the city limits.

STAFF ANALYSIS: The proposed subdivision is the next to final phase of the original Urban Hills Master Preliminary Plat, approved in 1976. The street and lot configuration of this current plat is the same as what was preliminarily approved by the original Master Preliminary Plat. The subject plat is located within the North Planned Growth Area, as indicated by the *Topeka Land Use and Growth Management Plan – 2025*, for future residential development. The overall design conforms to the standards and provisions of the subdivision regulations relative to design criteria.

However, staff does not believe Comprehensive Plan conditions for urbanized development have been met and such cannot recommend approval. The property is located approximately 2.7 miles from the city limits and encourages more urban sprawl without the ability to be annexed. Recent Council decisions have established a de facto policy of not supporting urbanized-type development that is not annexable to the City or the when City is not contractually obligated to provide services. The City would only realize sewer fees, which can only be used for sewer improvements/maintenance and cannot be used for other urban services.

Based upon the above findings and analysis, the Planning Department recommends the preliminary and final plat phases of Urban Hills Subdivision No. 18 be **DISAPPROVED**.

Only with the appropriate policy support in place, could the Planning Department recommend approval of the preliminary and final plat phases of Urban Hills Subdivision No. 18, subject to the following conditions:

1. Applicant revising final plat per Drainage Report approval comments, dated September 8, 2006, from City Engineering.
2. Applicant providing consent to annexation by separate instrument prior to City Council consideration of the final plat.
3. Addition of signature lines on the final plat for the Purchasers under Contract, as well as the current owners.
4. Payment of the full parkland development fee (\$2,475) to the City Clerk prior to recording of the final plat or at another legally acceptable time approved by City Council, whichever comes first.

Prepared by:
Annie Driver, Planner I

FINAL PLAT

URBAN HILLS SUBDIVISION NO. 18

A tract of land in the Northwest Quarter of Section 34, Township 10 South, Range 15 East of the 6th P.M., Shawnee County, Kansas.

BOOK

PAGE

LEGAL DESCRIPTION: A tract of land in the Northwest Quarter of Section 34, Township 10 South, Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows:

Beginning at a point which is North 89 degrees 51 minutes 03 seconds West a distance of 566.20 feet from the Southeast corner of said Northwest Quarter, also being the Southwest corner of Lot 2, Block G, Urban Hills Subdivision No. 2, recorded as Book 26, Page 62 and re-recorded as Book 26, Page 83; thence along the South line of said Northwest Quarter North 89 degrees 38 minutes 21 seconds West a distance of 752.33 feet to the Southwest corner of Lot 7 of said Section 34; thence along the West line of said Lot 7, North 00 degrees 26 minutes 32 seconds West a distance of 129.11 feet (described), North 00 degrees 26 minutes 32 seconds East a distance of 166.00 feet to the centerline of a small creek; thence along the centerline of said small creek through the following points: South 75 degrees 37 minutes 33 seconds East a distance of 11.21 feet; thence South 41 degrees 03 minutes 08 seconds East a distance of 18.54 feet; thence South 24 degrees 41 minutes 13 seconds East a distance of 27.92 feet; thence South 80 degrees 34 minutes 06 seconds East a distance of 66.47 feet; thence North 77 degrees 51 minutes 08 seconds East a distance of 37.35 feet; thence North 52 degrees 24 minutes 18 seconds East a distance of 44.07 feet; thence North 24 degrees 19 minutes 01 seconds East a distance of 17.33 feet; thence North 01 degrees 09 minutes 13 seconds West a distance of 38.00 feet; thence North 27 degrees 18 minutes 36 seconds East a distance of 66.64 feet; thence North 35 degrees 51 minutes 49 seconds East a distance of 44.48 feet; thence North 15 degrees 00 minutes 08 seconds East a distance of 56.36 feet; thence North 01 degrees 42 minutes 32 seconds West a distance of 61.23 feet; thence leaving said centerline, South 89 degrees 38 minutes 21 seconds East, a distance of 470.93 (described), 504.66 feet (measured) to the West line of Lot 6, Block F, Urban Hills Subdivision No. 2; thence along the West line of Urban Hills Subdivision No. 2, South 00 degrees 08 minutes 57 seconds West a distance of 413.96 feet to the point of beginning.

Said tract of land contains 5.75 acres of land more or less. (Error of closure 1:1,082,114)

DEDICATION: The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as URBAN HILLS SUBDIVISION NO. 18.

EASEMENTS: Easements are hereby granted to the public as follows: "Utility Easements" to locate, construct and maintain or authorize the location, construction, maintenance and use of conduits for all and any purpose, water, gas, sewer mains, poles and wires or any or all of them over, under and along the strips marked "Utility Easements". A temporary construction easement of 12 feet adjacent to the side of utility easement is dedicated for the use of the public utilities while construction is in progress.

GENERAL 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 of applicable Department of Public Works. Property owners shall not place any permanent or semi-permanent obstruction in said easement. All maintenance within the general drainage easement (GDE) shall be the right, duty and responsibility of the property owner(s) of the property in which the easement is so located, however, if maintenance is neglected or subject to other 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 the costs assessed to and borne upon said property owner(s). Officers 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.

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 owner(s) 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.

STREETS: Streets shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

In Testimony Whereof.

Nancy A. Bartee, a single person, and William E. McKusker, a single person, 1913 Webster Ave., Topeka, Kansas, have caused these presents to be signed this _____ day of _____, 2006.

Nancy A. Bartee, Owner

William E. McKusker, Owner

STATE OF KANSAS ss)
COUNTY OF SHAWNEE ss)

BE IT REMEMBERED, That on this _____ day of _____ A.D., 2006, before me the undersigned, a Notary Public, in and for the County and State aforesaid, came Nancy A. Bartee, a single person, and William E. McKusker, a single person, 1913 Webster Ave., Topeka, Kansas, who is personally known to me who executed the within instrument of writing.

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

Term Expires

Notary Public

In Testimony Whereof.

Mark Law, a married person, and Steve Brown, a married person, Topeka, Kansas, buyers under contract, have caused these presents to be signed this _____ day of _____, 2006.

Mark Law, Buyer Under Contract

Steve Brown, Buyer Under Contract

STATE OF KANSAS ss)
COUNTY OF SHAWNEE ss)

BE IT REMEMBERED, That on this _____ day of _____ A.D., 2006, before me the undersigned, a Notary Public, in and for the County and State aforesaid, came Mark Law, a married person, and Steve Brown, a married person, Topeka, Kansas, buyers under contract, who is personally known to me who executed the within instrument of writing.

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

Term Expires

Notary Public

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.

COOK, FLATT & STROBEL, ENGINEERS, P.A.
2930 SW WOODSIDE Drive, Topeka, Kansas 66614

Michael A. Adams, L.S. 1126

CERTIFICATE OF APPROVAL:

Approved by the Topeka Planning Commission this _____ day of _____, 2006.

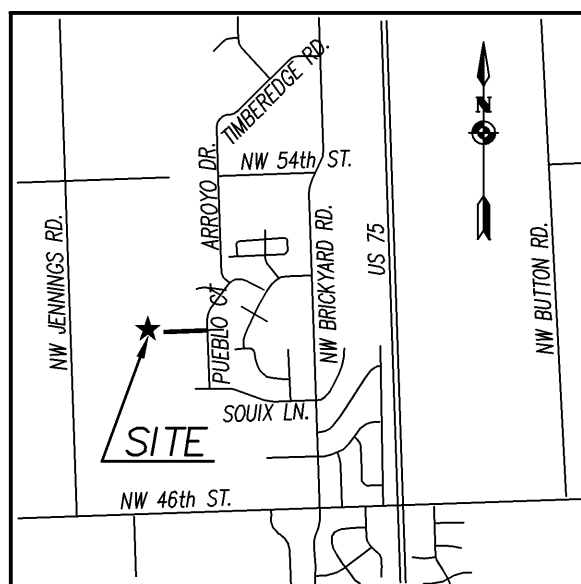
Chairman, Topeka Planning Commission

David F. Thurbon
Planning Director



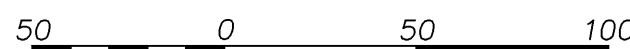
Cook, Flatt & Strobel
ENGINEERS, P.A.
2930 SW WOODSIDE DR. TOPEKA, KS 66614
(785)272-4706 FAX (785)272-4736

Urban Hills Subd. No. 18
06-599



VICINITY MAP

SCALE: 1"= 50'

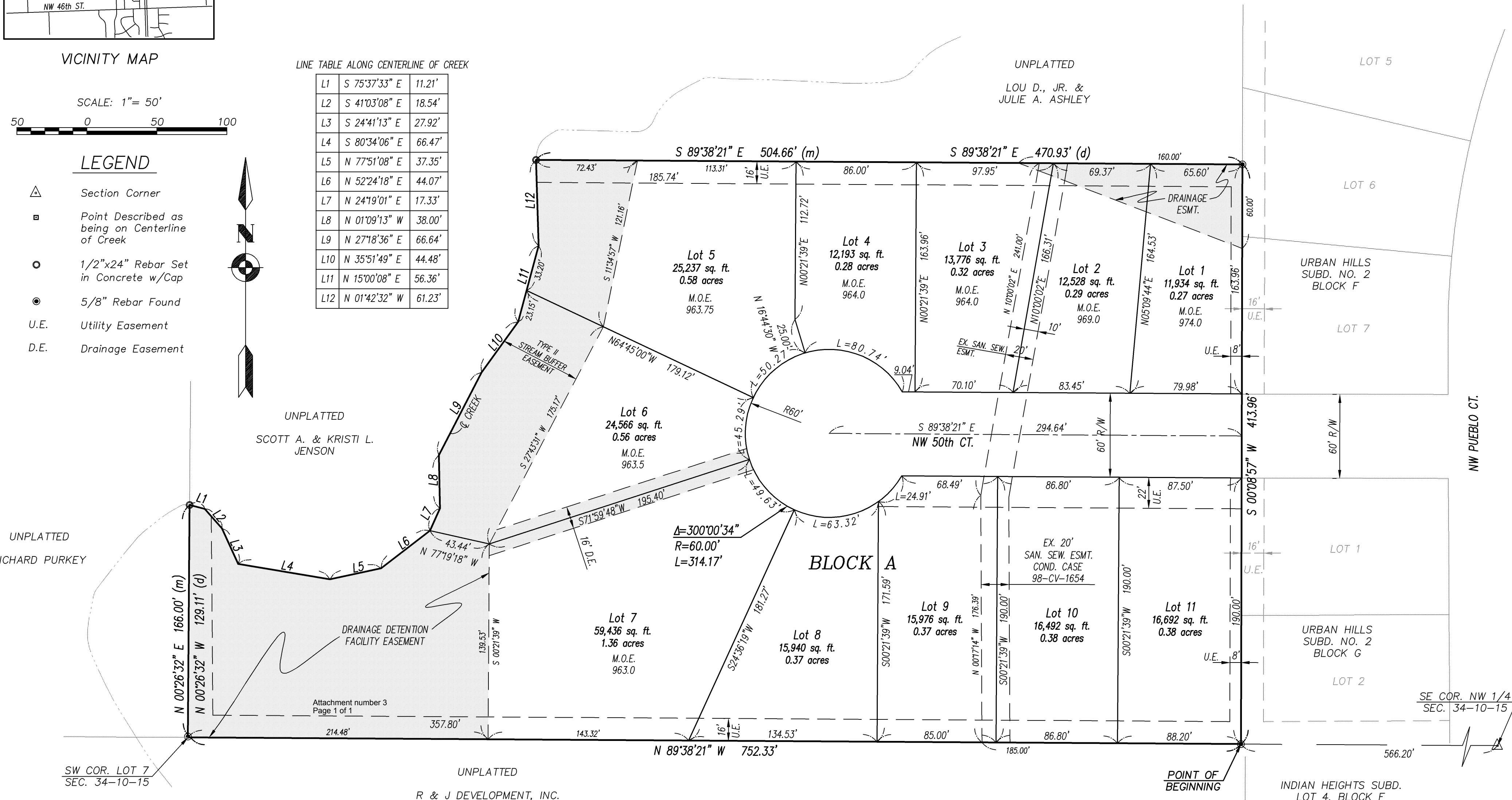


LEGEND

- Section Corner
- Point Described as being on Centerline of Creek
- 1/2"x24" Rebar Set in Concrete w/Cap
- 5/8" Rebar Found
- Utility Easement
- Drainage Easement

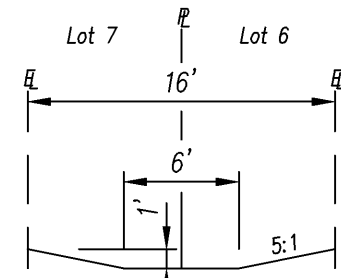
LINE TABLE ALONG CENTERLINE OF CREEK

L1	S 75°37'33" E	11.21'
L2	S 41°03'08" E	18.54'
L3	S 24°41'13" E	27.92'
L4	S 80°34'06" E	66.47'
L5	N 77°51'08" E	37.35'
L6	N 52°24'18" E	44.07'
L7	N 24°19'01" E	17.33'
L8	N 01°09'13" W	38.00'
L9	N 27°18'36" E	66.64'
L10	N 35°51'49" E	44.48'
L11	N 15°00'08" E	56.36'
L12	N 01°42'32" W	61.23'



GENERAL NOTES

- No building permits shall be issued until arrangements for the installation of water mains and/or connection charges have been made with Rural Water District No. 4.
- Sewers: Lots in this subdivision shall be served by a public sewer system.
- All lot lines are either parallel or perpendicular to street lines unless otherwise noted.
- All utilities shall be placed underground pursuant to the City's right-of-way management standards.
- Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent 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 easement may be removed by personnel representing the governing body, to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement. Cost of removal and/or replacement shall be the responsibility of the property owner.
- Easements shown on plat are centered on lot lines unless otherwise noted.
- 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.
- This property lies within Zone C (Area of minimal flooding) according to the Federal Emergency Management Agency, Flood Insurance Rate Map No. 200331 0050 C with an effective date of June 1, 1982.
- Basis of bearings: N 89°38'21" W (assumed bearing) taken from legal description, provided by owner, as described from a Plat of Description, by Schmidt Engineering, dated 10/17/1988. Reference the South line of the Northwest Quarter of Section 34, T10S, R15E.
- ANNEXATION AGREEMENT: The owner of record of the 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.



OVERFLOW SWALE
Between Lots 6 & 7

MINIMUM OPENING ELEVATIONS

LOT	M.O.E.
1	974.0
2	969.0
3	964.0
4	964.0
5	963.75
6	963.5
7	963.0

STREAM BUFFER EASEMENT:

a.) 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.

b.) 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.

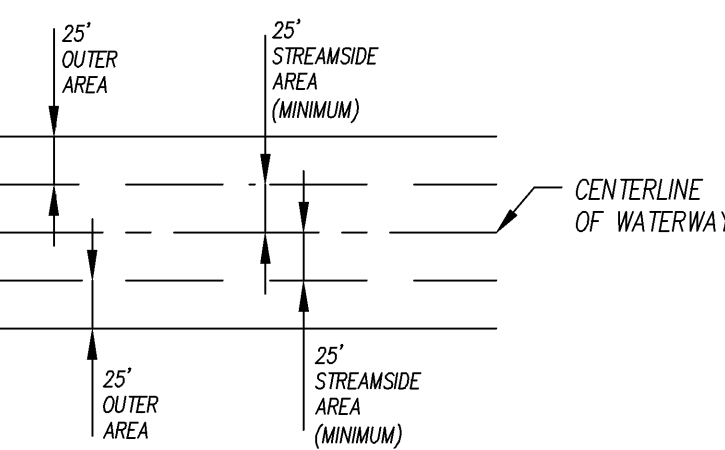
c.) PLEASE REFER TO SECTION 6 OF CITY OF TOPEKA CODE 66-151 FOR ALL PERTINANT MANAGEMENT GUIDELINES AND PROHIBITED PRACTICES AND ACTIVITIES WITHIN THE STREAM BUFFER AREAS.

STREAMSIDE AREA - USES ALLOWED

- NATIVE VEGETATION
- FLOOD CONTROL
- FOOT PATHS/ROAD CROSSINGS
- UTILITY CORRIDORS

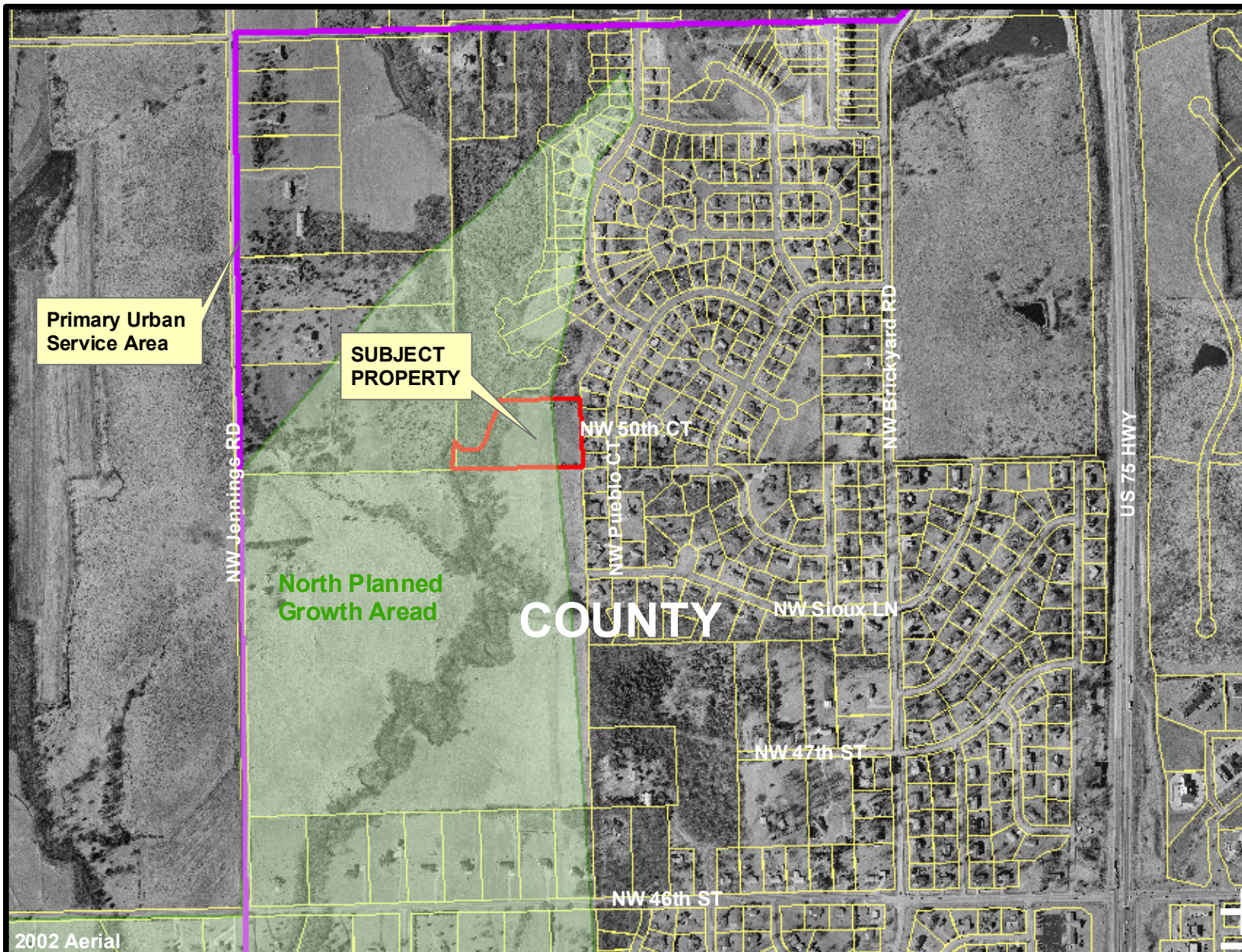
OUTER AREA - USES ALLOWED

- NATIVE VEGETATION OR MANAGED LAWN
- BIKING/HIKING PATHS
- FLOOD CONTROL
- DETENTION/RETENTION STRUCTURE
- UTILITY CORRIDORS
- STORMWATER BMP'S
- RESIDENTIAL YARDS/LANDSCAPE AREAS



TYPICAL TYPE II
STREAM BUFFER EASEMENT

Bench Mark Datum - East Edge of Sanitary Sewer Manhole Rim 16-4 near NE Cor of Lot 9, as shown on Record As-Built Plans for Shawnee County Sanitary Sewer Improvements Halfday Creek Main Sewers, Phase 2, Page 7, by White Martin & Assoc., dated December 8, 1999. Elev=966.19



P06/31 Urban Hills Subdivision No. 18

September 18, 2006

To: Topeka Planning Commission
214 East 8th St.
City Council Chambers, 2nd Floor
Topeka, Kansas 66603

Re: Urban Hills Subdivision No. 18 (Preliminary and Final Plat Phases) (P06/31), Item G-5

Background: The original Master Preliminary Plat for the entire Urban Hills development was approved by the Planning Commission on March 19, 1976. This would be the next to last phase to complete the Urban Hills development. The proposed lot and street configuration of this plat is the same as what was approved under the original Master Preliminary Plat.

Mark Law and Steve Brown (Developers) are in agreement with William McKusker and Nancy Bartee (Owners) for the purchase of approximately 6 acres of ground for the purpose of a residential subdivision (Urban Hills #18) consisting of 11 single-family lots. The following points are noted for your consideration of granting approval for this subdivision:

- This 6-acre tract was original to the Urban Hills development in the year 1976 as Urban Hills Subdivision. The current plat has been revised and updated to meet the 2006 City of Topeka subdivision requirements.
- This is the final phase of a large residential development much like Prairie Trace, which took approximately 16 plats and 20 years to be fully developed. What good is requiring a Preliminary plat that shows a fully completed subdivision if it is thrown out after a few years because of a “de facto policy”, or politics change?
- This development lies within the limits of the 3-mile extra-territorial jurisdiction. Any growth should be encouraged, especially if it is able to generate revenue to the City of Topeka by contributing to the Rural Wastewater collection fees.
 - This subdivision was included within the Preliminary Plat for the original Urban Hills Plat Subdivision in 1976, and was accounted for in sizing the Halfday Creek Interceptor sewer main extension in 1999.
 - The City of Topeka acknowledged this area as a development when it went through condemnation procedures in 1999 to gain easement rights for the current Halfday Creek Interceptor sewer main that intersects the property. The City of Topeka was insightful enough to run the sewer main extension along property lines that where on the original plat from 1976. The City of Topeka paid \$18,000.00 for the sewer main easement. This amount of money definitely recognized this as a residential development and not just pasture ground.
 - The Halfday Creek Interceptor sewer main bisects the property. By utilizing what is in place we can expand the tax base and sewer collection fees. Rural Wastewater collection fees would account for approximately \$150,000.00 over the next 20 years.

This additional revenue would be part of the anticipated growth that was expected in order to pay off the sewer bonds that were issued to build the Halfday Creek Interceptor.

- Of the current homes located in the Halfday Creek Interceptor service area, over 50% of the homes are not connected to the sewer and do not generate revenue for the City of Topeka.
- The City of Topeka will be assured of sewer connections for the homes in this subdivision in order to generate sewer fee revenue. According to the City of Topeka, there are currently numerous homes connected to the Halfday Creek sewer system that the City of Topeka does not have a record of connection.
- This development goes beyond the collection of taxes and sewer fees.
 - There are payroll and sales tax generated by the people who would live in the development and commute to the City of Topeka.
 - The 11 homes built in this subdivision would account for approximately \$2.2 million in construction material and labor costs. Much of this material and labor would be generated by businesses that lie within the City limits of Topeka.
 - This development will be a part of Topeka by having a Topeka zip code; not Rossville, not Silver Lake, not Meriden, but Topeka. The developers, as well as anyone in the Urban Hills area consider themselves Topekans. Take any of us outside the area or outside the State of Kansas and ask us where we are from - we will answer Topeka, Kansas.
- All services are readily available: sewer, natural gas, electricity, trash service by 3 available companies, and water from Consolidated Rural Water District #4.
- This development is located in Soldier Township. The current Urban Hills subdivision is serviced by Soldier Township for snow removal, road maintenance and Fire protection. This 11-lot subdivision would not put a strain on Soldier Township in any way, but would help generate more revenues for the Township.
- This development is consistent with the existing neighborhood.
- The developer agrees to be annexed if and when the need arises. The developer agrees to the terms of annexation even though there is no guarantee that the City of Topeka will ever annex this area or any adjoining property.
- The developer plans to live in the subdivision.
- USD #345 Seaman school district recently passed a bond issue anticipating growth within the school district.
- All of the Subdivision requirements set forth by the City of Topeka Planning Department have been met or exceeded. These requirements have also been reviewed and approved by professionals in the City of Topeka, and Shawnee County Planning Departments.
- It is the fiduciary responsibility of elected and appointed officials of the City of Topeka to promote growth in and around Topeka. This property lies 2.7 miles from the city limits but within the North Planned Growth Area as set by the Topeka Land Use and Growth Management Plan-2025, for future residential development. The entire design conforms to the standards and provisions of the subdivision regulations relative to design criteria. The

only inconsistency of this proposal is that there is no guarantee for annexation to occur with a property located 2.7 miles from the city limits. Actually, there is no guarantee for annexation of any property, at any distance, located around the City of Topeka.

- The developers have hired the professional engineering services of Cook, Flatt & Strobel Engineers, P.A. of Topeka, Kansas. CFS personnel are highly skilled in the areas of residential development and work very well with all parties concerned. CFS can be counted on by the City of Topeka to make sure that this development meets or exceeds all of the criteria of a residential subdivision as set forth by the City of Topeka.

Thank you for your consideration of the above points. Please feel free to contact either of us for any additional comments or considerations. We look forward to working with the City of Topeka towards this development and future Economic Development in and around Topeka.

Sincerely,

Mark Law Office: 233-2010, Home: 246-1818, Mobile: 224-4836
Steve Brown Office: 233-2010, Home: 286-0392, Mobile: 224-5520
Office: Piping Contractors Of Kansas, Inc., 115 SW Jackson St., Topeka, Ks

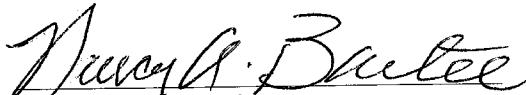
CONSENT TO ANNEXATION

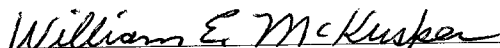
Attachment number 6
Page 1 of 1

Now on this 12th day of SEPT, 2006, Nancy A. Bartee, a single person, and William E. McKusker, a single person, as owners of record, of the following described real estate, does hereby evidence their complete and irrevocable consent to annexation by the City of Topeka, upon recording of the Final Plat of Urban Hills Subdivision No. 18 with the Shawnee County Register of Deeds, in accordance with the laws of the State of Kansas of the following described property to wit:

See attached legal description.

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


Nancy A. Bartee, Owner


William E. McKusker, Owner

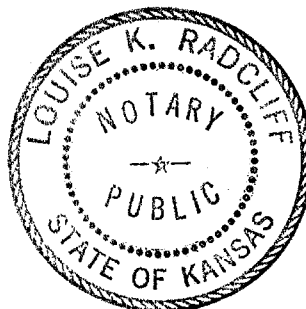
STATE OF KANSAS
COUNTY OF SHAWNEE, SS.

BE IT REMEMBERED, That on this 12th day of SEPT, A.D. 2006, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Nancy A. Bartee, a single person, and William E. McKusker, a single person, who is personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledge the execution of the same.

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


Notary Public

Term expires 4-22-07, 20 .



ATTACHMENT TO CONSENT TO ANNEXATION

Attachment number 7
Page 1 of 1

LEGAL DESCRIPTION:

A tract of land in the Northwest Quarter of Section 34, Township 10 South, Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows:

Beginning at a point which is North 89 degrees 51 minutes 03 seconds West a distance of 566.20 feet from the Southeast corner of said Northwest Quarter, also being the Southwest corner of Lot 2, Block G, Urban Hills Subdivision No. 2, recorded as Book 26, Page 62 and re-recorded as Book 26, Page 83; thence along the South line of said Northwest Quarter North 89 degrees 38 minutes 21 seconds West a distance of 752.33 feet to the Southwest corner of Lot 7 of said Section 34; thence along the West line of said Lot 7, North 00 degrees 26 minutes 32 seconds West a distance of 129.11 feet (described), North 00 degrees 26 minutes 32 seconds East a distance of 166.00 feet (measured) to the centerline of a small creek; thence along the centerline of said small creek through the following points: South 75 degrees 37 minutes 33 seconds East a distance of 11.21 feet; thence South 41 degrees 03 minutes 08 seconds East a distance of 18.54 feet; thence South 24 degrees 41 minutes 13 seconds East a distance of 27.92 feet; thence South 80 degrees 34 minutes 06 seconds East a distance of 66.47 feet; thence North 77 degrees 51 minutes 08 seconds East a distance of 37.35 feet; thence North 52 degrees 24 minutes 18 seconds East a distance of 44.07 feet; thence North 24 degrees 19 minutes 01 seconds East a distance of 17.33 feet; thence North 01 degrees 09 minutes 13 seconds West a distance of 38.00 feet; thence North 27 degrees 18 minutes 36 seconds East a distance of 66.64 feet; thence North 35 degrees 51 minutes 49 seconds East a distance of 44.48 feet; thence North 15 degrees 00 minutes 08 seconds East a distance of 56.36 feet; thence North 01 degrees 42 minutes 32 seconds West a distance of 61.23 feet; thence leaving said centerline, South 89 degrees 38 minutes 21 seconds East, a distance of 470.93 (described), 504.66 feet (measured) to the West line of Lot 6, Block F, Urban Hills Subdivision No. 2; thence along the West line of Urban Hills Subdivision No. 2, South 00 degrees 08 minutes 57 seconds West a distance of 413.96 feet to the point of beginning.

Said tract of land contains 5.75 acres of land more or less. (Error of closure 1:1,082,114)



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www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 20, 2006

+ Back Print

DATE: October 4, 2006

CONTACT PERSON: Bill Fiander/David Thurbon **DOCUMENT #:** N/A

SECOND PARTY/SUBJECT: Darrell, Mark, and Steve Martinek, and Rick Flynn **PROJECT #:** Z06/01

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 007 Zoning

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made part of the Zoning Ordinances by Section 48-1.04 of the City of Topeka, by providing for certain changes in zoning on property located at the southeast corner of SW Van Buren Street and SW Hampton Street in the City of Topeka, Kansas from "M-1" Two-Family Dwelling District TO "C-4" Commercial District. First Reading. (Z06/01) (Council District No. 3) (The Planning Commission recommended approval by a vote of 8-0-0 on September 18, 2006.)

(Approval would bring the bring the present use of the property for commercial purposes into conformance.)

POLICY ISSUE:

The request is consistent with the principles of the Land Use and Growth Management Plan.

STAFF RECOMMENDATION:

The Planning Commission considered this proposal on September 18, 2006 and recommended it be **APPROVED** by a vote of **8-0-0** as referenced in the attached minutes. The Planning Department recommended this proposal be **APPROVED**.

BACKGROUND:

- See Staff Report
- City Council Options
 - Adopt the recommendation of the Planning Commission by Ordinance;
 - Override the recommendation of the Planning Commission by a two-thirds majority vote (6 votes) of the City Council membership; or
 - Return such a recommendation to the Planning Commission with a statement specifying the City Council's failure to approve or disapprove.

BUDGETARY IMPACT:

N/A

Item #24

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Ordinance](#)

[Staff Report](#)

[Aerial Photo](#)

[Application P. 1](#)

[Application P. 2](#)

[Application P. 3](#)

[Application P. 4](#)

[Zoning Map](#)

[PC minutes](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE

introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located on the southeast corner of SW Hampton Street and SW Van Buren Street in the City of Topeka, Kansas from "M-1" Two Family Dwelling District **TO** "C-4" Commercial District. **(Z06/1) (Council District No. 3)**

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, be, and the same is hereby amended, by reclassifying the following described property:

Lots 750 and 752 the North 15 feet of Lot 754, Van Buren Street, Kevan's Addition to the City of Topeka, Shawnee County, Kansas.

from "M-1" Two Family Dwelling District **TO** "C-4" Commercial District.

Section 2. This Ordinance Number shall be fixed upon the "District Map".

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED by the Council of the City of Topeka, _____, 2006.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified _____

Not To Be Codified X

DRAFT

**Minutes of the
Of the
Topeka Planning Commission
September 18, 2006**

1. **Z06/1 by Darrell, Mark and Steve Martinek and Rick Flynn** requesting to amend the District Zoning Classification from "M-1" Two Family Dwelling District **ALL TO** "C-4" Commercial District on property located on the southeast corner of SW Hampton Street and SW Van Buren Street. **(Paris)** Tim Paris summarized the staff report.

Proponents:

Vernon Jarboe, representative for the owners was available for questions.

No one spoke in opposition to the proposal.

Exparte communications: None

Ralph Skoog moved approval, seconded by Theron Sims. **APPROVAL. (8-0-0)**

September 18, 2006
Agenda Item #G-1

ZONING REPORT

TOPEKA PLANNING DEPARTMENT

CASE NO: Z06/01

by: Darrell, Mark, and Steve Martinek, and Steve Flynn

PROPOSAL: Amend the District Zoning Classification from “M-1” Two-Family Dwelling District, TO “C-4” Commercial District on property located at the southeast corner of SW Van Buren St. and SW Hampton St., within the City of Topeka, Kansas.

BACKGROUND: The 6,376 sq. ft. property lies in the southern portion of the Monroe Neighborhood. This portion of the neighborhood was initially constructed as a low to moderate density single-family residential neighborhood, but has been in a transition to more industrial and commercial uses for the past several decades. Only small pockets of residential land uses remain along SW Van Buren Street and SW Hampton Street. The properties lying immediately west and north of the subject property are currently vacant. The property lying immediately east of the subject property is presently used by the applicant in conjunction with a building contractor’s business.

PRESENT USE: The property is currently fenced and used for storage in association with the adjacent business.

PROPOSED USE: The applicant is proposing to continue the present use of the property as a fenced storage yard in association with the adjacent business.

CHARACTER OF NEIGHBORHOOD: This area of the Monroe Neighborhood has decreased substantially in population in recent decades. Most of the remaining residential homes in the immediate vicinity could be considered “remnants” of the former single-family neighborhood that occupied this area in the earlier decades of the 20th Century. Over the past 20 to 30 years, the surrounding area, primarily those street frontages along SW Topeka Blvd., SW Kansas Avenue, and SW 21st St. have transitioned to commercial land use, although much of the property fronting SW 21st St. near this property is presently vacant. In addition, the applicant has successfully established a commercial business at the corner of SW Van Buren St. and SW Roby Place. This business occupies approximately ½ of the block bounded by SW Van Buren St., SW Roby Place,, SW Kansas Avenue, and SW Hampton St.. It is anticipated that the remaining residential properties in this immediate area will transition to commercial uses within the next two to three decades.

The residence located at 2053 S. Kansas Avenue is listed on the National Register of Historic Places and lies approximately 200 feet to the east of the subject property. The State Historic Preservation Office (SHPO) has determined that this proposal will NOT encroach, damage, or destroy the historic integrity or environs of the listed property.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

	<u>Zoning Classification</u>	<u>Present Land Use</u>
North:	“M-1” Two-Family Dwelling District	Vacant
South:	“M-1” Two-Family Dwelling District	Vacant
East:	“C-4” Commercial District	Commercial
West:	“C-4” Commercial District	Commercial

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR IT’S CURRENT USE UNDER PRESENT CLASSIFICATION:

The subject property has been zoned for two-family residential purposes since 1956, and has been vacant for a period of at least 2 years.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED:

The subject property is currently zoned “M-1” Two-Family Dwelling district, and is used for parking and storage purposes in conjunction with the adjacent business. The surrounding neighborhood is a mixture of remnant single and two family dwellings, along with encroaching commercial businesses. A vast tract of land located one block to the south of this property is vacant. The frontage of SE 21st St., approximately one block to the south of the subject property, is characterized as a mixture of residential, commercial and vacant properties, as is the frontage of S. Kansas Avenue, located approximately one block to the east.

It is highly doubtful that new low-density residential development will re-develop on this property or elsewhere within the immediate vicinity. Rather, it is more probable that pressures will continue to develop this property, and other surrounding properties for commercial purposes. Therefore, this property is deemed not suitable for continued use as presently restricted.

CONFORMANCE TO COMPREHENSIVE PLAN: The Neighborhood Element of the Comprehensive Plan identifies the overall “health” of the area as being “Intensive Care,” meaning that the area suffers from low property values, higher crime rates, low home ownership rates, and dilapidated housing conditions. Since it is doubtful that private capital will be re-invested into this area for residential purposes, the commercial use of this property in conjunction with an adjacent and established business is more likely to have a beneficial economic affect on the surrounding neighborhood than if the property was to remain vacant with two-family residential zoning restrictions in place.

EXTENT TO WHICH REMOVAL OF PRESENT RESTRICTIONS WILL DETRIMENTALLY EFFECT NEARBY PROPERTY:

The property lies within the context of a gradually declining residential neighborhood. The previous single-family house on the property has been razed to enable the use of the property for commercial purposes in conjunction with the adjacent business. Given the presence of the business on adjacent property, it is doubtful that conversion of this property to commercial uses will pose any detrimental affect on the surrounding neighborhood.

The property also lies within the 200’ environs of the Fred and Cora Luttjohann House, 2053 S. Kansas Avenue, which is listed on the State and National Registers of Historic Places. The SHPO has determined that this project will not negatively encroach upon the environs of this property.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE LANDOWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: Since there is no reasonable expectation that the subject property is viable for use under present restrictions, there would be little if any benefit to the public by preserving the existing zoning. The property lies adjacent to an established business and the proposed change in zoning would bring the subject property into conformity with the adjacent business. Denial of the zoning proposal would effectively deny the property owner the most realistic and feasible use of the property, which is an expansion of the existing business enterprise on the adjacent property. Thus, denial of the proposal would constitute an unnecessary hardship upon the landowner.

AVAILABILITY OF PUBLIC SERVICES: All essential public services, utilities, and facilities are presently available and will not be overburdened by this proposal.

COMPLIANCE OF THE PROPOSAL WITH THE ZONING CODE AND THE SUBDIVISION REGULATIONS: The proposed application appears to be in compliance with all applicable provisions of the Comprehensive Zoning Regulations and the Subdivision Regulations.

CONCERNS OF STAFF AND REVIEWING AGENCIES: The proposed zoning proposal has been submitted to all applicable reviewing agencies for consideration and comment. No significant issues or concerns were expressed by reviewing staff in regard to code compliance or the provision of public services.

ADDITIONAL FACTORS:

1. Neighborhood Improvement Association: Monroe Neighborhood Improvement Association
2. Capitol Plaza Area: Not Applicable.
3. Flood Hazard Area: Not Applicable.
4. Airport Hazard Area: Not Applicable.
5. Historic Properties: The Fred and Cora Luttjohann House (2053 S. Kansas Avenue) lies approximately 125' to the northeast of the subject property and is listed on the National Register of Historic Places. The SHPO has determined that this project will not negatively encroach upon the environs of this property.

STAFF RECOMMENDATION:

- 1) Planning Staff recommends APPROVAL of this proposal.

Prepared by: T. S. Paris
Planner II



8

Z06/01 by Darrell, Mark, and Steve Martinek, and Steve Flynn



Application Form Re-Zoning or Conditional Use Permit

City of Topeka Planning Department
515 South Kansas Avenue, Suite 404
Topeka, KS 66603-3241
Phone 785-368-3728 Fax 785-368-2535

Applicant Information

Property Owner(s): Mark Martinek, Darrell Martinek, Steven C. Martinek and Rick Flynn

Street Address: 118 SW Roby Place

City: Topeka State: KS Zip: 66612 E-mail: _____

Business phone: 233-6666 Home phone: 266-3522 Fax: 233-6767

Authorized Owner Representative (if any): Vernon L. Jarboe

Street Address: 534 S. Kansas Avenue, Suite 1000

City: Topeka State: KS Zip: 66603 E-mail: vjarboe@sloanlawfirm.com

Business phone: 357-6311 Home phone: _____ Fax: 357-0152

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

Street Address: _____

City: _____ State: _____ Zip: _____ E-mail: _____

Business phone: _____ Home phone: _____ Fax: _____

Authorization

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

Owner 1 Name: Darrell Martinek

Owner 1 Signature: [Signature] Date: 11-18-05

Owner 2: Mark Martinek

Owner 2 Signature: [Signature] Date: 11/18/05

Requested Action and Site Information

Address of Property to be Re-Zoned (or if vacant, describe general location): 2038 SW Van Buren St.Legal Description of Property: lot(s) 750, 752 & N 15 Ft of 754
(if unplatted, attach metes and bounds description) block subdivision Kevan's AdditionTotal Area (acres/square feet): 6,376 sq. ft.

Type of Application:

1. Re-zoning from: M-1 to: C-42. Conditional Use Permit proposed use: Existing Use (# of dwelling units, square feet, etc.): Lot is currently vacantHow long has the existing use been on the property? Proposed Use (# of dwelling units, square feet, etc.): Vehicle Parking LotWas a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes, If Yes, when? 11-17-05
with Bill Fiander

FOR OFFICE USE ONLY

Date submitted: 11/3/05Date notice sent: 12/23/05Application no.: 206/1Date advertised: 12/23/05Filing fee: 650⁰⁰ Receipt no.: 11227Date of hearing: 1/18/06Quarter section map no.: Council district: #3

CHECK YES OR NO

Capital Plaza Area: Yes No Within Historic Site Environs: Yes No If Yes, what is it?: 100 yr Floodplain: Yes No National/State Historic Register: Yes No Local Historic Resource: Yes No Airport Hazard Area: Yes No Neighborhood Association: Yes No Name of N.I.A./N.A.:

Applicant Justification

For re-zoning applications:

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

Please attach additional sheets if necessary.

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

NA

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

The development will have no significant effect on the character of the neighborhood or use of surrounding properties. Currently, the lots immediately adjacent are vacant and the remainder of the neighborhood is a mixture of multi-family residences and commercial spaces.

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

Not available.

Infrastructure Availability

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

1. Water

- a. Location and size of water main serving site: NA
- b. Does the current system have adequate capacity? If not, are improvements anticipated? NA
- c. If other than City of Topeka, identify water district provider: NA

2. Sanitary Sewer

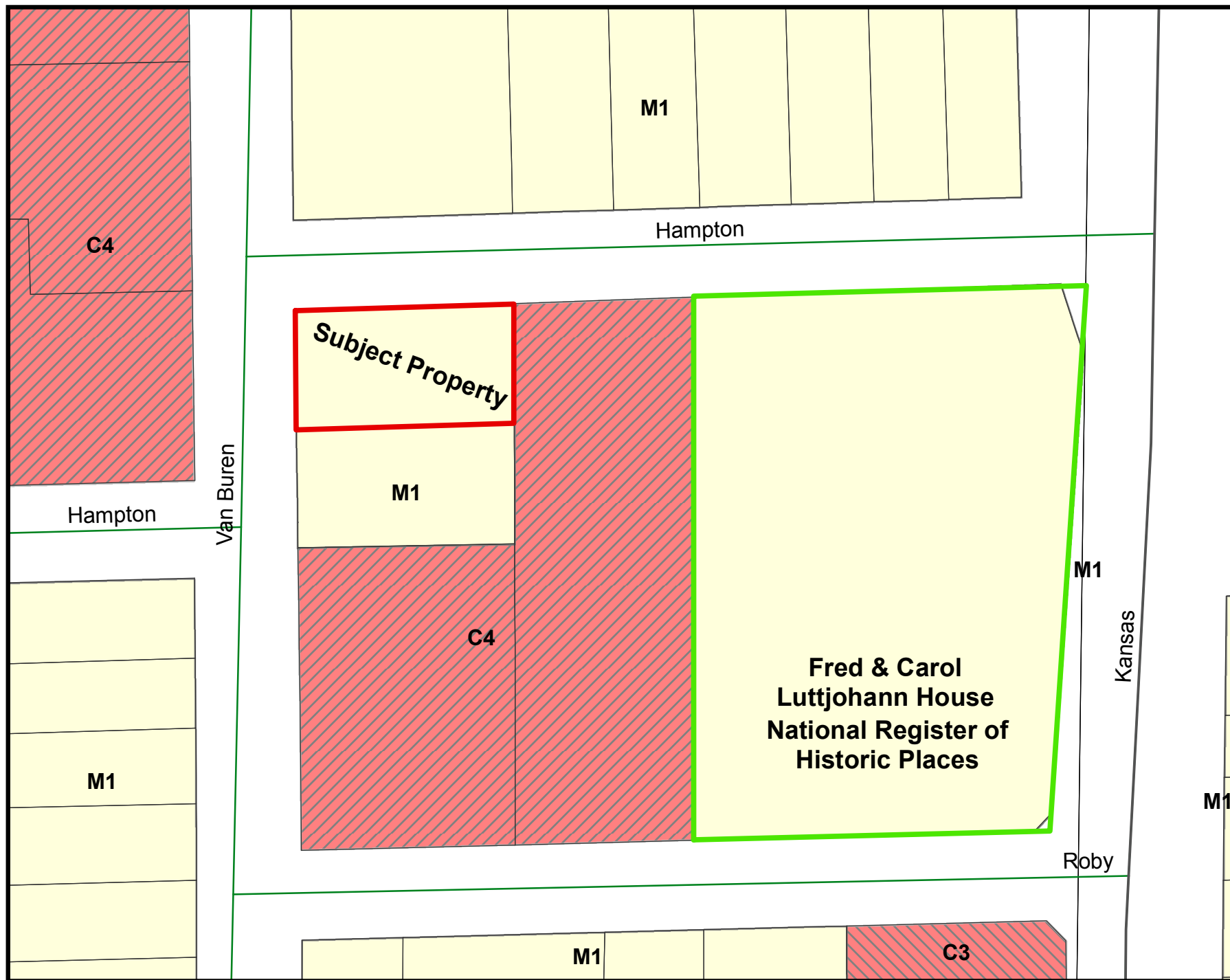
- a. Location and size of sewer main serving site: NA
- b. Does the current system have adequate capacity? If not, are improvements anticipated? NA
- c. If other than City of Topeka, identify sewer district provider: NA

3. Storm Drainage

- a. How will storm water run-off be handled on site? Will be addressed by engineers on parking lot design.
- b. Does the current storm sewer system have adequate capacity for proposed use? See above.

4. Traffic Circulation

- a. Does the site have public street frontage access? What is the pavement width of any adjoining public streets? Same entrance currently used will be used to access parking lot.
- b. What are the site's existing or proposed access points?
- c. Will any street improvements or traffic control improvements be required? NA



8

Z06/01 by Darrell, Mark, and Steve Martinek, and Steve Flynn



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 3, 2006

+ Back Print

DATE: October 4, 2006
CONTACT PERSON: David Thurbon/Bill Fiander **DOCUMENT #:**
SECOND PARTY/SUBJECT: Neighborhood Revitalization Plan **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. adopting a neighborhood revitalization plan and designating a revitalization area, all as provided for in K.S.A. 12-17, 114 et. seq., Neighborhood Revitalization Act. First Reading.

(Approval would extend the City's Neighborhood Revitalization Program through 2009 and repeal a previously adopted ordinance. The item was originally approved by City Council on June 13, 2006 and has since been revised to comply with State law.)

POLICY ISSUE:

The Plan encourages investment within Downtown and risk/intensive care neighborhoods.

STAFF RECOMMENDATION:

Adopt the ordinance to renew the program for an additional three (3) years and distribute to other taxing entities for adoption.

BACKGROUND:

- The Plan is necessary to enact a local neighborhood revitalization program as allowed by State law. The program is intended to promote the revitalization of the city's inner urban areas by offering property tax rebates over a 10-year period (15 years for historic properties) to owners who make improvements sufficiently raising the appraised value of their property.
- The Neighborhood Revitalization Plan was originally adopted in 1995 and was most recently renewed in 2004. Total property tax rebates to owners through 2004 tax year amounted to \$12 million.
- The only boundary changes to the plan include 1) an addition to the South Topeka Boulevard corridor between SW 37th Street and the Kansas Turnpike to help facilitate redevelopment of this key gateway into the city, and 2) an addition of the remaining portion of Southern Hills Subdivision in order to cover several vacant lots inadvertently left out from the current plan.
- The proposed Plan was originally adopted by City Council on June 13, 2006. It was subsequently revised to comply

with State law and must be re-adopted. The revisions concern the "11th year" rebate which now would be apportioned 5% to the taxpayer, 45% to the taxing entities, and 50% to the special fund for infrastructure improvements, housing, and redevelopment projects in the eligible area. Previously, no rebate was returned to the taxpayer in the 11th year.

BUDGETARY IMPACT:

Although the City would lose 80% of new property tax revenue generated by any eligible improvements over a 10-15 year period, the City would expect to gain additional tax revenue from increased property values in the surrounding area. In addition, a portion of the rebates will be directed to a Special Fund to be re-invested in the rebate area. The City would not lose any existing property tax revenue as a result of this program.

SOURCE OF FUNDING:

Rebates are issued by the Shawnee County Clerk's Office and are derived from the increased property tax revenue of all participating taxing entities within the eligible area (City of Topeka, Shawnee County, USD 501, Washburn University, Public Library, MTTA, and MTAA).

ATTACHMENTS:

[Summary Table of Changes](#)

[Neighborhood Revitalization Plan \(amended\)](#)

[Map](#)

[Tax Rebates by Entity](#)

[Ordinance](#)

Exhibit "A"

Septemeber 06 DRAFT

*Neighborhood
Revitalization
Plan*

Topeka, Kansas

January 1, 2007

Adopted by Topeka City Council:
_____, 2006

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Purpose

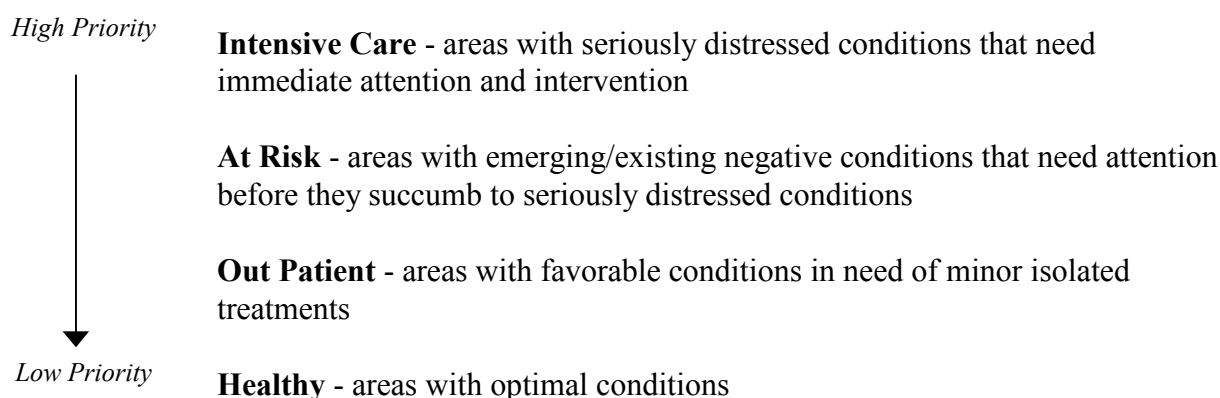
This Plan is intended to promote the revitalization of the inner urban area hereinafter described as the "Neighborhood Revitalization Area" of the City of Topeka through the rehabilitation, conservation and redevelopment of the area in order to protect the public health, safety welfare of the residents of the City. More specifically, in accordance with KSA 12-17, 118 (d), a tax rebate incentive will be available to property owners for certain improvements that raise the appraised value of residential property 10% and commercial property 20%.

In accordance KSA (2000 Supp.) 12-17, 114 et. seq., the City Council has held a public hearing and considered the existing conditions and alternatives with respect to the described area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units. Accordingly, the Council has reviewed, evaluated, and found that the described area meets one or more of the conditions contained in KSA (2000 Supp) 12-17,115 (c).

PART 1

DESCRIPTION OF NEIGHBORHOOD REVITALIZATION AREA

The Neighborhood Revitalization Area (Map #1) follows the boundaries of *Intensive Care* and *At Risk* neighborhoods as identified in the Neighborhood Element of the Comprehensive Plan. This element, originally approved in 2000, establishes four (4) health classifications for neighborhoods (intensive care, at risk, out patient, and healthy) to determine priorities for re-investment and planning assistance. They are described below in order of priority:



The four health classifications were based on five (5) vital signs that measured the relative health of all neighborhood areas in Topeka. This neighborhood health assessment was used to develop a “triage” approach to revitalization. Those areas that had more “life-threatening” or urgent needs as measured by the vital signs should receive higher priority for treatment over those areas with less urgent needs. These higher priority areas (*intensive care/at risk*) are the focus for neighborhood planning efforts and public re-investment. A summary of the vital signs include:

Poverty (2000 U.S Census) - High concentrations of poverty are one of the most reliable indicators of performance in school, crime rates, family fragmentation, job readiness, housing conditions, etc.

Public Safety (2001-2002, Topeka Police Dept.) – Public Safety, as measured by number of Part I crimes reported for the last three years, is a symptom indicating the local environmental conditions conducive to crime and how well a neighborhood is organized to prevent crime from occurring.

Residential Property Values (2002, Shawnee County Appraisers Office) – Property values are in part a reflection of the quality of housing supply and the image of a neighborhood. The median value of a house purchased in Shawnee County was \$79,000 in 1998.

Single Family Housing Tenure (2002 Shawnee County Appraisers Office)

The percentage of homeowners residing in a neighborhood can be an indication of the willingness (or confidence) to invest in the area. The most relevant measure of this is how many single-family dwellings are owner-occupied since these homes were built for individual ownership.

Boarded Houses (2001-2002, City of Topeka Code Compliance) - A boarded-up house is one of the most, if not most, evident physical displays that will undermine confidence in an area for investment and precipitates a downward spiral for the block and/or neighborhood.

Vital Sign Ranges

Neighborhood Condition Level	Number of Part 1 Crimes	% of Persons Below Poverty Level	% Owner Occupied Housing Units	Number of Boarded Houses	Average Residential Property Levels
Worst ↓ Best	High	25-100	0-33	6-12	\$14,700 - \$31,400
	Above Average	15-24	34-49	3-5	\$31,401 - \$53,400
	Below Average	8-14	50-69	1-2	\$53,401 - \$82,100
	Low	0-7	70-100	0	\$82,101 - \$234,622

Area Profile

Health rankings are determined by averaging all vital sign levels for each neighborhood area. *Intensive care* and *at risk* neighborhoods have the lowest vital sign measurements, and hence are being targeted as the Neighborhood Revitalization (NR) Area. Below is a comparison profile of the NR Area and non-NR Area:

Total Primary Neighborhood Revitalization Area

Neighborhood Health Rating	Number of Part 1 Crimes	% of Persons Below Poverty Level	% Owner Occupied Housing Units	Number of Boarded Houses (by Census Block Group)	Average Residential Property Levels
Intensive Care	High	30%	40%	5	\$22,122
At Risk	Above Average	25%	53%	2	\$32,738
Total Primary NR Area	High	26%	49%	3	\$29,313

Total Non-Neighborhood Revitalization Area

Neighborhood Health Rating	Number of Part 1 Crimes	% of Persons Below Poverty Level	% Owner Occupied Housing Units	Number of Boarded Houses (by Census Block Group)	Average Residential Property Levels
Out Patient	Above Average	12%	70%	1	\$65,277
Healthy	Below Average	5%	85%	0	\$101,791
Total Non-NR Area	Below Average	7%	81%	0	\$90,698

The following tables compare other general characteristics of the Primary Neighborhood Revitalization Area, Non-Neighborhood Revitalization Area, and areas added by amendment since 2004.

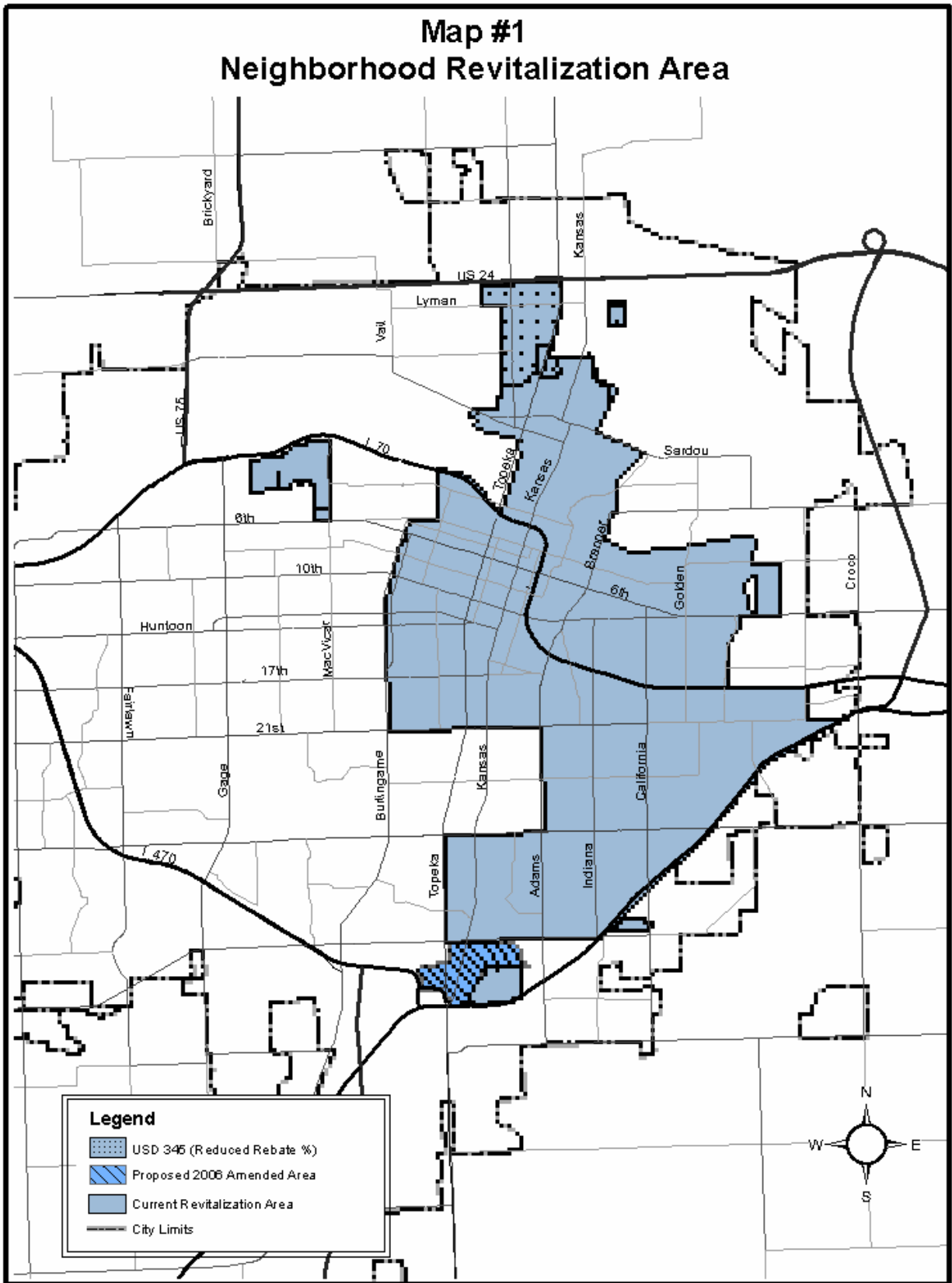
General Characteristics (2006)

Area	Square Miles	# of Parcels	Estimated Population	Total Housing Units	Real Property Valuation	Vacant Parcels
NR Area (Primary)	8.9*	14,262	32,867 (2000 Census)	15,303 (2000 Census)	\$1,376,319,699	1,572
Non-NR Area	41.2*	34,841	89,510 (2000 Census)	41,715 (2000 Census)	\$5,361,769,123	1,458

* Excludes street rights-of-way and water bodies.

General Characteristics of Amended Areas (2006)

Area	Health Rating	Square Miles	# of Parcels	Estimated Population	Total Housing Units	Real Property Valuation	Vacant Parcels
Kanza Business Park	Healthy	0.29	8	0	0	\$177,207,710	4
Belmont Addition	Out-Patient	0.10	190	398	168	\$6,660,590	19
Southern Hills Sub "B" & "C"	Healthy	0.11	218	419	179	\$15,350,895	38
Cowdin Sub	Healthy	0.04	35	47	20	\$2,230,260	15
Drakes Farm Sub	Healthy	0.03	19	38	16	\$2,028,120	3
S. Topeka Blvd./ Southern Hills Sub "A" (proposed)	Out-patient/ Healthy	0.36	426	728	307	\$42,645,895	51
Total Amended Areas		0.93	896	1630	690	\$246,123,470	130



Legal Description of Neighborhood Revitalization Area

Primary Area

Beginning at the intersection of the Centerline of US Highway 24 with the Centerline of NW Clay Street; thence easterly, on the Centerline of US Highway 24, to an intersection with the Centerline of NW Topeka Boulevard; thence southerly, on the Centerline of NW Topeka Boulevard, to an intersection with the Centerline of Old Soldier Creek; thence easterly and southerly, down the Centerline of Old Soldier Creek, to an intersection with the Centerline of the Mainline Track of the Union Pacific Railroad; thence southerly, on the centerline of said mainline track, to an intersection with the Centerline of the West Approach to the Sardou Bridge over the Kansas River; thence east-southeasterly, on the centerline of said approach and the Centerline of the Sardou Bridge, to an intersection with the Centerline of the Kansas River; thence southwesterly, up the Centerline of the Kansas River, to an intersection with an extension of the Centerline of NE Chandler Street; thence southerly, on the Centerline of NE Chandler Street, to an intersection with the Centerline of NE Seward Avenue; thence westerly, on the Centerline of NE Seward Avenue, to an intersection with the Centerline of NE Branner Street; thence south-southwesterly, on the Centerline of Branner Street, to an intersection with the Centerline of the Mainline Track of the Burlington Northern – Santa Fe Railway; thence easterly, on the centerline of said mainline track, to an intersection with the East line of the Northeast Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M.; thence southerly, on said East line, to the Southeast corner of said Northeast Quarter; thence easterly, on the North line of the Southwest Quarter of Section 34, Township 11 South, Range 16 east of the 6th P.M., to an intersection with the Centerline of Deer Creek; thence southwesterly and southerly, up the Centerline of Deer Creek, to an intersection with the Centerline of SE 6th Avenue; thence westerly, on the Centerline of SE 6th Avenue, to an intersection with the Centerline of SE Deer Creek Parkway; thence southerly, on the Centerline of SE Deer Creek Parkway, to an intersection with the Centerline of Interstate Highway 70; thence easterly, on the Centerline of Interstate Highway 70, to an intersection with the East line of the Southwest Quarter of Section 3, Township 12 South, Range 16 east of the 6th P.M.; thence southerly, on said East line, to the Southeast corner of said Southwest Quarter; thence easterly, on the North line of the Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M., to the Northeast corner of the West Half of said Northeast Quarter; thence on an assumed bearing of South 00°48'00" West, on the East line of the West Half of said Northeast Quarter, 158.83 feet, to the North line of the Kansas Turnpike Right of Way, thence South 63°15'40" West, on said right of way line, 790.86 feet; thence South 69°36'00" West, continuing on said right of way line, 452.77 feet; thence North 70°46'40" West, continuing on said right of way line, 337.69 feet, to the Easterly Right of Way line of Service Road "L" of the Kansas Turnpike Authority; thence southwesterly, to the intersection of the Westerly Right of Way line of said Service Road "L" with the Northerly Right of Way line of the Kansas Turnpike; thence southwesterly, on the Northerly Right of Way line of the Kansas Turnpike, to an intersection with the Centerline of SE 37th Street; thence westerly, on the Centerline of 37th Street, to an intersection with the Centerline of SW Topeka Boulevard; thence northerly, on the Centerline of SW Topeka Boulevard, to an intersection with the Centerline of SW 29th Street; thence easterly, on the Centerline of 29th Street, to an intersection with the Centerline of SE Adams Street; thence northerly, on the Centerline of SE Adams Street, to an intersection with the Centerline of SE 21st Street; thence westerly, on the Centerline of 21st Street, to an intersection with the Centerline of Washburn Avenue; thence northerly, and north-northeasterly, on the Centerline of Washburn Avenue, to an intersection with the Centerline of SW Willow Avenue; thence easterly, on the Centerline of SW Willow Avenue, to an intersection with the Centerline of Quinton Avenue; thence northerly, on the Centerline of Quinton Avenue, and its extension, to an intersection with the Centerline of Interstate Highway 70; thence southeasterly, on the Centerline of Interstate Highway 70, to an intersection with the Centerline of SW Topeka Boulevard; thence north-northeasterly, on the Centerline of Topeka Boulevard, to an intersection with the Centerline of NW Laurent Street; thence west-northwesterly, on the Centerline of NW Laurent Street, to an intersection with the Centerline of NW Norris Street; thence west-northwesterly, on the Centerline of NW Norris Street, to an intersection with the Centerline of NW Lane Street; thence north-northeasterly, on the Centerline of NW Lane Street, to an intersection with the Centerline of NW Gordon Street; thence east-southeasterly, on the Centerline of NW Gordon Street, to an intersection with the Centerline of NW Buchanan Street; thence northerly, on the

Centerline of NW Buchanan Street, to an intersection with the Centerline of NW Grant Street; thence easterly, on the Centerline of NW Grant Street, to an intersection with the Centerline of NW Western Avenue; thence northerly, on the Centerline of NW Western Avenue, to an intersection with the Centerline of NW St. John Street; thence easterly, on the Centerline of NW St. John Street, to an intersection with the Centerline of NW Taylor Street; thence northerly, on the Centerline of NW Taylor Street, to an intersection with the Centerline of NW Lyman Road; thence westerly, on the Centerline of NW Lyman Road, to an intersection with the Centerline of NW Clay Street; thence northerly, on the Centerline of NW Clay Street, to the point of beginning. Contains 12.77 square miles.

SOUTHERN HILLS

Southern Hills Subdivision "A", Southern Hills Subdivision "B", and Southern Hills Subdivision "C". Contains approximately 110.8 acres.

SOUTH TOPEKA BLVD. AREA

A tract in the Northwest and Southwest Quarters of Section 19, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the intersection of the West line of said Southwest Quarter with the Centerline of the Kansas Turnpike; thence easterly on the Centerline of the Kansas Turnpike to an intersection with the East right of way line of the former Missouri Pacific Railroad; thence northeasterly on the East right of way line of the Missouri Pacific Railroad, to the Southwest corner of Lot 49, Block A in Southern Hills Subdivision "B"; thence continuing northeasterly on the East right of way line of the former Missouri Pacific Railroad, to the Northwest corner of Lot 1, Block "A" in Southern Hills Subdivision "A"; thence continuing northeasterly on the East right of way line of the former Missouri Pacific Railroad, to an intersection with the North line of said Northwest Quarter; thence westerly on the North line of said Northwest Quarter, to the Northwest corner thereof; thence southerly on the West line of said Northwest Quarter, to the Southwest corner thereof; thence southerly on the West line of said Southwest Quarter to the point of beginning.

And

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE COINCIDENT WITH THE EAST LINE OF SAID NORTHEAST QUARTER ON AZ. 180 DEGREES 06 MINUTES 31 SECONDS, A DISTANCE OF 1066.54 FEET; THENCE PERPENDICULAR TO SAID EAST LINE ON AZ. 270 DEGREES 06 MINUTES 31 SECONDS, A DISTANCE OF 69.15 FEET TO THE POINT OF BEGINNING; THENCE ON AZ. 269 DEGREES 55 MINUTES 30 SECONDS, A DISTANCE OF 1059.61 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE COINCIDENT WITH SAID CURVE HAVING A RADIUS OF 279.39, AN ARC LENGTH OF 247.74 FEET, A DELTA ANGLE OF 50 DEGREES 48 MINUTES 22 SECONDS, A CHORD AZ. OF 239 DEGREES 52 MINUTES 25 SECONDS AND A CHORD LENGTH OF 239.70 FEET; THENCE ON AZ. 217 DEGREES 13 MINUTES 59 SECONDS, A DISTANCE OF 308.30 FEET; THENCE ON AZ. 126 DEGREES 47 MINUTES 21 SECONDS, A DISTANCE OF 145.49 FEET; THENCE ON AZ. 137 DEGREES 22 MINUTES 46 SECONDS, A DISTANCE OF 608.22 FEET; THENCE ON AZ. 179 DEGREES 47 MINUTES 25 SECONDS, A DISTANCE OF 70.60 FEET; THENCE ON AZ. 127 DEGREES 08 MINUTES 59 SECONDS, A DISTANCE OF 283.83 FEET; THENCE ON AZ. 89 DEGREES 52 MINUTES 32 SECONDS, A DISTANCE OF 82.08 FEET; THENCE ON AZ. 78 DEGREES 57 MINUTES 30 SECONDS, A DISTANCE OF 397.63 FEET; THENCE ON AZ. 45 DEGREES 16 MINUTES 23 SECONDS, A DISTANCE OF 182.65 FEET; THENCE ON AZ. 89 DEGREES 48 MINUTES 52 SECONDS, A DISTANCE OF 97.03 FEET; THENCE ON AZ. 359 DEGREES 58 MINUTES 07 SECONDS, A DISTANCE OF 938.68 FEET TO THE POINT OF BEGINNING. CONTAINING 28.89 ACRES, MORE OR LESS.

BELMONT ADDITION

Beginning at the Southwest corner of Lot 574 on Sixth Avenue, in Belmont Addition to the City of Topeka, Shawnee County, Kansas; thence northerly, on the West line of Belmont Addition, to the Northwest corner of Lot 447 on Rogers Street; thence easterly, on the North line of Lot 447 and on the North line of East Third Street, formerly House Street, to the Southwest corner of Lot 181 on Fairfax Street in Belmont Addition; thence northerly, on a West line of Belmont Addition, to an intersection with the Centerline of Deer Creek; thence northeasterly, down the Centerline of Deer Creek, to an intersection with the North line of the Southwest Quarter of Section 34, Township 11 South, Range 16 east of the 6th P.M.; thence easterly, on the North line of said Southwest Quarter, to the Northeast corner of Belmont Addition; thence southerly, on the East line of Belmont Addition, to the Southeast corner of Lot 658 on Sixth Avenue; thence westerly, on the platted North line of Sixth Avenue, to the point of beginning. Contains 0.10 square mile, more or less.

(AND IN ADDITION)

COWDIN SUBDIVISION NO. 3 PRELIMINARY PLAT AREA

Commencing at the Northeast Corner of the South ½ of the Southeast ¼ of Section 17, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas; thence South along the East line of said SE ¼ a distance of 299.87 feet to the point of beginning; thence continuing South along said East line, a distance of 210.00 feet; thence S 89° 49' W a distance of 215.0 feet; thence S 00° 13' E a distance of 150.00 feet to a point on the North line of Cowdin Subdivision; thence S 90° 00' W along the North line of said Subdivision 1402.1 feet to the NW corner of Lot 9, Block A, Cowdin Subdivision, said point also being on the easterly right-of-way of the Kansas Turnpike; thence N 41° 19' E along the easterly right-of-way of the Kansas Turnpike, a distance of 880.0 feet; thence N 89° 54' E a distance of 630.0 feet to a point on the West right-of-way of SE Colorado Avenue, said point also being a common center with Parnell Subdivision; thence S 00° 13' E along said right-of-way a distance of 300.0 feet to the SW corner of Noble Subdivision; thence N 89° 54' E along the South line of said Subdivision and said South line extended a distance of 400.0 feet to the point of beginning containing 16.62 acres more or less.

DRAKES FARM SUBDIVISION AREA

Drakes Farm Subdivision. Contains approximately 21.01 acres.

KANZA BUSINESS AND TECHNOLOGY PARK (OVERALL PUD BOUNDARY)

A TRACT OF LAND IN THE SOUTHEAST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, LOT 3 OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER, ALL IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00°00'22" EAST, 30.00 FEET, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°36'04" WEST, 23.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'04" WEST, 2611.74 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER, 30.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°06'23" WEST, 1118.90 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 86°16'38" EAST, 130.48 FEET; THENCE NORTH 42°55'39" EAST, 233.28 FEET; THENCE NORTH 01°25'17" WEST, 497.95 FEET; THENCE SOUTH 88°46'41" WEST, 278.01 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°06'23" EAST, 120.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER TO THE NORTH LINE OF ARLINGTON HEIGHTS SUBDIVISION; THENCE SOUTH 89°54'32" WEST, 1309.28 FEET ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°11'27" EAST, 953.94 FEET ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°18'11" EAST, 663.92 FEET ALONG THE WEST LINE OF SAID LOT 3 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70; THENCE NORTH 88°53'30" EAST, 883.63 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE ON A CURVE TO THE LEFT, ALONG SAID RIGHT-

OF-WAY LINE, A RADIUS OF 1579.22 FEET, AN ARC DISTANCE OF 683.95 FEET, WITH A CHORD WHICH BEARS NORTH 76°29'04" EAST, 678.62 FEET; THENCE NORTH 64°04'38" EAST, 1046.28 FEET, ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 00°08'08" WEST, 213.32 FEET; THENCE SOUTH 78°48'28" EAST, 1483.53 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°08'53" EAST, 87.25 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 16°33'51" WEST, 156.49 FEET; THENCE SOUTH 00°08'53" EAST, 539.57 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, 45.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°00'22" WEST, 35.43 FEET; THENCE SOUTH 89°59'38" EAST, 21.50 FEET; THENCE SOUTH 00°00'22" WEST, 2570.01 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 258.943 ACRES, MORE OR LESS.

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26; THENCE ALONG THE SOUTH LINE OF SAID QUARTER ON AN ASSUMED BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 825.36 FEET; THENCE ON A BEARING OF NORTH 00°24'22" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL WITH THE SOUTH LINE OF SAID QUARTER ON A BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 515.96 FEET; THENCE ON A BEARING NORTH 00°25'19" WEST, A DISTANCE OF 2033.61 FEET; THENCE ON A BEARING OF NORTH 44°27'37" EAST, A DISTANCE OF 68.73 FEET; THENCE ON A BEARING OF SOUTH 63°56'06" EAST, A DISTANCE OF 18.56 FEET; THENCE ON A BEARING OF NORTH 19°56'13" EAST, A DISTANCE OF 44.30 FEET; THENCE ON A BEARING OF NORTH 34°34'08" EAST, A DISTANCE OF 25.22 FEET; THENCE ON A BEARING OF NORTH 72°13'53" EAST, A DISTANCE OF 27.65 FEET; THENCE ON A BEARING OF SOUTH 37°05'32" EAST, A DISTANCE OF 14.75 FEET; THENCE ON A BEARING OF SOUTH 54°25'19" EAST, A DISTANCE OF 16.30 FEET; THENCE ON A BEARING OF SOUTH 80°46'21" EAST, A DISTANCE OF 23.15 FEET; THENCE ON A BEARING OF SOUTH 87°13'11" EAST, A DISTANCE OF 11.70 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 74°03'00" EAST, AND A CHORD DISTANCE OF 34.18 FEET) A DISTANCE OF 34.48 FEET; THENCE ON A BEARING OF SOUTH 60°52'49" EAST, A DISTANCE OF 42.96 FEET; THENCE ON A BEARING OF SOUTH 53°28'55" EAST, A DISTANCE OF 108.90 FEET; THENCE ON A BEARING OF SOUTH 31°54'18" EAST, A DISTANCE OF 87.45 FEET; THENCE ON A BEARING OF SOUTH 26°44'08" EAST, A DISTANCE OF 158.72 FEET; THENCE ON A BEARING OF SOUTH 28°30'48" EAST, A DISTANCE OF 137.12 FEET; THENCE ON A BEARING OF SOUTH 35°51'47" EAST, A DISTANCE OF 63.86 FEET; THENCE ON A BEARING OF SOUTH 44°53'50" EAST, A DISTANCE OF 71.01 FEET; THENCE ON A BEARING OF SOUTH 00°10'26" EAST, A DISTANCE OF 305.26 FEET; THENCE ON A BEARING OF SOUTH 41°48'53" WEST, A DISTANCE OF 216.94 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 19°54'50" EAST, AND A CHORD DISTANCE OF 97.23 FEET) A DISTANCE OF 105.78 FEET; THENCE ON A BEARING OF SOUTH 00°01'58" EAST, A DISTANCE OF 78.63 FEET; THENCE ON A BEARING OF SOUTH 34°02'36" EAST, A DISTANCE OF 118.96 FEET; THENCE ON A BEARING OF SOUTH 00°17'22" WEST, A DISTANCE OF 227.41 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF SOUTH 45°46'21" WEST, AND A CHORD DISTANCE OF 77.15 FEET) A DISTANCE OF 83.79 FEET; THENCE ON A BEARING OF SOUTH 00°06'58" EAST, A DISTANCE OF 142.97 FEET; THENCE ON A BEARING OF SOUTH 86°22'32" WEST, A DISTANCE OF 30.69 FEET; THENCE ON A BEARING OF SOUTH 01°46'13" EAST, A DISTANCE OF 80.18 FEET; THENCE ON A BEARING OF SOUTH 89°57'22" WEST, A DISTANCE OF 20.82 FEET; THENCE ON A BEARING OF SOUTH 00°15'55" WEST, A DISTANCE OF 130.86 FEET; THENCE ON A BEARING OF SOUTH 89°40'17" EAST, A DISTANCE OF 21.15 FEET; THENCE ON A BEARING OF SOUTH 00°20'17" WEST, A DISTANCE OF 28.30 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 118.49 FEET, A CHORD BEARING OF SOUTH 21°22'45" EAST, A CHORD

DISTANCE OF 60.15 FEET) A DISTANCE OF 60.82 FEET; THENCE ON A BEARING OF SOUTH 32°29'33" EAST, A DISTANCE OF 24.43 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT(SAID CURVE HAVING A RADIUS OF 194.67 FEET, A CHORD BEARING OF SOUTH 12°51'45" EAST, AND A CHORD DISTANCE OF 80.56 FEET) A DISTANCE OF 81.15 FEET; THENCE ON A BEARING OF SOUTH 01°52'31" EAST, A DISTANCE OF 26.20 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 24.081 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS OF RECORD, IF ANY.

(AND IN ADDITION)

KANZA BUSINESS AND TECHNOLOGY PARK SUBDIVISION. CONTAINS APPROXIMATELY 10.39-ACRES, MORE OR LESS.

EXCEPT

The property commonly known as the 501 Sports Complex and legally described as follows: A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the Sixth Principal Meridian, described as follows: Beginning at a point on the West line, 30.00-feet North of the Southwest Corner of said Quarter Section (said point being on the North right-of-way line of West Sixth Street); thence North 00 degrees, 06 minutes, 40 seconds West, along said West Line, 1,118.79-feet; thence South 86 degrees, 14 minutes, 23 seconds East, 130.46-feet; thence North 42 degrees, 56 minutes, 08 seconds East, 233.28-feet; thence North 01 degrees, 24 minutes, 28 seconds West, 497.95-feet; thence North 88 degrees, 48 minutes, 04 seconds East, 120.98-feet; thence on a 302.50-foot radius curve to the left, with a 170.62-foot chord bearing North 72 degrees, 25 minutes, 13 seconds East, an arc distance of 172.97-feet; thence North 56 degrees, 02 minutes, 21 seconds East, 399.91-feet; thence South 20 degrees, 26 minutes, 15 seconds East 750.52-feet; thence South 00 degrees, 24 minutes, 53 seconds East, 1,344.97-feet to the North right-of-way line of West Sixth Street; thence South 89 degrees, 36 minutes, 04 seconds West, along said North right-of-way line, 1,162.82-feet to the Point of Beginning. The above contains 44.001-acres, more or less, all in the City of Topeka, Shawnee County, Kansas.

PART 2

APPRAISED VALUATION OF REAL PROPERTY

The appraised valuation of the real estate contained in the Neighborhood Revitalization Area as of May 1, 2006 for each parcel by land and building values is on file in the Topeka Planning Department. The 2006 appraised valuation for the 14,943 parcels contained in the area is:

	<u>Existing</u>	<u>Proposed</u>
Land	\$211,349,980	\$7,109,690
<u>Improvements</u>	<u>\$1,104,773,358</u>	<u>\$20,671,600</u>
Total Appraised Valuation	\$1,316,123,338	\$27,781,290

PART 3

LISTING OF OWNERS OF RECORD IN AREA

Each owner of record of each parcel of land is listed together with the corresponding address on file in the Topeka Planning Department.

PART 4

EXISTING ZONING BOUNDARIES & EXISTING/PROPOSED LAND USES

Descriptions of zoning districts, current boundaries, existing land uses, and future land use maps within the Neighborhood Revitalization Area are all found on file in the Topeka Planning Department.

PART 5
MAJOR IMPROVEMENTS
PROPOSED FOR NEIGHBORHOOD REVITALIZATION AREA

A list of the proposed major improvements within the Neighborhood Revitalization Area are identified within the City Council-adopted neighborhood and area plans of the Comprehensive Plan. Copies of those plans are on file with the Topeka Planning Department and to date include:

- Chesney Park Neighborhood Land Use Plan (1998)
- Holliday Park Neighborhood Land Use Plan (1998)
- Historic North Topeka Revitalization Plan (1999)
- Elmhurst Neighborhood Plan (2001)
- Tennessee Town (2001)
- Downtown Topeka Redevelopment Plan (2001)
- Ward-Meade Neighborhood Plan (2001)
- Wasburn-Lane Parkway Plan (2001)
- East Topeka Neighborhood Revitalization Plan (2002)
- Old Town Neighborhood Plan (2003)
- Hi-Crest Neighborhood Plan (2003)

Proposed housing, infrastructure, and public facility improvements within these plans are intended to guide the City's future resource allocation as targeted within the Neighborhood Revitalization Area. Actual approved resource allocations are found with the City's Capital Improvement Budget and Consolidated Plan.

PART 6
STATEMENT SPECIFYING THE ELIGIBILITY REQUIREMENTS
FOR A TAX REBATE

Residential New Construction/Rehabilitation

All residential improvements legally permitted by applicable zoning regulations and building codes within the Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 10%. Improvement projects that are **not** eligible without City Council approval include:

- New construction renter-occupied single-family dwellings.
- Conversion of single-family dwellings to two (2) or more dwelling units.

Commercial New Construction/Rehabilitation

Commercial, office and institutional, and industrial projects legally permitted by applicable zoning regulations and building codes within the Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 20%.

PART 7

CRITERIA FOR DETERMINATION OF ELIGIBILITY

- (a) Construction of an improvement must have begun on or after January 1, 2007 the date of designation of the neighborhood revitalization area by the City. An improvement project constructed pursuant to a building permit and an application for tax rebate filed before January 1, 2007, may be eligible for a rebate under the Neighborhood Revitalization Program created by City ordinance No. 18222.
- (b) A rebate application must be filed within sixty (60) days of the issuance of a building permit (if required) or initiation of work on the eligible improvement.
- (c) The improvements must conform with the Comprehensive Plan, including design guidelines within applicable Neighborhood Plans, and Zoning Regulations in effect at the time the improvements are made.
- (d) New and existing improvements on property must conform with all other applicable codes, rules, and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.
- (f) Commercial or industrial property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and Topeka's existing tax abatement program pursuant to Article 11, Section 13 of the Kansas Constitution and Topeka Ordinance 17270, may receive one exemption/rebate per project from the City as a tax incentive.
- (g) Any property that fronts a public street boundary of the Neighborhood Revitalization Area shall be eligible for the rebate, except those properties that front a public highway.
- (h) Projects completed or eligible to be approved after two (2) years from the issuance of a building permit or initiation of eligible work items shall not be eligible for a tax rebate.

PART 8

CONTENTS OF APPLICATION FOR TAX REBATE

Part 1 - General Information

- (a) Owner's Name
- (b) Owner's Mailing Address.
- (c) School District No.
- (d) Parcel I.D. No.
- (e) Building Permit No.
- (f) Address of Property.
- (g) Legal Description of Property
- (h) Day Phone Number.
- (i) Proposed Property Use.
- (j) Improvements
- (k) Estimated Cost of Improvements.
- (l) Proof of Historical Register Listing.
- (m) List of Buildings proposed to be or actually demolished.
- (n) Date of commencement of construction.
- (o) Estimated date of completion of construction.

Part 2 - Status of Construction/Completion

- (a) County Appraiser's Statement of Percentage Test.
- (b) County Clerk's Statement of Tax Status.
- (c) Planning's Statement of Application Conformance for Tax Rebate.

PART 9

APPLICATION PROCEDURE

- (a) The applicant shall obtain an Application for Tax Rebate from Topeka Planning Department (Planning) or the City's Development Services Office concurrent with obtaining a building permit application.
- (b) The applicant shall complete and sign PART 1 of the application and file the original with Metropolitan Planning, within sixty (60) days of issuance of the building permit.
- (c) Metropolitan Planning shall forward the application to the Shawnee County Appraiser's Office for determination of the appraised valuation of the improvements and when necessary, shall indicate the base tax year in order to determine the property's pre-demolition value for historic resources or landmarks that were demolished to make way for the improvements.
- (d) On or about January 1, the County Appraiser shall conduct an on-site inspection of the construction project, determine the new valuation of the real-estate, complete his portion of the application, and report the new valuation to the Shawnee County Clerk by June 1 of that same year. The tax records on the project shall be revised by the County Clerk's Office.
- (e) Upon determination by the Appraiser's office that the improvements meet the percentage test for rebate and the Clerk's office has determined the status of the taxes on the property, Metropolitan Planning shall certify to the County Clerk the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant.
- (f) Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year period extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Shawnee County to the other taxing units, a tax rebate in the amount of the tax increment (less any fees as specified in the Interlocal Agreement) shall be made to the applicant.

The tax rebate amount will be based on the appraised property value increment between the application year and the completion year directly attributable to the improvement itself. The actual rebate may vary year to year depending upon the approved mill levy for all participating taxing jurisdictions. The tax rebate shall be made by Audit and Finance, Shawnee County through the Neighborhood Revitalization Fund established in conjunction with the City of Topeka and the other taxing units participating in an Interlocal Agreement.

PART 10
STANDARDS AND CRITERIA FOR APPROVAL

- (a) Project improvements shall be 100% complete.
- (b) The appraised value of residential property must be increased by a minimum of 10%.
- (c) The appraised value of commercial and industrial property must be increased by a minimum of 20%.
- (d) New improvements must conform with all applicable codes, rules, and regulations in effect at the time the improvements are made, including design guidelines of the Comprehensive Plan, for the length of the rebate.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.

PART 11

STATEMENT SPECIFYING REBATE FORMULA

Program Period:

The Neighborhood Revitalization Fund and tax rebate incentive program shall expire on December 31, 2009.

Rebate Period:

All Eligible Uses	10 years
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Properties on National/State Register, or properties designated as Historic Landmarks by the City of Topeka	15 years
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Rebate Amount:

All Eligible Uses	80 % *
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Properties on National/State Register, or properties designated as Historic Landmarks by the City of Topeka	100%
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*20% to remain in Neighborhood Revitalization Fund for administrative costs (5%) and infrastructure, housing, or redevelopment improvements that implement approved Neighborhood Plans, or other plans approved by the governing bodies within the Neighborhood Revitalization Area (15%).

Part 12

OTHER MATTERS

1. A comprehensive marketing effort shall be initiated to introduce and reinforce this program to the general public. Potential actions include, but are not limited to:
 - Notice of the program included in pre-development applications by Planning, Housing and Neighborhood Development, and Development Services.
 - Informational packet distributed annually to realtors, builders, financial institutions, and neighborhood groups.
 - Recurring advertisements on Government Access Cable Channel.
1. The governing body may declare a structure outside of a neighborhood revitalization area eligible if it satisfies the conditions set forth in subsection (a) of KSA 12-17, 115 as a “dilapidated structure” due to its deteriorated conditions and/or is worthy of preservation (see KSA statute in appendix). As a matter of course, the governing body shall forward said declaration to the participating taxing entities for their approval as well.
2. Create a Special Fund for infrastructure, housing, and redevelopment improvements to implement approved Neighborhood Plans or other improvement plans approved by the governing bodies within the Neighborhood Revitalization Area. State law provides the flexibility for cities to enact and enforce additional laws and regulations that are not in conflict with the provisions of the Neighborhood Revitalization Act (KSA 12-114).

A committee consisting of a representative from each participating taxing entity shall make specific project recommendations to the City Council consistent with the intent of the Special Fund. The City Council shall make final decisions in the appropriation of

such fund for neighborhood improvement projects occurring within the City. The Special Fund shall not be used as a substitute funding source for existing programs or projects.

3. The tax rebate period for properties/projects approved for 10-year rebates beginning in the tax years ~~1996~~9, ~~1997~~2000, and ~~1998~~2001 shall be extended an extra year whereas ~~50~~45% of the amount equal to the tax rebate will be distributed to all taxing entities, ~~and~~ 50% set-aside for the Special Fund as described in Part 12 of this Plan, and 5% to the property owner.

SHAWNEE COUNTY TAX LEVY SCHEDULE 2006

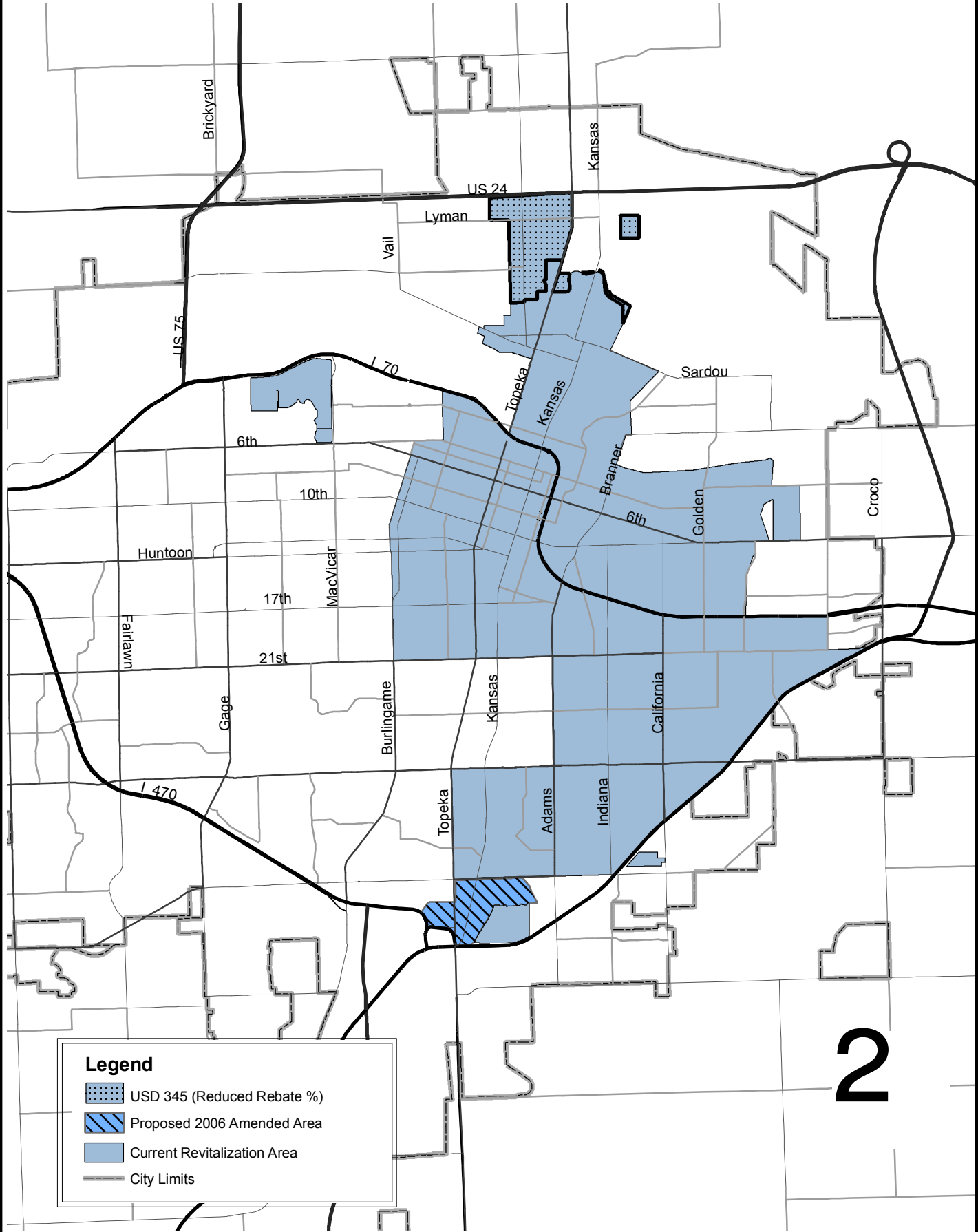
Tax Levies Per \$1,000 Assessed Valuation

<u>Taxing Jurisdictions (within USD 501 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1. Shawnee County	41.850	29.4
2. City of Topeka	30.653	21.6
3. U.S.D. 501 (Topeka)	53.295	37.5
4. Washburn University	3.313	2.3
5. Topeka-Shawnee County Public Library	9.370	6.6
6. MTTA (Transit Authority)	2.712	1.9
7. MTAA (Airport Authority)	<u>1.036</u>	<u>0.7</u>
TOTAL	142.229	100 %

<u>Taxing Jurisdictions (within USD 345 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1. Shawnee County	41.850	30.3
2. City of Topeka	30.653	22.2
3. U.S.D. 345 (Seaman)	49.147	35.6
4. Washburn University	3.313	2.4
5. Topeka-Shawnee County Public Library	9.370	6.8
6. MTTA (Transit Authority)	2.712	2.0
7. MTAA (Airport Authority)	<u>1.036</u>	<u>0.8</u>
TOTAL	138.081	100 %

Map #1

Neighborhood Revitalization Area



2

Neighborhood Revitalization Program

2004 Program vs. 2007 Program (proposed)

Issue	2004 NRP (as amended)	2007 NRP
Neighborhood Revitalization Area	13.4 square miles	Additional 0.21 sq. miles (South Topeka Blvd and Southern Hills)
Eligibility	All uses as permitted by zoning.	Allows appeal to City Council for ineligible projects (e.g., single-family renter-occupied new construction)
Boundary	Properties that front the boundary are eligible.	Properties that front the boundary along a <i>public highway</i> are <u>not</u> eligible
Investment Threshold	Residential improvements must increase appraised value 10%; commercial improvements 20%.	No change
Appeals to Application Deadline	No appeal beyond 60-day deadline.	No change
Design	Projects must conform to design guidelines in neighborhoods with adopted Neighborhood Plans.	No change
Rebate Rate - Standard	80% rebate/10 years 5% administration 15% re-invested back into target area (Special Fund)	No change
Rebate Rate - Historical	100%/15 years	No change
Special Project Fund	Adds "11 th " year to expiring projects and sets aside 50% of rebate into special fund for neighborhood infrastructure in NRA. Estimated to be \$400,000 in fund by 2008. Remaining 50% goes to taxing entities.	Reduces taxing entity percentage to 45% and returns 5% to taxpayer

Neighborhood Revitalization Program Tax Rebate Impact 1996-2004
Source: Shawnee County Clerk

Year	County	City	501	MTAA	Metro Transit	Washburn	Library	Tax Rebate	Admin Fees 5%	Taxpayer Rebate
1996	\$23,346.74	\$22,955.16	\$35,183.96	\$1,083.67	\$2,203.00	\$11,205.39	\$4,060.91	\$100,038.83	\$5,001.94	\$95,036.89
1997	\$118,597.73	\$103,913.71	\$182,659.86	\$5,203.98	\$8,277.89	\$56,908.93	\$21,007.23	\$496,569.33	\$24,828.47	\$471,740.86
1998	\$194,102.86	\$166,335.62	\$262,579.23	\$8,786.57	\$13,712.93	\$96,200.61	\$36,800.66	\$778,518.48	\$38,925.92	\$739,592.56
1999	\$396,514.95	\$340,498.94	\$540,418.20	\$19,004.09	\$26,481.47	\$35,490.73	\$92,160.21	\$1,450,568.59	\$72,528.43	\$1,378,040.16
2000	\$461,094.30	\$417,549.85	\$572,480.64	\$20,650.61	\$30,866.95	\$42,442.06	\$125,621.31	\$1,670,705.72	\$83,535.29	\$1,587,170.43
2001	\$564,903.51	\$451,552.62	\$659,000.61	\$18,300.36	\$32,161.31	\$46,091.85	\$128,339.09	\$1,900,349.35	\$95,017.47	\$1,805,331.88
2002	\$588,756.07	\$478,835.86	\$618,697.20	\$17,720.21	\$33,778.24	\$47,899.48	\$141,949.56	\$1,927,636.62	\$96,381.83	\$1,831,254.79
2003	\$686,796.80	\$530,124.22	\$663,527.22	\$17,344.24	\$37,672.26	\$52,782.66	\$167,841.83	\$2,156,089.23	\$107,804.46	\$2,048,284.77
2004	\$717,133.68	\$551,868.03	\$827,620.45	\$18,145.15	\$50,823.45	\$56,445.89	\$172,881.51	\$2,394,918.16	\$119,745.91	\$2,275,172.25
Totals	\$2,347,316.16	\$1,981,641.76	\$2,871,019.70	\$126,238.88	\$235,977.50	\$445,467.60	\$890,662.31	\$12,875,394.31	\$643,769.72	\$12,231,624.59

Tax Entity	Rebate Impact
County	\$2,347,316.16
City	\$1,981,641.76
501	\$2,871,019.70
MTAA	\$126,238.88
Metro	
Transit	\$235,977.50
Washburn	\$445,467.60
Library	\$890,662.31
Total	
Taxpayer Rebate*	\$12,231,624.59

*Minus 5% administrative fee

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. adopting a neighborhood revitalization plan and designating a revitalization area, all as provided for in K.S.A. 12-17, 114 *et seq.*, Neighborhood Revitalization Act and specifically repealing City of Topeka Ordinance No. 18653.

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

Section 1. **Hearing.**

The Council of the City of Topeka pursuant to Notice of Public Hearing as set forth in City of Topeka Resolution No. 7874 did hold a public hearing on October 24, 2006 to hear and consider public comment on the neighborhood revitalization plan as required by K.S.A. 12-17, 117(c).

Section 2. **Neighborhood Revitalization Plan.**

The Council of the City of Topeka does hereby adopt the neighborhood revitalization plan, attached hereto, labeled Exhibit A and incorporated by reference as if fully set forth herein as provided for by K.S.A. 12-17, 117(a).

Section 3. **Designation of Neighborhood Revitalization Area.**

Pursuant to K.S.A. 12-17, 116, the Council of the City of Topeka hereby designates the following described property as the neighborhood revitalization area and finds that said area is:

1. An area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and

other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare;

2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

The neighborhood revitalization area is described as follows:

PRIMARY AREA

Beginning at the intersection of the Centerline of US Highway 24 with the Centerline of NW Clay Street; thence easterly, on the Centerline of US Highway 24, to an intersection with the Centerline of NW Topeka Boulevard; thence southerly, on the Centerline of NW Topeka Boulevard, to an intersection with the Centerline of Old Soldier Creek; thence easterly and southerly, down the Centerline of Old Soldier Creek, to an intersection with the Centerline of the Mainline Track of the Union Pacific Railroad; thence southerly, on the centerline of said mainline track, to an intersection with the Centerline of the West Approach to the Sardou Bridge over the Kansas River; thence east-southeasterly, on the centerline of said approach and the Centerline of the Sardou Bridge, to an

58 intersection with the Centerline of the Kansas River; thence southwesterly, up the
59 Centerline of the Kansas River, to an intersection with an extension of the Centerline of
60 NE Chandler Street; thence southerly, on the Centerline of NE Chandler Street, to an
61 intersection with the Centerline of NE Seward Avenue; thence westerly, on the
62 Centerline of NE Seward Avenue, to an intersection with the Centerline of NE Branner
63 Street; thence south-southwesterly, on the Centerline of Branner Street, to an
64 intersection with the Centerline of the Mainline Track of the Burlington Northern – Santa
65 Fe Railway; thence easterly, on the centerline of said mainline track, to an intersection
66 with the East line of the Northeast Quarter of Section 33, Township 11 South, Range 16
67 east of the 6th P.M.; thence southerly, on said East line, to the Southeast corner of said
68 Northeast Quarter; thence easterly, on the North line of the Southwest Quarter of
69 Section 34, Township 11 South, Range 16 east of the 6th P.M., to an intersection with
70 the Centerline of Deer Creek; thence southwesterly and southerly, up the Centerline of
71 Deer Creek, to an intersection with the Centerline of SE 6th Avenue; thence westerly, on
72 the Centerline of SE 6th Avenue, to an intersection with the Centerline of SE Deer Creek
73 Parkway; thence southerly, on the Centerline of SE Deer Creek Parkway, to an
74 intersection with the Centerline of Interstate Highway 70; thence easterly, on the
75 Centerline of Interstate Highway 70, to an intersection with the East line of the
76 Southwest Quarter of Section 3, Township 12 South, Range 16 east of the 6th P.M.;
77 thence southerly, on said East line, to the Southeast corner of said Southwest Quarter;
78 thence easterly, on the North line of the Northeast Quarter of Section 10, Township 12
79 South, Range 16 east of the 6th P.M., to the Northeast corner of the West Half of said
80 Northeast Quarter; thence on an assumed bearing of South 00°48'00" West, on the
81 East line of the West Half of said Northeast Quarter, 158.83 feet, to the North line of the
82 Kansas Turnpike Right of Way, thence South 63°15'40" West, on said right of way line,
83 790.86 feet; thence South 69°36'00" West, continuing on said right of way line, 452.77
84 feet; thence North 70°46'40" West, continuing on said right of way line, 337.69 feet, to
85 the Easterly Right of Way line of Service Road "L" of the Kansas Turnpike Authority;
86 thence southwesterly, to the intersection of the Westerly Right of Way line of said
87 Service Road "L" with the Northerly Right of Way line of the Kansas Turnpike; thence
88 southwesterly, on the Northerly Right of Way line of the Kansas Turnpike, to an
89 intersection with the Centerline of SE 37th Street; thence westerly, on the Centerline of
90 37th Street, to an intersection with the Centerline of SW Topeka Boulevard; thence
91 northerly, on the Centerline of SW Topeka Boulevard, to an intersection with the
92 Centerline of SW 29th Street; thence easterly, on the Centerline of 29th Street, to an
93 intersection with the Centerline of SE Adams Street; thence northerly, on the Centerline
94 of SE Adams Street, to an intersection with the Centerline of SE 21st Street; thence
95 westerly, on the Centerline of 21st Street, to an intersection with the Centerline of
96 Washburn Avenue; thence northerly, and north-northeasterly, on the Centerline of
97 Washburn Avenue, to an intersection with the Centerline of SW Willow Avenue; thence
98 easterly, on the Centerline of SW Willow Avenue, to an intersection with the Centerline
99 of Quinton Avenue; thence northerly, on the Centerline of Quinton Avenue, and its
100 extension, to an intersection with the Centerline of Interstate Highway 70; thence
101 southeasterly, on the Centerline of Interstate Highway 70, to an intersection with the
102 Centerline of SW Topeka Boulevard; thence north-northeasterly, on the Centerline of

Topeka Boulevard, to an intersection with the Centerline of NW Laurent Street; thence west-northwesterly, on the Centerline of NW Laurent Street, to an intersection with the Centerline of NW Norris Street; thence west-northwesterly, on the Centerline of NW Norris Street, to an intersection with the Centerline of NW Lane Street; thence north-northeasterly, on the Centerline of NW Lane Street, to an intersection with the Centerline of NW Gordon Street; thence east-southeasterly, on the Centerline of NW Gordon Street, to an intersection with the Centerline of NW Buchanan Street; thence northerly, on the Centerline of NW Buchanan Street, to an intersection with the Centerline of NW Grant Street; thence easterly, on the Centerline of NW Grant Street, to an intersection with the Centerline of NW Western Avenue; thence northerly, on the Centerline of NW Western Avenue, to an intersection with the Centerline of NW St. John Street; thence easterly, on the Centerline of NW St. John Street, to an intersection with the Centerline of NW Taylor Street; thence northerly, on the Centerline of NW Taylor Street, to an intersection with the Centerline of NW Lyman Road; thence westerly, on the Centerline of NW Lyman Road, to an intersection with the Centerline of NW Clay Street; thence northerly, on the Centerline of NW Clay Street, to the point of beginning. Contains 12.77 square miles.

SOUTHERN HILLS

Southern Hills Subdivision "A", Southern Hills Subdivision "B", and Southern Hills Subdivision "C". Contains approximately 110.8 acres.

SOUTH TOPEKA BLVD. AREA

A tract in the Northwest and Southwest Quarters of Section 19, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the intersection of the West line of said Southwest Quarter with the Centerline of the Kansas Turnpike; thence easterly on the Centerline of the Kansas Turnpike to an intersection with the East right of way line of the former Missouri Pacific Railroad; thence northeasterly on the East right of way line of the Missouri Pacific Railroad, to the Southwest corner of Lot 49, Block A in Southern Hills Subdivision "B"; thence continuing northeasterly on the East right of way line of the former Missouri Pacific Railroad, to the Northwest corner of Lot 1, Block "A" in Southern Hills Subdivision "A"; thence continuing northeasterly on the East right of way line of the former Missouri Pacific Railroad, to an intersection with the North line of said Northwest Quarter; thence westerly on the North line of said Northwest Quarter, to the Northwest corner thereof; thence southerly on the West line of said Northwest Quarter, to the Southwest corner thereof; thence southerly on the West line of said Southwest Quarter to the point of beginning.

And

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER;

THENCE COINCIDENT WITH THE EAST LINE OF SAID NORTHEAST QUARTER ON
AZ. 180 DEGREES 06 MINUTES 31 SECONDS, A DISTANCE OF 1066.54 FEET;
THENCE PERPENDICULAR TO SAID EAST LINE ON AZ. 270 DEGREES 06
MINUTES 31 SECONDS, A DISTANCE OF 69.15 FEET TO THE POINT OF
BEGINNING; THENCE ON AZ. 269 DEGREES 55 MINUTES 30 SECONDS, A
DISTANCE OF 1059.61 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;
THENCE COINCIDENT WITH SAID CURVE HAVING A RADIUS OF 279.39, AN ARC
LENGTH OF 247.74 FEET, A DELTA ANGLE OF 50 DEGREES 48 MINUTES 22
SECONDS, A CHORD AZ. OF 239 DEGREES 52 MINUTES 25 SECONDS AND A
CHORD LENGTH OF 239.70 FEET; THENCE ON AZ. 217 DEGREES 13 MINUTES 59
SECONDS, A DISTANCE OF 308.30 FEET; THENCE ON AZ. 126 DEGREES 47
MINUTES 21 SECONDS, A DISTANCE OF 145.49 FEET; THENCE ON AZ. 137
DEGREES 22 MINUTES 46 SECONDS, A DISTANCE OF 608.22 FEET; THENCE ON
AZ. 179 DEGREES 47 MINUTES 25 SECONDS, A DISTANCE OF 70.60 FEET;
THENCE ON AZ. 127 DEGREES 08 MINUTES 59 SECONDS, A DISTANCE OF
283.83 FEET; THENCE ON AZ. 89 DEGREES 52 MINUTES 32 SECONDS, A
DISTANCE OF 82.08 FEET; THENCE ON AZ. 78 DEGREES 57 MINUTES 30
SECONDS, A DISTANCE OF 397.63 FEET; THENCE ON AZ. 45 DEGREES 16
MINUTES 23 SECONDS, A DISTANCE OF 182.65 FEET; THENCE ON AZ. 89
DEGREES 48 MINUTES 52 SECONDS, A DISTANCE OF 97.03 FEET; THENCE ON
AZ. 359 DEGREES 58 MINUTES 07 SECONDS, A DISTANCE OF 938.68 FEET TO
THE POINT OF BEGINNING. CONTAINING 28.89 ACRES, MORE OR LESS.

BELMONT ADDITION

Beginning at the Southwest corner of Lot 574 on Sixth Avenue, in Belmont Addition to
the City of Topeka, Shawnee County, Kansas: thence northerly, on the West line of
Belmont Addition, to the Northwest corner of Lot 447 on Rogers Street; thence easterly,
on the North line of Lot 447 and on the North line of East Third Street, formerly House
Street, to the Southwest corner of Lot 181 on Fairfax Street in Belmont Addition; thence
northerly, on a West line of Belmont Addition, to an intersection with the Centerline of
Deer Creek; thence northeasterly, down the Centerline of Deer Creek, to an intersection
with the North line of the Southwest Quarter of Section 34, Township 11 South, Range
16 east of the 6th P.M.; thence easterly, on the North line of said Southwest Quarter, to
the Northeast corner of Belmont Addition; thence southerly, on the East line of Belmont
Addition, to the Southeast corner of Lot 658 on sixth Avenue; thence westerly, on the
platted North line of Sixth Avenue, to the point of beginning. Contains 0.10 square mile,
more or less.

(AND IN ADDITION)

COWDIN SUBDIVISION NO. 3 PRELIMINARY PLAT AREA

Commencing at the Northeast Corner of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 17,
Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee
County, Kansas; thence South along the East line of said SE $\frac{1}{4}$ a distance of 299.87
feet to the point of beginning; thence continuing South along said East line, a distance

of 210.00 feet; thence S 89° 49' W a distance of 215.0 feet; thence S 00° 13' E a distance of 150.00 feet to a point on the North line of Cowdin Subdivision; thence S 90° 00' W along the North line of said Subdivision 1402.1 feet to the NW corner of Lot 9, Block A, Cowdin Subdivision, said point also being on the easterly right-of-way of the Kansas Turnpike; thence N 41° 19' E along the easterly right-of-way of the Kansas Turnpike, a distance of 880.0 feet; thence N 89° 54' E a distance of 630.0 feet to a point on the West right-of-way of SE Colorado Avenue, said point also being a common center with Parnell Subdivision; thence S 00° 13' E along said right-of-way a distance of 300.0 feet to the SW corner of Noble Subdivision; thence N 89° 54' E along the South line of said Subdivision and said South line extended a distance of 400.0 feet to the point of beginning containing 16.62 acres more or less.

DRAKES FARM SUBDIVISION AREA

Drakes Farm Subdivision. Contains approximately 21.01 acres.

KANZA BUSINESS AND TECHNOLOGY PARK (OVERALL PUD BOUNDARY)

A TRACT OF LAND IN THE SOUTHEAST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, LOT 3 OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER, ALL IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00°00'22" EAST, 30.00 FEET, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°36'04" WEST, 23.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'04" WEST, 2611.74 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER, 30.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°06'23" WEST, 1118.90 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 86°16'38" EAST, 130.48 FEET; THENCE NORTH 42°55'39" EAST, 233.28 FEET; THENCE NORTH 01°25'17" WEST, 497.95 FEET; THENCE SOUTH 88°46'41" WEST, 278.01 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°06'23" EAST, 120.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER TO THE NORTH LINE OF ARLINGTON HEIGHTS SUBDIVISION; THENCE SOUTH 89°54'32" WEST, 1309.28 FEET ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°11'27" EAST, 953.94 FEET ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°18'11" EAST, 663.92 FEET ALONG THE WEST LINE OF SAID LOT 3 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70; THENCE NORTH 88°53'30" EAST, 883.63 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE ON A CURVE TO THE LEFT, ALONG SAID RIGHT-OF-WAY LINE, A RADIUS OF 1579.22 FEET, AN ARC DISTANCE OF 683.95 FEET, WITH A CHORD WHICH BEARS NORTH 76°29'04" EAST, 678.62 FEET; THENCE NORTH 64°04'38" EAST, 1046.28 FEET, ALONG SAID

RIGHT-OF-WAY LINE; THENCE SOUTH 00°08'08" WEST, 213.32 FEET; THENCE SOUTH 78°48'28" EAST, 1483.53 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°08'53" EAST, 87.25 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 16°33'51" WEST, 156.49 FEET; THENCE SOUTH 00°08'53" EAST, 539.57 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, 45.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°00'22" WEST, 35.43 FEET; THENCE SOUTH 89°59'38" EAST, 21.50 FEET; THENCE SOUTH 00°00'22" WEST, 2570.01 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 258.943 ACRES, MORE OR LESS.

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26; THENCE ALONG THE SOUTH LINE OF SAID QUARTER ON AN ASSUMED BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 825.36 FEET; THENCE ON A BEARING OF NORTH 00°24'22" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL WITH THE SOUTH LINE OF SAID QUARTER ON A BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 515.96 FEET; THENCE ON A BEARING NORTH 00°25'19" WEST, A DISTANCE OF 2033.61 FEET; THENCE ON A BEARING OF NORTH 44°27'37" EAST, A DISTANCE OF 68.73 FEET; THENCE ON A BEARING OF SOUTH 63°56'06" EAST, A DISTANCE OF 18.56 FEET; THENCE ON A BEARING OF NORTH 19°56'13" EAST, A DISTANCE OF 44.30 FEET; THENCE ON A BEARING OF NORTH 34°34'08" EAST, A DISTANCE OF 25.22 FEET; THENCE ON A BEARING OF NORTH 72°13'53" EAST, A DISTANCE OF 27.65 FEET; THENCE ON A BEARING OF SOUTH 37°05'32" EAST, A DISTANCE OF 14.75 FEET; THENCE ON A BEARING OF SOUTH 54°25'19" EAST, A DISTANCE OF 16.30 FEET; THENCE ON A BEARING OF SOUTH 80°46'21" EAST, A DISTANCE OF 23.15 FEET; THENCE ON A BEARING OF SOUTH 87°13'11" EAST, A DISTANCE OF 11.70 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 74°03'00" EAST, AND A CHORD DISTANCE OF 34.18 FEET) A DISTANCE OF 34.48 FEET; THENCE ON A BEARING OF SOUTH 60°52'49" EAST, A DISTANCE OF 42.96 FEET; THENCE ON A BEARING OF SOUTH 53°28'55" EAST, A DISTANCE OF 108.90 FEET; THENCE ON A BEARING OF SOUTH 31°54'18" EAST, A DISTANCE OF 87.45 FEET; THENCE ON A BEARING OF SOUTH 26°44'08" EAST, A DISTANCE OF 158.72 FEET; THENCE ON A BEARING OF SOUTH 28°30'48" EAST, A DISTANCE OF 137.12 FEET; THENCE ON A BEARING OF SOUTH 35°51'47" EAST, A DISTANCE OF 63.86 FEET; THENCE ON A BEARING OF SOUTH 44°53'50" EAST, A DISTANCE OF 71.01 FEET; THENCE ON A BEARING OF SOUTH 00°10'26" EAST, A DISTANCE OF 305.26 FEET; THENCE ON A BEARING OF SOUTH 41°48'53" WEST, A DISTANCE OF 216.94 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT

(SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 19°54'50" EAST, AND A CHORD DISTANCE OF 97.23 FEET) A DISTANCE OF 105.78 FEET; THENCE ON A BEARING OF SOUTH 00°01'58" EAST, A DISTANCE OF 78.63 FEET; THENCE ON A BEARING OF SOUTH 34°02'36" EAST, A DISTANCE OF 118.96 FEET; THENCE ON A BEARING OF SOUTH 00°17'22" WEST, A DISTANCE OF 227.41 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF SOUTH 45°46'21" WEST, AND A CHORD DISTANCE OF 77.15 FEET) A DISTANCE OF 83.79 FEET; THENCE ON A BEARING OF SOUTH 00°06'58" EAST, A DISTANCE OF 142.97 FEET; THENCE ON A BEARING OF SOUTH 86°22'32" WEST, A DISTANCE OF 30.69 FEET; THENCE ON A BEARING OF SOUTH 01°46'13" EAST, A DISTANCE OF 80.18 FEET; THENCE ON A BEARING OF SOUTH 89°57'22" WEST, A DISTANCE OF 20.82 FEET; THENCE ON A BEARING OF SOUTH 00°15'55" WEST, A DISTANCE OF 130.86 FEET; THENCE ON A BEARING OF SOUTH 89°40'17" EAST, A DISTANCE OF 21.15 FEET; THENCE ON A BEARING OF SOUTH 00°20'17" WEST, A DISTANCE OF 28.30 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 118.49 FEET, A CHORD BEARING OF SOUTH 21°22'45" EAST, A CHORD DISTANCE OF 60.15 FEET) A DISTANCE OF 60.82 FEET; THENCE ON A BEARING OF SOUTH 32°29'33" EAST, A DISTANCE OF 24.43 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 194.67 FEET, A CHORD BEARING OF SOUTH 12°51'45" EAST, AND A CHORD DISTANCE OF 80.56 FEET) A DISTANCE OF 81.15 FEET; THENCE ON A BEARING OF SOUTH 01°52'31" EAST, A DISTANCE OF 26.20 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 24.081 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS OF RECORD, IF ANY.

(AND IN ADDITION)

KANZA BUSINESS AND TECHNOLOGY PARK SUBDIVISION. CONTAINS APPROXIMATELY 10.39-ACRES, MORE OR LESS.

EXCEPT

The property commonly known as the 501 Sports Complex and legally described as follows: A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the Sixth Principal Meridian, described as follows: Beginning at a point on the West line, 30.00-foot North of the Southwest Corner of said Quarter Section (said point being on the North right-of-way line of West Sixth Street); thence North 00 degrees, 06 minutes, 40 seconds West, along said West Line, 1,118.79-foot; thence South 86 degrees, 14 minutes, 23 seconds East, 130.46-foot; thence North 42 degrees, 56 minutes, 08 seconds East, 233.28-foot; thence North 01 degrees, 24 minutes, 28 seconds West, 497.95-foot; thence North 88 degrees, 48 minutes, 04 seconds East, 120.98-foot; thence on a 302.50-foot radius curve to the left, with a 170.62-foot chord bearing North 72 degrees, 25 minutes, 13 seconds East, an arc distance of 172.97-foot;

thence North 56 degrees, 02 minutes, 21 seconds East, 399.91-feet; thence South 20 degrees, 26 minutes, 15 seconds East 750.52-feet; thence South 00 degrees, 24 minutes, 53 seconds East, 1, 344.97-feet to the North right-of-way line of West Sixth Street; thence South 89 degrees, 36 minutes, 04 seconds West, along said North right-of-way line, 1,162.82-feet to the Point of Beginning. The above contains 44.001-acres, more or less, all in the City of Topeka, Shawnee County, Kansas.

Section 4. City of Topeka Ordinance No. 18653 is hereby specifically repealed.

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 Council of the City of Topeka_____.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 6, 2006

+ Back Print

DATE:	October 4, 2006	
CONTACT PERSON:	David Thurbon	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:	First reading on Sept. 26. Public hearing on Oct. 3	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmembers Brett Blackburn and Lana Kennedy relating to temporary signs by amending Section 48-31.01 of the Zoning Code and Sections 118-276 and 118-277 of the Sign Code. First reading.

(The ordinance provides for various classifications of temporary signage, including off-premise advertising during certain days and hours.)

POLICY ISSUE:

The primary purpose of the proposed amendment is to allow **off-premise** advertising for events such as real estate open houses and estate auctions from 5:00 P.M. Thursday until 5:00 P.M. Sunday.

STAFF RECOMMENDATION:

The Planning Department recommends approval of the attached ordinance as amended by the Planning Commission. The Planning Commission held a public hearing on August 21, 2006 and recommended approval by a vote of 6-1-0.

BACKGROUND:

See attached memorandum/staff report to the Planning Commission. Amendments made by the Planning Commission during the public hearing are indicated in red.

BUDGETARY IMPACT:

NA

SOURCE OF FUNDING:

NA

ATTACHMENTS:

[Planning Commission minutes - Aug. 21, 2006](#)

[Planning Commission minutes - Aug. 21, 2006](#)

Item #26

**MINUTES OF THE TOPEKA PLANNING COMMISSION
MONDAY, AUGUST 28TH, 2006 @ 5:30 PM
620 SE MADISON STREET
HOLLIDAY CONFERENCE ROOM, HOLLIDAY BUILDING
TOPEKA, KANSAS**

A.) Roll Call:

- a) Members Present:** Howard Blackmon, Mark Boyd, Michelle Hoferer, Fred Sanders, Terry Simnitt, Theron Sims and Ralph Skoog **(6)**
- b) Members Absent:** Kimberly Scott **(1)**
- c) Late arrivals:** None **(0)**
- d) Staff Present:** David Thurbon, Planning Director, Bill Fiander, Deputy Planning Director and Steven Kraus, Office Assistant II, Braxton Copley, Assistant City Attorney
- e) Others Attending:** Pam Simecka, Mike McGee, J.D. Yanek, Christy Caldwell, Jim Sanders and Dan Kull

B.) Approval of July 24th, 2006 Minutes: Theron Sims moved to approve the minutes as presented, seconded by Howard Blackmon. **The motion passed. 7-0-0.**

C.) Proposed Temporary Sign Code Amendments

David Thurbon explained that the proposed amendment to the sign code addresses the City Council's request to develop a temporary sign policy to be in place while progress is being made on the Uniform Development Code (UDC). He noted that the major purpose of the amendment was to accommodate real estate/open house-type signs which are often put at the end of a block to direct traffic to a specific location or event, primarily taking place on weekends. Mr. Thurbon then gave a brief description of the three types of signage considered temporary under the proposed amendment. Assistant City Attorney Braxton Copley then advised the Commission that content neutrality was one of the key foundations of the proposed amendment, noting a brief history of the case law influencing it. Michelle Hoferer asked if temporary political signs would be subject to a day-specific removal deadline or if they would be allowed for the duration of the event referenced on the sign. She offered elections and the Iraq war as examples. Mr. Copley said that they could not be removed on the basis of their content and would be allowed to stand until after the referenced event under the proposed ordinance. He went on to say that the ordinance could be altered to reflect a different time limit or content-neutral aesthetic guidelines. Terry Simnitt asked if the First Amendment protection granted to individuals was not granted to businesses. Mr. Copley said that the City is in more of a position to regulate business-related speech than individual speech. After this, Chairman Mark Boyd opened the floor for public comment.

J.D. Yanek addressed the Commission, representing the Topeka Association of Realtors (TAR). On page 8, under the Placing and Time Limitation section, lines 172-187, Mr. Yanek asked that the term "private property" be more specifically defined, as it is difficult at times to tell where public property ends and private property begins. He suggested that the lines be amended to read, "If the private property boundary is not reasonably ascertainable, then 15 feet from the curb or roadway shall be presumed to be the private property boundary for purposes of sign placement." Mr. Copley noted that the concept of right-of-way is fact

driven and the legal department cannot legally put an ordinance into effect which would allow for the city's property to become a public forum. He added that citizens and realtors are free to call the City's Public Works department to ascertain where the right-of-way ends. Chairman Boyd noted the varying degrees of right-of-way in the city and expressed concern over the difficulty the average citizen faces in trying to determine where it ends. Mr. Thurbon advised that a letter had been issued to the public explaining that the City would exercise a "rule of thumb" of 15 feet of right-of-way on a local street and 30 feet on a major arterial. He also reiterated that anyone with questions may call the Planning or Public Works departments. Mr. Yanek also directed the attention of the Commission to page 11, under the Limited Duration, Free-Standing Signs section, lines 238-240. Mr. Yanek asked that the segment be amended to read after the line **Friday until 5:00 P.M. Sunday**, "during the event, activity or pursuit, free-standing signs may be displayed on any property at any given time provided that consent of the property owner is given." Mr. Yanek said that the purpose would be to allow more than one sign on a property at one time. Mr. Thurbon said he could not support such a change for fear that retailers would cover yards with cardboard signs. Chairman Boyd asked if five craftsmen displaying the work they had done on a house would be forbidden to advertise their work on separate signs under the City's proposed amendment. Mr. Copley answered that the numerical limitation mandated by the amendment would require all to advertise on one sign, otherwise the craftsman who got his sign out first would be the only one advertised. Discussion followed. Mr. Thurbon reminded those present that the primary directive from the Council was to create an amendment which would allow for the placement of open house type signs while the City worked on a more permanent solution in the form of a UDC. As such, he recommended against getting bogged down in issues such as this which would have to be revisited for the UDC. Discussion followed. Mr. Yanek asked what would happen if two open houses occurred at the same time on the same street. Mr. Thurbon responded by suggesting that the numerical limitation on line 238 could be changed from 1 to "not more than 2." Mr. Yanek then noted the Placing and Time Limitation section on page 8 and asked for clarification as to what that section would mean to O & I districts. Mr. Thurbon noted that the section in question merely states that R or M districts are allowed signs up to 32 square feet and any other districts—O & I included—are allowed signs up to 60 square feet in size. Mr. Copley suggested eliminating the word "dwelling" on lines 176 and 179 to clarify. Mr. Yanek also expressed concern that section limited sign placement to 2 separate occasions per year. Mr. Copley replied that when a sign is put out advertising a house for sale, the occasion lasts until the house is sold. Mr. Yanek asked if the house were sold multiple times in a year, would each sale count as a separate event. Mr. Thurbon said that it would.

Christy Caldwell of the Greater Topeka Chamber of Commerce addressed the Commission. Ms. Caldwell expressed concern over the regulation of signage, citing the importance of signage in the communication between businesses and the public. She made note of her support of the Topeka Association of Realtors and echoed their concerns and suggestions. She also called attention to the Placing and Time Limitation section on page 8, specifically the limitation on lines 185 and 186 to 2 separate occasions per calendar year. As an example, she cited multiple units for lease in a strip mall over a year's time. Ms. Caldwell also pointed to Page 9, line 189, and suggested that the word "wall" be replaced with something to allow leeway for buildings with pillars, etc. which might obscure signs posted on a wall. Ms. Caldwell closed by asking the Commission to carefully consider these amendments and how they are likely to effect area businesses. Braxton Copley asked Ms. Caldwell if, in line 189, the word "wall" were replaced with "face," would that be an acceptable solution. Ms. Caldwell said that this should be satisfactory. Ralph Skoog asked if, under the proposed amendments, a sign located inside a building but facing out a window

would be regulated. Mr. Thurbon replied that such signage would fall under the not-more-than 10% allowed on a building face. Discussion followed on this point. Mr. Thurbon suggested the possibility of raising the percentage to 25%. Discussion continued. Ms. Caldwell advised extreme caution in regulating interior signs which are visible from the exterior of a building.

Jim Sanders, a realtor and real estate auctioneer, addressed the Commission. He noted that, in lines 174 and 175, the proposed amendment limits temporary, freestanding signs to 6 square feet per sign face and asked how this figure was decided upon. Mr. Copley replied that this is the figure currently allowed in the City sign code. Mr. Sanders suggested raising the limit to 16 square feet per sign with a maximum height of 72 inches. He then asked if a sign reading “auction today” would be treated the same as an open house sign. Mr. Skoog said it would. Mr. Sanders also noted that realtors often have open house luncheons which require temporary signage to be posted during lunchtime hours during the week—a practice which would run afoul of the proposed Thursday to Sunday rule listed in the amendment.

Wayne Hunter, an auctioneer, addressed the Commission, expressing the importance of temporary signage to his business and requesting that the Commission be cautious in the recommendations that it passes on to the Council, as signs are the lifeblood of business. He also asked that the Commission reconsider the weekends-only off-premise signage rule, as auctions are not limited to weekends, particularly during daylight savings time.

A member of the audience asked if an auction should run past 5 P.M. on a Sunday, how the temporary signs for said auction would be affected. Mr. Thurbon said that the City doesn’t have staff to patrol such matters after 4 P.M. on Sundays.

Dan Kull addressed the Commission, stating that often different sized signs are need for different locations.

Ed Eller addressed the Commission, suggesting a maximum size of 32 square feet per sign face. Mr. Copley advised that this might result in every political candidate having 4’x 8’ signs simply because it’s allowed. Mr. Eller was confident that cost would be a mitigating factor, keeping the City’s yards relatively uncluttered. He also cited large lots or lots next to arterial streets where a smaller sign would be inadequate for communicating information. Mr. Copley suggested that, in R and M zones, the Commission could allow a larger size limitation for parcels over a certain acreage.

Mark Boyd closed the public hearing section of the meeting and recapped the primary issues brought forth by those present. Discussion followed on enforcement. Mr. Skoog directed the Commission’s attention to the Placing and Time Limitation section on page 8, and suggested that the Commission address the issue of maximum size of the sign face. Fred Sanders noted that most of the testimony of the evening recommended a maximum of either 8 or 16 square feet in residential districts. Mr. Copley advised that signs measuring 16 square feet in residential districts could be considered clutter. Theron Sims suggested the possibility of making exceptions for certain types of signs. Mr. Copley advised that such a policy would violate the content neutrality requirement. Chairman Boyd asked Mr. Thurbon if he could come up with a sliding scale for sign size. Mr. Thurbon recommended against it, citing enforcement difficulties and advising instead that the Commission adopt two sets of guidelines; one for under an acre, and another for a larger sign on parcels over an acre. Chairman Boyd agreed, but suggested a 5-acre threshold rather than one. Discussion followed the best size threshold. Fred Sanders asked Mr. Thurbon whether the

Planning Department felt the issue at hand was one of public health, safety and welfare or purely aesthetics. Mr. Thurbon answered that it was up to the Commission how it wanted to look at the issue, but he felt there was a public safety component as well as the obvious aesthetic concerns. The role of the Planning Department is to give options that the Commission and Council choose from to set the community standard. Ralph Skoog moved on page 11, lines 237 and 238, to strike the words "only from 5:00 P.M. Friday until 5:00 P.M. Sunday" and replace them with "for a period not exceeding 48 hours." Also, in lines 233 and 234, as well as in lines 238 and 239, to strike the words "only one (1) limited duration, free-standing sign" and replace with "not more than two (2) limited duration free-standing signs." Mr. Copley advised that the numerical limitation would need to be corrected both in lines 233 and 238. Mr. Skoog amended his motion to also change line 233 from "one (1) limited duration, free-standing sign" to "not more than two (2) limited duration free-standing signs." This motion was seconded by Theron Sims. Mr. Thurbon advised that this option would be impossible for the City to enforce. Howard Blackmon agreed. Fred Sanders suggested an amended motion based on Mr. Skoog's original motion, but rather than striking the words "only from 5:00 P.M. Friday until 5:00 P.M. Sunday" from lines 237 and 238, striking only the word "Friday" from line 238 and replacing with "Thursday." Mr. Skoog expressed concern that Mr. Sanders' motion would not cover the aforementioned auctions and open house luncheons during the week. Chairman Boyd advised that not everybody can be accommodated under any scenario. Mr. Copley added that these groups would only be denied temporary off-premise signs. They would still be allowed their temporary, free-standing signs at auction or open house site. Chairman Mark Boyd made a substitute motion on page 11, line 238, to strike the word "Friday" and replace with "Thursday," also, in lines 233 and 234, as well as in lines 238 and 239, to strike the words "only one (1) limited duration, free-standing sign" and replace with "not more than two (2) limited duration free-standing signs," seconded by Theron Sims. **The motion passed. 7-0-0**

Fred Sanders moved on line 189 to strike the word "wall" and replace with "face," and on line 193 to strike "ten percent (10%)" and replace with "twenty-five percent (25%)." Mr. Copley asked if this would mean changing "wall" to "face" in line 191 and changing line 193 to read "from the face of the building," rather than "from the face of the wall." Mr. Sanders said yes, and it would also mean striking the words "surface of the wall" from lines 193 and 194 and replacing them with "face of the building." Howard Blackmon seconded this motion. **The motion passed. 7-0-0**

Fred Sanders moved on line 179 to strike the word "dwelling," seconded by Michelle Hoferer. **The motion passed. 7-0-0**

Discussion followed on maximum sign size. Ralph Skoog moved on lines 173-176 to replace the existing verbiage with "One (1) temporary free-standing sign, not exceeding six (6) square feet per sign face and forty-two inches (42") in height may be placed or displayed at any given time on a private property tract in any "R" or "M" dwelling district of less than one (1) acre. On any private property tract in any "R" or "M" dwelling district of in excess of one (1) acre, such temporary free-standing sign shall not exceed thirty-two (32) square feet per sign face and seventy-two inches (72") in height." Mr. Skoog also moved on line 178 to strike "sixty inches (60")" and replace with "seventy-two inches (72)". Mark Boyd seconded this motion.

Terry Simnitt suggested amending the motion to allow 16 square feet per sign face on tracts of less than an acre. Mr. Skoog refused to amend his motion. Terry Simnitt made a substitute motion to alter Mr. Skoog's proposed language to allow signs not exceeding 16 square feet per sign face on tracts of less than one acre and leaving the rest of Mr. Skoog's

motion intact. Howard Blackmon seconded this motion. Mr. Sanders pointed out that six inches of the sign would need to be buried and suggested altering the motions to 48 inches on tracts less than one acre. The motions on the table were amended to allow for 48 inches. Mr. Sanders also suggested a compromise of 9 square feet per sign face. Neither motion was so amended and Mr. Simnitt's substitute motion was voted on. **The motion failed 3-4-0, with Commissioners Boyd, Hoferer, Sims and Skoog voting against.**

Ralph Skoog's original motion, seconded by Mark Boyd, was voted on. **The motion passed 4-3-0, with Commissioners Hoferer, Sanders and Simnitt voting against.**

Ralph Skoog made a motion that the proposed ordinance be forwarded as amended to the City Council, seconded by Howard Blackmon. **The motion passed 6-1-0, with Commissioner Simnitt voting against.**

Howard Blackmon asked Mr. Copley if he was currently working on an amended excused absence policy for the Planning Commission. Mr. Copley said he was not working on anything at the moment and asked if the Planning Commission felt that it was a pressing issue. Chairman Boyd expressed support for an updating of the policy, as Commission appointments are voluntary and business concerns can sometimes unexpectedly take one away from one's Commission duties for a short time. He cited the Council's decision not to re-appoint Ping Enriquez due to attendance concerns and asked Mr. Copley to ask Councilmember Duffy for his opinions about the issue.

Ralph Skoog left the meeting at 8:05.

D.) Consider granting permission for the re-filing of the following case prior to the one year limitation period as set forth in Section 48-33.02 of the Zoning Code:

PUD06/2 by Harold G and Elsie D Ireland requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District **TO** "PUD" Planned Unit Development District (M-1a use group) on property located at 2824 NW Rochester Road.

Fred Sanders moved to waive the one-year re-filing prohibition for North Park Village, seconded by Theron Sims. **The motion passed 6-0-0.**

There being no other business, the meeting adjourned at 8:11.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmembers Brett Blackburn and Lana Kennedy relating to temporary signs amending Topeka City Code §§ 48-31.01., 118-276, 118-277, and specifically repealing said original sections.

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

Section 1. That City of Topeka Code § 48-31.01., District regulations, is hereby amended to read as follows:

District regulations.

All signs listed hereafter are regarded as accessory structures as distinguished from off-premises billboard or poster panel signs which are regarded as a principal use in the districts in which allowed. All signs shall be located upon a lot, parcel or tract of land so as not to encroach upon a recorded easement or public dedicated right-of-way, except as may be provided by Chapter 118 of the Code of the City of Topeka.

(a) Agricultural and residential districts: The following types of signs are permitted in the "RA," "RR," "R" and "M" districts:

(1) Church or public building identification sign, not exceeding twenty-five (25) square feet per sign face. Such sign may be lighted only if indirect lighting or shaded lighting is used.

~~(2) Temporary signs not exceeding six square feet per sign face, appertaining to the lease, hire or sale of a building or premises and providing that said temporary signs shall not be erected closer to the street than the building setback line of vacant lots and on improved lots as close as practicable to the building.~~

(32) Monument signs limited to the identification of a multifamily building or complex, or residential subdivision. Such sign shall be limited to a maximum sign area of forty (40) square feet and not more than five (5) feet in height. Monument signs shall be limited to two (2) per public street, or designated private drive, entrance into the subject development.

(43) Nameplate or flat wall signs (in the "M-2" district) nonilluminated on the face of the building which contain the name of the building only. Only one (1) such sign shall be permitted on one (1) building except where the building fronts two (2) principal streets, one (1) such sign may be permitted on each front face of the building.

(54) Nameplate or flat wall sign (in the "M-3" and "M-4" districts) may be permitted where mounted on the face of the building and containing the name of the building only. Such sign may be interior illuminated, limited to a maximum sign area of forty (40) square feet.

(b) Office and commercial districts: The following types of signs are permitted in the "O&I" and "C" districts:

(1) Church or public building identification sign (in the "O&I-1," "O&I-2," "O&I-3," and "C-1" districts) shall be permitted not to exceed twenty-five (25) square feet per sign face. Such sign may be lighted only if indirect lighting or shaded lighting is used.

53 ~~(2) Temporary signs not exceeding six square feet per sign~~
54 ~~face, appertaining to the lease, hire or sale of a building or~~
55 ~~premises and providing that said temporary signs shall not be~~
56 ~~erected closer to the street than the building setback line of vacant~~
57 ~~lots and on improved lots as close as practicable to the building.~~

58 (32) Monument signs (in the "O&I-1," "O&I-2," "O&I-3" and "C-1"
59 districts) limited to a maximum sign area of two (2) square feet per
60 foot on lot frontage, not to exceed a total of one hundred (100)
61 square feet or fifty (50) square feet per sign face, and limited to a
62 maximum height of five (5) feet.

63 (43) Nameplate or flat wall sign where mounted on the face of the
64 building and containing the name of the building only. Such sign
65 may be interior illuminated, limited to a maximum sign area of forty
66 (40) square feet.

67 (54) Advertising signs (in the "C-2" district) relating to either the
68 name of the business or products sold therein. Such signs shall not
69 contain more than two hundred (200) square feet per single sign
70 face, and shall not exceed a height of thirty-five (35) feet; provided,
71 however, that where such signs are within a seven hundred (700)
72 foot radius of the intersection of the centerline of an interstate
73 highway with any major street or thoroughfare, as designated on
74 the current adopted transportation plan, such signs shall not
75 exceed a height of fifty-five (55) feet.

(65) Advertising signs (in the "C-3," "C-4" and "C-5" districts) shall not contain more than three hundred (300) square feet per single sign face and shall not exceed a height of fifty-five (55) feet.

(c) Industrial districts: The following types of signs are permitted in the "I" districts:

(1) Nameplate or flat wall sign where mounted on the face of the building and containing the name of the building only. Such signs may be interior illuminated, limited to a maximum sign area of forty (40) square feet.

~~(2) Temporary sign not exceeding six square feet per sign face, appertaining to the lease, hire or sale of a building or premises and providing that said temporary signs shall not be erected closer to the street than the building setback line of vacant lots and on improved lots as close as practicable to the building.~~

(32) Monument signs limited to a maximum sign area of two (2) square feet per foot of lot frontage, not to exceed a total of one hundred (100) square feet or fifty (50) square feet per sign face, and limited to a maximum height of five (5) feet.

(43) Advertising sign relating to either the name of the business or products sold therein. Such sign shall not contain more than three hundred (300) square feet per single sign face, and shall not exceed a height of fifty-five (55) feet.

(d) University and medical service districts: The following types of signs are permitted in the "U-1" and "M-S" districts:

(1) Nameplate or flat wall signs, nonilluminated on the face of the building which contain the name of the building only.

(2) Monument signs limited to a maximum sign area of forty (40) square feet or twenty (20) square feet per sign face, and limited to a height of five (5) feet.

(e) Mixed use districts: The following types of signs are permitted in the X Districts:

(1) Permanent Signs

(A) A non-residential property is permitted any combination of wall sign and/or projecting sign totaling one hundred (100) square feet per building face except in no case shall any individual wall sign exceed seventy (70) square feet, nor projecting sign exceed fifteen (15) square feet in size. An exception to these size limitations may be made by the Planning Director in cases where it can be demonstrated that any proposed wall or projecting sign supports or restores the historical significance of a building. Wall signs shall not cover or obstruct any architectural features deemed integral to the historic appearance or character of the building. Such features shall include, but are

not limited to, transom windows, detailed brick, tile, or shingles.

(B) Properties are permitted one (1) double-faced ground sign, which shall include portable signs, not to exceed forty (40) square feet per sign face, nor seven (7) feet in height above grade.

~~(2) Temporary signs not exceeding six square feet per sign face, appertaining to the lease, hire or sale of a building or premises and providing that said temporary signs shall not be erected closer to the street than the building setback line of vacant lots and on improved lots as close as practicable to the building.~~

(f) Conditional use permits: Uses permitted by conditional use permit shall be subject to the sign regulations of the district where permitted, or specifically reviewed and considered as part of the conditional use permit.

Section 2. That City of Topeka Code § 118-276, Defined, is hereby amended to read as follows:

Defined.

(a) The term “temporary free-standing sign,” for the purposes of this ~~d~~Division, shall mean any sign, sign device, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard or other material, with ~~or without~~ a frames, intended to be displayed for a short period of time. ~~A temporary sign includes cold air or helium filled balloons which are tethered to a structure or the ground and which are~~

143 ~~used for business advertisement, personal or corporate gain or publicity.~~

144 The advertisement contained on a temporary free-standing sign shall be
145 limited to only the business, activity, industry or other pursuit conducted on
146 or in the premises on which such sign is erected or maintained.

147 (b) The term “temporary non free-standing sign,” for the purposes of
148 this Division, shall mean any sign, sign device, banner, pennant, valance
149 or advertising display constructed of cloth, canvas, light fabric, cardboard
150 or other material, without a frame, intended to be displayed for a short
151 period of time. The advertisement contained on a temporary non free-
152 standing sign shall be limited to only the business, activity, industry or
153 other pursuit conducted on or in the premises on which such sign is
154 erected or maintained.

155 (c) The term “temporary balloon sign,” for the purposes of this Division,
156 shall mean an air or gas filled balloon or other inflated device designed to
157 emulate or advertise a product or call attention to a specific product,
158 service, business or event. Such device may be inflated with gas or
159 carbon dioxide or hot air and may be anchored to the ground or air born
160 and tethered to the ground, and is intended to be displayed for a short
161 period of time. The advertisement contained on a temporary balloon sign
162 shall be limited to only the business, activity, industry or other pursuit
163 conducted on or in the premises on which such sign is anchored to the
164 ground or air born and tethered to the ground, or maintained.

(d) The term “limited duration, temporary, free-standing sign,” for the purposes of this Division, shall mean any sign, sign device or advertising display constructed of fabric, cardboard, plaster or other material with a self-supportive frame intended to be displayed for a short period of time. Said signs may advertise a business, activity, or other pursuit not conducted on or in the premises on which the sign is erected or maintained.

Section 3. That City of Topeka Code § 118-277, Placing and time limitation, is hereby amended to read as follows:

Placing and time limitation.

(a) Temporary free-standing signs. One (1) temporary free-standing sign, not exceeding six (6) square feet per sign face and forty-eight inches (48”) in height may be placed or displayed at any given time on private property in any “R” or “M” dwelling district, provided however, a sign not exceeding thirty-two (32) square feet and seventy-two inches (72”) in height per sign face shall be permitted on parcels exceeding one (1) acre in size. One (1) temporary free-standing sign not exceeding thirty-two (32) square feet per sign face and seventy-two inches (72”) in height may be placed or displayed at any given time on private property in any district other than the “R” or “M” districts. The temporary free-standing sign shall only be displayed during that time period the event, activity or pursuit occurs on the premises. Further, the temporary free-standing sign shall be erected only upon the day the event, activity or pursuit commences and

shall be removed immediately after the event, activity or pursuit concludes. The display of a temporary free-standing sign shall be limited to two (2) separate occasions during any calendar year. No permit is required for the display of a temporary free-standing sign.

(ab) Temporary non free-standing signs ~~may~~shall be placed flat upon the ~~front~~any wall~~face~~ of a building and ~~kept in place for a period of not to exceed thirty (30) days upon securing a permit as required by § 118-56.~~ All such signs shall not extend above or beyond the wall~~face~~ of a building on which they are placed or extend more than twelve (12) inches from the face of the ~~wall~~building, and shall not exceed twenty-five percent (25%) of the surface of the face of the building upon which they are displayed.

(bc) Temporary ~~cold air or helium filled~~ balloons signs are subject to the following:

(1) Temporary ~~cold air or helium filled~~ balloon signs (~~balloon~~) which exceed two (2) cubic feet may not be placed on a property unless a permit is first obtained, as provided by ~~section~~§ 118-56 and this section.

(2) A temporary balloon sign may be placed on the properties specified in the permit four (4) times a calendar year for one (1) week at a time. ~~At an~~The maximum altitude at the top of the temporary balloon sign shall not to exceed fifty-five (55) feet including the length of the tether or height of structure to which the temporary balloon sign is attached. No temporary balloon sign may

be placed on properties unless the owner has provided notice to all agencies requiring notification at least one (1) week ahead of erection of the temporary balloon sign. Said notice shall be given by certified mail at the expense of the person for whom the temporary balloon sign will be erected. Agencies who desire notification of temporary balloon sign erection shall contact the ~~development~~ coordination office of the city who will Development Services Division which shall maintain a list of such agencies.

(3) As a condition for the issuance of a permit, the owner and/or user of the temporary balloon sign must agree to hold the city harmless from all claims resulting from the placement of the temporary balloon sign.

(4) The permit fee for a temporary balloon sign shall be Twenty-Five Dollars (\$25.00) per placement on a property. The permit shall expire one (1) week from its effective date.

(5) Temporary Bballoons signs are only allowed in C-4, C-5, I-1 and I-2 zoning districts.

(6) The temporary balloons signs must meet all applicable FAA regulations.

(7) The gas used in ~~the~~ any temporary balloons signs must be noncombustible and the balloon may not be internally illuminated.

(8) No permit shall be issued for placement of a temporary balloon sign on property within five hundred (500) feet from the property line of a hospital with a helicopter landing pad.

(9) No temporary balloon sign shall be tethered within fifty-five (55) feet of an overhead power line or property line.

(d) Limited duration, free-standing signs. Not more than two (2) limited duration, free-standing signs, not exceeding six (6) square feet per sign face and forty-eight inches (48") in height may be placed or displayed on private property with the consent of the property owner. Limited duration, free-standing signs may be displayed and may remain in place only from 5:00 P.M. Thursday until 5:00 P.M. Sunday. Not more than two (2) limited duration, free-standing signs may be displayed on any property at any given time. No permit is required for the display of a limited duration, free-standing sign.

Section 4. That City of Topeka Code §§ 48-31.01., 118-276 and 118-277 are hereby specifically repealed.

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

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 28, 2006

+ Back Print

DATE: October 4, 2006
CONTACT PERSON: Norton N. Bonaparte **DOCUMENT #:**
SECOND PARTY/SUBJECT: Reser's Fine Foods, Inc. **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: Approve Ordinance **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Norton N. Bonaparte, Jr., exempting certain property, more specifically property owned by Reser's Fine Foods, Inc. from property taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 3167 SE 10th Street, Topeka, Shawnee County, Kansas, and repealing City of Topeka Ordinance No. 18403. First Reading.

(Ordinance 18403 called for a \$22 million exemption, this ordinance increases the exemption to approximately \$31.9 million.)

POLICY ISSUE:

STAFF RECOMMENDATION:

The administrative review committee met and discussed this ordinance. The City and County were in favor of passage for the larger exemption amount. The school board was not in favor.

BACKGROUND:

Reser's Application for Property Tax Exemption is for a major expansion of their Topeka distribution facility which will create an estimated 80 new positions. Originally the project included a new capital investment of approximately \$22,000,000. That application was processed and Ordinance No. 18403 was approved by the City Council on March 15, 2005, to exempt a portion of the property tax on this construction. However, in the course of construction an additional \$9,000,000 plus of investment was expended. In order for this exemption to be processed correctly through the State Board of Tax Appeals, the entire application process must begin again.

BUDGETARY IMPACT:

Reser's will be eligible for approximately 80% exemption on the assessed valuation of their property. This exemption will vary from year to year. The approximate amount the first year would be \$_____

SOURCE OF FUNDING:

Item #27

ATTACHMENTS:

[List of Property Dec 2005](#)

[Ordinance](#)

Reser's Fine Foods, Inc
Deer Creek Plant
December 1 2005

Sys No	Description	In Svc	Date	Acquired	Value
Land					96,000.00
Class = Building					
004070	Deer Creek Building - 3216 SE 6th St - 39 yr Real - MACRS Sect 1250	12/01/05		12,885,619.92	
004071	Deer Creek Building - 3216 SE 6th St - 15 yr Real Prop - MACRS Sect 1250	12/01/05		1,465,978.37	
004072	Deer Creek Building - 3216 SE 6th St - 7 yr Personal - MACRS Sect 1245	12/01/05		3,067,242.54	
004073	Deer Creek Building - 3216 SE 6th St - 5 yr Personal - MACRS Sect 1245	12/01/05		13,546.71	
Class = B					17,432,387.54
Class = Computers					
004262	Overhead Paging System	12/01/05		46,367.63	
004263	Mitel Telephone System	12/01/05		42,897.62	
					89,265.25
Class = Equipment					
004074	Unloading/Transfer Storage System - Bin System	12/01/05		529,241.82	
004075	150P Vetical Receiver	12/01/05		3,893.13	
004076	(3) Receiver Tanks w/Pneumatic	12/01/05		6,297.39	
004077	TZ1200 Heatless Dryer	12/01/05		16,986.99	
004078	(3) Potato Chutes	12/01/05		5,230.10	
004079	24" x 31' Mash Line Process Feed Elevator	12/01/05		21,606.00	
004080	Kiremko Design 750 Liter Strata Peeler	12/01/05		87,167.20	
004081	Kiremko Design 750 Liter Strata Peeler	12/01/05		87,167.20	
004082	Kiremko Design 750 Liter Strata Peeler	12/01/05		87,167.20	
004083	Kiremko Design DSC 15 De-Stoner	12/01/05		26,004.28	
004084	Kiremko Design DSC 15 De-Stoner	12/01/05		26,004.28	
004085	Kiremko Design DSC 15 De-Stoner	12/01/05		26,004.28	
004086	Kiremko Design Model 625 Dry Brusher	12/01/05		22,757.13	
004087	Kiremko Design Model 625 Dry Brusher	12/01/05		22,757.13	
004088	Kiremko Design Model 625 Dry Brusher	12/01/05		22,757.13	
004089	Peeler Attic Catwalk	12/01/05		14,263.00	
004090	Boiler Room	12/01/05		267,873.34	
004091	Boiler	12/01/05		77,635.07	
004092	Boiler	12/01/05		77,635.06	
004093	600 HP Boiler	12/01/05		92,181.89	
004094	600 HP Boiler	12/01/05		92,181.89	
004095	Cooker 3' x 20' Twin Auger Cooker	12/01/05		122,990.05	
004096	8' x 37' Dryer	12/01/05		175,845.50	
004097	Kiremko Design Shaker Table	12/01/05		19,600.00	
004098	Decking	12/01/05		156,909.45	
004099	Evaporator - 13.7 TR	12/01/05		26,989.00	
004100	Ammonia Room Piping	12/01/05		4,496.13	
004101	Nitrogen/CO2 Piping	12/01/05		15,224.22	
004102	Refrigeration	12/01/05		1,832,735.72	
004103	Chain Linked Fence w/ 3 Stands of Barbed Wire	12/01/05		2,715.00	
004104	(2) Chemical Feed Systems - Boiler & Ammonia	12/01/05		19,694.41	
004105	Sewer Room Hookup	12/01/05		114,081.80	
004106	Sanitizing System	12/01/05		154,216.88	
004107	Bulk System	12/01/05		42,012.06	
004108	Dairy Ingredient System, Bulk Milk System, and Cheese Sauce System	12/01/05		700,194.26	
004109	Modifications for Kettle Discharge System for Kettles 1&2 (Mac & Cheese)	12/01/05		21,697.00	
004110	Modifications for Kettle Discharge System for Kettles 3&4	12/01/05		10,952.00	
004111	Modifications for Filler Feed Piping from Hold Tanks to Fillers	12/01/05		46,113.00	
004112	Modifications for Recipe Reporting and Batches	12/01/05		21,985.00	
004113	Feldmeier 400 Gallon Jacketed Cooker/Cooler Thermomixer	12/01/05		53,975.00	
004114	Feldmeier 400 Gallon Jacketed Cooker/Cooler Thermomixer	12/01/05		53,975.00	
004115	Feldmeier 400 Gallon Jacketed Cooker/Cooler Thermomixer	12/01/05		53,975.00	
004116	Feldmeier 400 Gallon Jacketed Cooker/Cooler Thermomixer	12/01/05		53,975.00	
004117	Feldmeier 500 Gallon Jacketed Butter Melter	12/01/05		28,750.00	
004118	Feldmeier 500 Gallon Jacketed Butter Melter	12/01/05		28,750.00	
004119	Access Catwalks w/Shelves between 4 Mixers	12/01/05		6,870.00	
004120	Access Catwalks w/Shelves between 4 Mixers	12/01/05		6,870.00	
004121	Ricer Access Platform	12/01/05		2,110.00	
004122	Ricer Access Platform	12/01/05		2,110.00	

004123	SS Receiving Pump Cart	12/01/05	1,356.00
004124	Cheese Stand	12/01/05	24,945.00
004125	Rice Lake SS Bench Scale for Cheese Liquifier	12/01/05	1,609.26
004126	Workhorse Mixer Blender	12/01/05	33,371.07
004127	Workhorse Mixer Blender	12/01/05	33,371.06
004128	Workhorse Mixer Blender	12/01/05	33,371.06
004129	Workhorse Mixer Blender	12/01/05	33,371.06
004130	Honeywell Truline Digital Circular Chart Recorder	12/01/05	5,223.80
004131	10" Auger nd Hopper w/Grate to Feed Small Reel Blancher	12/01/05	16,222.00
004132	Stage Tote Dump	12/01/05	107,065.00
004133	Stage Tote Dump	12/01/05	107,065.00
004134	Tote Dump System for Mac Line w/14 Guage Chute	12/01/05	64,750.00
004135	12" Incline U-through Auger & Hopper from Tote Dump to Seasoning Barrel	12/01/05	29,450.00
004136	7' Conveyor (2) from Additive Barrel to Filler Head	12/01/05	14,950.00
004137	Workhorse Storage Loader	12/01/05	38,174.57
004138	Workhorse Storage Loader	12/01/05	38,174.56
004139	Workhorse Storage Loader	12/01/05	38,174.56
004140	Workhorse Storage Loader	12/01/05	38,174.56
004141	Workhorse 1000# Column Dumpers	12/01/05	15,322.00
004142	Workhorse 1000# Column Dumpers	12/01/05	15,322.00
004143	Workhorse 1000# Column Dumpers	12/01/05	15,322.00
004144	Workhorse 1000# Column Dumpers	12/01/05	15,322.00
004145	Workhorse 1000# Column Dumpers	12/01/05	15,322.00
004146	Insulated V-Mag Cart w/Handles	12/01/05	2,051.00
004147	Osgood Model # 4100 Continuous Motion Filling and Sealing Machine	12/01/05	350,913.35
004148	Metal Detector w/Kicker Conveyor	12/01/05	16,379.00
004149	Metal Detector w/Belt Stop Alarm	12/01/05	15,939.00
004150	Tray Pusher	12/01/05	7,645.00
004151	Mashed Bag Bypass	12/01/05	31,250.00
004152	Hartness Infeed Discharge	12/01/05	30,722.00
004153	Conveyors-Osgood Discharge, Offset Conveyor Incline to Double Lane, Double Lane	12/01/05	79,007.06
004154	Rex Flat Top 90 Degree Conveyor	12/01/05	11,690.00
004155	Product Pusher/Swiper on Conveyor Feeding Spiral 157	12/01/05	15,713.00
004156	Aerofreeze Model 4225-32-195 In-Line Spiral Chiller (50 Bags per Minute)	12/01/05	688,826.87
004157	Aerofreeze Model 4225-32-195 In-Line Spiral Chiller (130 Tubs per Minute)	12/01/05	688,826.87
004158	Aerofreeze Model 4216-24/24-215 In-Line Spiral Chiller (135 Trays per Minute)	12/01/05	713,826.87
004159	Aerofreeze Model 4216-24/24-215 In-Line Spiral Chiller (50 Bags per Minute)	12/01/05	713,826.87
004160	Aerofreeze Model SCEXO-24C Tunnel Chiller (10,000#s per hour of Potatoes)	12/01/05	688,826.87
004161	Ryson Spiral Conveyor type 1300-400-A3 Changed to 1300-400-C1	12/01/05	34,914.00
004162	Ryson Spiral Conveyor type 1300-400-A1	12/01/05	31,114.00
004163	Ryson Spiral Conveyor type 1300-400-A3	12/01/05	31,114.00
004164	(2) Ryson Spiral Conveyor type 1300-400-B2	12/01/05	57,428.00
004165	Ryson Spiral Conveyor type 1300-400-B4	12/01/05	28,714.00
004166	Decking for Aerofreeze Tunnel	12/01/05	17,950.00
004167	Cooling Tunnel	12/01/05	84,255.74
004168	Cooling Tunnel Evaporator	12/01/05	6,524.46
004169	SS Chute and Roller Ends	12/01/05	3,402.81
004170	Hartness Model 6400C Dynac Accumulating Conveyor	12/01/05	153,937.69
004171	Pearson Case Erector	12/01/05	42,825.63
004172	Pearson Case Erector	12/01/05	42,825.62
004173	Fallas Twin Head Single Robot Model R-400 Pick-n-Place Case Packer	12/01/05	141,105.95
004174	Fallas Product Transfer Conveyors w/Manual Bag Orientation	12/01/05	29,924.50
004175	Fallas Twin Head Single Robot Model R-400-TR Pick-n-Place Case Packer -Met/Tra	12/01/05	262,382.63
004176	Fully Automatic Tape Machines Model # 262024-SB w/ Powered Roller Exit Table	12/01/05	12,590.18
004177	Fully Automatic Tape Machines Model # 262024-SB w/ Powered Roller Exit Table	12/01/05	12,590.17
004178	(2) Power Take-Away Code Conveyors - After Belcor 252 Taper	12/01/05	4,535.67
004179	(2) Powered Exit Tables - Fixed Speed w/ Power Rollers for Belcor 252 Taper	12/01/05	4,488.48
004180	Case Coder	12/01/05	19,232.83
004181	Case Coder	12/01/05	19,232.82
004182	Model 5200 - 2STN Case Coders	12/01/05	19,869.13
004183	Hi-Spped Checkweigher w/Safeline Metal Detector	12/01/05	47,722.51
004184	Urschel Model DC, Diversacut 2110 CP-2774	12/01/05	48,430.89
004185	Urschel Model DC, Diversacut 2110 CP-2774	12/01/05	48,430.89
004186	Urschel Model DC, Diversacut 2110 CP-2774	12/01/05	48,430.89
004187	Cut Product Transfer	12/01/05	14,500.00
004188	Cut Product Transfer	12/01/05	14,500.00
004189	Cut Product Transfer	12/01/05	14,500.00
004190	Weighing Head Stand for Packaging Area	12/01/05	10,150.00
004191	12" Optical Sorter Infeed Screw Conveyor for Cut Line	12/01/05	18,610.00
004192	Kiremko Design Shaker to Feed Visionair	12/01/05	17,366.67
004193	Kiremko Design Shaker to Feed Visionair	12/01/05	17,366.67
004194	Kiremko Design Shaker to Feed Visionair	12/01/05	17,366.66
004195	Kiremko Design and Manufacture 72" Visionair	12/01/05	198,850.00
004196	Kiremko Design and Manufacture 72" Visionair	12/01/05	198,850.00
004197	Kiremko Design and Manufacture 72" Visionair	12/01/05	198,850.00
004198	Visionair Discharge Vibro w/Removal Section for Cut Line	12/01/05	22,043.75
004199	6" Visionair Waste Auger	12/01/05	7,250.00
004200	Dewater Vibro w/Screen for Second Line	12/01/05	15,950.00
004201	Lyc0 48" x 72" Double Drum Screen	12/01/05	40,000.00

004202	Conveyors	12/01/05	61,913.00
004203	Accumulator Belt Conveyor - 15" x 8'10" Long	12/01/05	8,237.82
004204	Intralox Decline Conveyor w/Flip Chute	12/01/05	27,500.00
004205	22' Long Collections Conveyor	12/01/05	31,775.72
004206	15' Long Collection Conveyor	12/01/05	28,676.23
004207	12" Wide Roller Conveyors - 1 each Side of Collection	12/01/05	6,692.98
004208	Roller Conveyor	12/01/05	40,962.63
004209	Crossover Deck	12/01/05	3,645.00
004210	(3) Waste Collection Hopper and Auger	12/01/05	26,169.05
004211	(3) Trim Waste Augers	12/01/05	26,109.45
004212	Trash Pump	12/01/05	5,064.87
004213	SS Waste Bin w/Bi-Directional Auger to Feed Piston Pumps	12/01/05	29,146.65
004214	(3) Even Flow Bins	12/01/05	49,216.00
004215	(3) Kiremko Design Vertical Belt	12/01/05	66,108.45
004216	(3) Kiremko Design 1020 After Washer	12/01/05	65,408.00
004217	(3) Vertical Augers	12/01/05	65,109.45
004218	(3) Buffer Tanks w/Return Pump for Three Lines	12/01/05	34,900.00
004219	(3) 8" Piston Pumps	12/01/05	47,100.00
004220	(3) Inspection Tables	12/01/05	33,659.45
004221	13 3/4 in. Diam Flume to Pump Tank	12/01/05	6,500.00
004222	(2) Pumps	12/01/05	9,972.13
004223	(2) 10" Top Feed Piston Pumps	12/01/05	35,800.00
004224	Accumulator Tank 60" x 15'	12/01/05	41,900.00
004225	Intercomp CS 200 Crane Scale for Gravity Testing	12/01/05	1,085.94
004226	3" Krohne IFM 5080 Capaflux Magmeter	12/01/05	5,696.00
004227	Make Up Air Duct	12/01/05	35,526.17
004228	Cryovac Air/Water Piping	12/01/05	20,074.91
004229	(31) Hose Reels	12/01/05	18,780.63
004230	Baler	12/01/05	11,328.00
004231	Rice Lake Roughdeck SS BDP Barrel Scale	12/01/05	5,243.28
004232	Rice Lake Roughdeck SS BDP Barrel Scale	12/01/05	5,243.27
004233	Rice Lake Roughdeck BDP SS Barrel Scale	12/01/05	5,233.43
004234	Variable 100hp Compressor	12/01/05	29,720.39
004235	Fixed 100hp Air Compressor	12/01/05	20,193.39
004236	Air Compressor Piping	12/01/05	17,689.95
004237	Ductwork for Two Air Compressors	12/01/05	7,400.00
004238	(12) Round Ring Stands	12/01/05	1,550.00
004239	SS Shelving for Spice Room	12/01/05	5,014.00
004240	Cage for Maintenance Department	12/01/05	9,100.00
004241	Freezer	12/01/05	2,610.09
004242	Refrigerator	12/01/05	2,710.08
004243	(2) Water Treatment Systems	12/01/05	2,365.09
004244	Steamer	12/01/05	3,999.29
004245	(2) Smock Racks	12/01/05	2,295.00
004246	(2) Boot Racks	12/01/05	7,660.00
004247	Boot Scrubber Wash Assy. & Sanitizing	12/01/05	8,469.80
004248	Racking For Laundry Room	12/01/05	2,016.02
004249	Milnor 95-100# Washer	12/01/05	15,722.05
004250	Milnor 120# Natural Gas Dryer	12/01/05	7,500.00
004251	Advance Scrubber - Rider	12/01/05	16,988.56
004252	(2) Advance Scrubber - Walker	12/01/05	19,070.00
004253	PkMS Equipment	12/01/05	40,500.04
004254	Pallet Racking	12/01/05	419,415.15
004255	Battery Extractor System	12/01/05	82,862.17
004256	Wultec Auto Rotary Stretch Wrapper	12/01/05	21,747.95
004257	19 Foot Mini Electric Scissor Lift Skyjack	12/01/05	4,600.00
004259	Gate Keeper - 5 Entrances	12/01/05	10,651.85
004264	Misc Appliances	12/01/05	11,456.58
4248	Wrapper 40%	12/02/05	350,311.47
000		Class = E	14,227,019.98

Class = Furniture

004258	Dock Lights	12/01/05	4,695.27
004260	Fountain	12/01/05	14,310.27
004261	Stone Sign	12/01/05	2,346.06
004265	Furniture	12/01/05	73,794.60
004266	Conference Room Lighting	12/01/05	11,439.14
		Class = F	106,585.34

Grand Total 31,951,258.11

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Norton N. Bonaparte, Jr., exempting certain property, more specifically property owned by Reser's Fine Foods, Inc. from property taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 3167 SE 10th Street, Topeka, Shawnee County, Kansas, and repealing City of Topeka Ordinance No. 18403.

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

In accordance with § 13 of Article 11 of the Kansas Constitution, and pursuant to the Code of the City of Topeka Chapter 138 Article III, a percentage of the assessed valuation of the following property, owned by Reser's Fine Foods, Inc. (RFF, Inc.), more specifically tangible real and personal property as listed in Attachment A, attached hereto and incorporated by reference as if fully set forth herein, is used by RFF, Inc. exclusively for exempt purposes and is therefore exempt from property taxation for a maximum term of ten (10) calendar years. Said tangible personal property is owned by Al Reser, who owns forty-nine percent (49%) of the outstanding shares of RFF, Inc., an Oregon Corporation.

Section 1. The annual amount of the tax payment required of the owners of said property shall not be less than the amount that is determined under Topeka City Code §§ 138-84 and 138-86 and such additional amount that may be set forth in any other ordinance or resolution. Said amounts shall be paid to the County Treasurer at the same time as any property taxes on such property would be payable.

Section 2. Eligibility for successive years shall be redetermined annually. If the company fails to meet eligibility requirements for any one (1) year, no exemption shall be granted for that year. However, this will not jeopardize eligibility for the remaining years.

31 In order to continue eligibility for the exemption granted herein, the following criteria
32 shall be met by the company:

- 33 (a) Continuation of at least one (1) of the new jobs created.
- 34 (b) Continue to be a manufacturer.
- 35 (c) Continuation of original ownership (exemption is not transferable).
- 36 (d) The company remains current on tax payments.
- 37 (e) Exemption is contingent upon approval from State Board of Tax Appeals.
- 38 (f) Eligibility for successive years shall be redetermined annually.
- 39 (g) If the company fails to meet eligibility requirements in any one (1) year, no
40 exemption shall be granted for that year. However, this would not jeopardize eligibility for
41 the remaining years.

42 Section 3. Determination of Exemption.

43 (a) The actual percentage of assessed valuation exempted shall be determined
44 by the City according to the Code of the City of Topeka, Chapter 138, Article III.

45 (b) In determining the actual percentage exemption, the City shall require RFF,
46 Inc. to provide the following:

- 47 1. Certification as to the number of new full time equivalent jobs created.
- 48 2. Certification as to the overall wage rate for the new full time equivalent
49 jobs created.
- 50 3. Any other documentation the City may deem necessary.

51 Section 4. Responsibilities of RFF, Inc.

52 (a) Submission of complete annual renewal application by January 15 of each
53 year.

(b) Submission of information as required by the City.

(c) Must file claim of exemption with County Appraiser by March 1 of each year.

(d) Provide information that allows the City to determine if the goal to hire at least fifty percent (50%) City of Topeka residents has been met.

Section 5. Responsibilities of City.

Review and make determination of renewal application by February 1 of each year.

Section 6. Disclaimer.

City does not guarantee RFF, Inc. will receive an exemption of any amount for any or all years that it is eligible.

Section 7. No tax exemption shall be granted by the City unless the property for which the exemption is being sought is sued exclusively for the purposes specified in § 13 of Article 11 of the Kansas Constitution.

Section 8. City of Topeka Ordinance No. 18403 is hereby specifically repealed.

Section 9. 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 _____.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 29, 2006

+ Back Print

DATE:	October 4, 2006	DOCUMENT #:	
CONTACT PERSON:	Rusty Rakestraw	PROJECT #:	28580-00
SECOND PARTY/SUBJECT:	Water Main Extension Project		
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 002 Condemnations		
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	10/17/06 First reading.	JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Water System Improvement Project No. 28580-00, for water main transmission extension along Highway 75 from the north end of the Westgate Bridge north to Lower Silver Lake Road, then east to Austin Avenue. First Reading. (Council District No. 2)

(This Ordinance will initiate condemnation proceedings to acquire the necessary easements to construct the project.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Ordinance as presented.

BACKGROUND:

KSA 26-201 states that the governing body shall by ordinance authorize and provide for the acquisition of the interests to be condemned and for what purpose the same is to be used. This ordinance sets out the individual parcels and specific interests to be acquired.

Negotiations are in progress to acquire the easements for the construction of the project. If successful negotiations are completed, the respective parcel will be deleted from the proceedings.

BUDGETARY IMPACT:

To be determined by condemnation appraisers.

SOURCE OF FUNDING:

Combined water, wastewater and stormwater utility fund.

ATTACHMENTS:

[Ordinance](#)

Item #28

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Water System Improvement Project No. 28580-00, for water main transmission extension along Highway 75 from the north end of the Westgate Bridge north to Lower Silver Lake Road, then east to Austin Avenue.

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

Section 1. That it is hereby declared necessary to condemn and appropriate for the use of the City of Topeka certain lands within the City of Topeka for Water System Improvement Project No. 28580-00, and for other public purposes, said lands being described as follows:

Parcel No. 1

Owner of Record: Ritz Camera Centers, Inc., Delaware Corp.

Home Office:

c/o Mark Nelson
6711 Ritz Way
Betsville, MD 20705

Local Office:

1401 NW Moundview Dr
Topeka, KS 66618

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

Those parts of Lot 2, Block G, Topeka Chamber Industrial Park Subdivision No. 2 in Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of the Sixth Principal Meridian, in the City of Topeka, Shawnee County, Kansas described as follows: Commencing at the southwest corner of said Lot 2; thence along the west line of said Lot on an assumed bearing of North 02 degrees 59 minutes 54 seconds West, 139.88 feet; thence North 87 degrees 00 minutes 06 seconds East, 20.00 feet; to the east line of an existing 20 feet utility easement as platted in said Lot and being the Point of Beginning; thence North 41 degrees 45 minutes 19 seconds East, 28.41 feet; thence North 02 degrees 59 minutes 54 seconds West, 157.72 feet; thence North 00 degrees 08 minutes 04 seconds East, 97.81 feet; thence South 24 degrees 08 minutes 01 seconds East, 24.33 feet; thence South 00 degrees 08 minutes 04 seconds West, 75.35 feet; thence South 02 degrees 59 minutes 54 seconds East, 161.56 feet; thence South 41 degrees 45 minutes 19 seconds West, 42.61 feet to the east line of said existing easement; thence along said east line North 02 degrees 59 minutes 54 seconds West, 14.20 feet to the Point of Beginning.

TOGETHER WITH

Commencing at the southwest corner of said Lot 2; thence along the west line of said Lot on an assumed bearing of North 02 degrees 59 minutes 54 seconds West, 139.88 feet; thence North 87 degrees 00 minutes 06 seconds East, 20.00 feet to the east line of an existing 20 feet utility easement as platted in said Lot; thence along the east line of said easement, North 02 degrees 59 minutes 54 seconds West, 267.37 feet; thence continuing along said east line North 04 degrees 38 minutes 58 seconds West, 1.68 feet to the Point of Beginning; thence departing said east line North 00 degrees 08 minutes 04 seconds East, 64.06 feet; thence South 89 degrees 51 minutes 56 seconds East, 5.00 feet; thence North 00 degrees 08 minutes 04 seconds East, 716.13 feet to a point being a perpendicular distance of 25.00 south of the north line of said Lot and being a point on the south line of an existing utility easement as described and recorded in Book 3157, Page 730 in the Office of the Register of Deeds in said County; thence along the south line of said easement South 88 degrees 47 minutes 58 seconds West, 19.65 feet to the east line of said platted easement; thence along said east line the following courses: South 06 minutes 54 minutes 49 seconds West, 87.75 feet; South 00 degrees 08 minutes 04 seconds West, 393.87 feet; and South 04 degrees 38 minutes 58 seconds East, 299.77 feet to the Point of Beginning.

The above described together contains 21,708 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires June 30, 2008 or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Easement:

That part of Lot 2, Block G, Topeka Chamber Industrial Park Subdivision No. 2 in Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of the Sixth Principal Meridian, in the City of Topeka, Shawnee County, Kansas described as follows:

Commencing at the southwest corner of said Lot 2; thence along the west line of said Lot on an assumed bearing of North 02 degrees 59 minutes 54 seconds West, 139.88 feet; thence North 87 degrees 00 minutes 06 seconds East, 20.00 feet to the east line of an existing 20 feet utility easement as platted in said Lot and being the Point of Beginning; thence along the east line of said easement, North 02 degrees 59 minutes 54 seconds West, 267.37 feet; thence continuing along said east line North 04 degrees 38 minutes 58 seconds West, 1.68 feet; thence North 00 degrees 08 minutes 04 seconds East, 64.06 feet; thence South 89 degrees 51 minutes 56 seconds East, 5.00 feet; thence North 00 degrees 08 minutes 04 seconds East, 716.13 feet to a point being a perpendicular distance of 25.00 south of the north line of said Lot and being a point on the south line of an existing utility easement as described and recorded in Book 3157, Page 730 in the Office of the Register of Deeds in said County; thence along the south line of said easement North 88 degrees 47 minutes 58 seconds East, 20.01 feet; thence South 00 degrees 08 minutes 04 seconds West, 870.58 feet; thence South 02 degrees 59 minutes 54 seconds East, 157.72 feet; thence South 41 degrees 45 minutes 19 seconds West, 28.41 feet to the Point of Beginning.

The above-described property to be acquired contains 21,318 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 4

Owner of Record: Jim Kirk Holding, LLC

Home Office:

c/o Michael Kirk
1000 Walnut St., Suite 1400
Kansas City, MO 64106

Local Office:

1435 NW Moundview Dr
Topeka, KS 66618

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

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A part of Lot 1, Block A, Topeka Chamber Industrial Park Subdivision No. 3 in Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas, described as follows:

Commencing at the southeast corner of said Lot 1; thence along the south line of said Lot 1 on an assumed bearing of North 89 degrees 45 minutes 45 seconds West, 20.00 feet to the west line of an existing utility easement as platted in said Lot 1 and being the Point of Beginning; thence parallel with the east line of said Lot 1, North 00 degrees 00 minutes 25 seconds West, 139.34 feet to the easterly line of said Lot 1; thence along said line North 89 degrees 58 minutes 56 seconds West, 5.06 feet; thence continuing along said line, North 00 degrees 04 minutes 07 seconds West, 19.05 feet; thence South 65 degrees 00 minutes 26 seconds West, 6.00 feet; thence parallel with the east line of said Lot 1, South 00 degrees 00 minutes 25 seconds East, 154.92 feet to the south line of said Lot 1; thence along said south line South 89 degrees 45 minutes 45 seconds East, 10.00 feet to the Point of Beginning; except existing utility easement as platted in said Lot 1.

The above-described property to be acquired contains 1,142 square feet, more or less, excluding existing utility easement, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires June 30, 2008 or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Easement:

The West 10 feet of the East 20 feet of the most easterly portion of Lot 1, Block A lying adjacent to N.W. Moundview Drive in Topeka Chamber Industrial Park Subdivision No. 3, in Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas, except existing utility easement as platted in said Lot.

The above-described property to be acquired contains 938 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 5

Owner of Record: Southwestern Bell Telephone Company (AT&T)

Home Office:

c/o Ellie Carranco
7159 San Pedro Ave., Room 202
San Antonio, TX 78216

Local Office:

4112 NW 16th St
Topeka, KS 66618

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

The Southeast 30 feet of that part of Lot 1, Block G, Topeka Chamber Industrial Park Subdivision No. 2 in Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas lying easterly of the east line of Topeka Chamber Industrial Park Subdivision No. 3, except an existing 10 foot utility easement and except a 20 foot utility easement as platted in said Lot, and except the following described: Commencing at the northeast corner of said Lot 1; thence along the easterly line of said Lot 1 on an assumed bearing of South 55 degrees 00 minutes 33 seconds West, 35.49 feet; thence South 89 degrees 18 minutes 52 seconds West, 17.74 feet to the intersection of the south and west lines of an existing utility easement as platted in said Lot 1 and being the Point of Beginning; thence along said west line, South 55 degrees 00 minutes 33 seconds West, 212.06; thence continuing along said west line, South 00 degrees 00 minutes 03 seconds West, 5.20 feet to the easterly line of Topeka Chamber Industrial Park Subdivision No. 3; thence along said line, North 89 degrees 58 minutes 28 seconds West, 10.00 feet; thence North 00 degrees 00 minutes 03 seconds East, 10.40 feet; thence North 55 degrees 00 minutes 33 seconds East, 202.61 feet to said south line; thence along said south line, North 89 degrees 18 minutes 52 seconds East, 17.74 feet to the Point of Beginning.

The above-described property to be acquired contains 2,024 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires June 30, 2008 or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Easement:

That part of Lot 1, Block G, Topeka Chamber Industrial Park Subdivision No. 2 in Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas, lying easterly of the east line of Topeka Chamber Industrial Park Subdivision No. 3, said part described as follows: Commencing at the northeast corner of said Lot 1; thence along the easterly line of said Lot 1 on an assumed bearing of South 55 degrees 00 minutes 33 seconds West, 35.49 feet; thence South 89 degrees 18 minutes 52 seconds West, 17.74 feet to the intersection of the south and west lines of an existing utility easement as platted in said Lot 1 and being the Point of Beginning; thence along said west line South 55 degrees 00 minutes 33 seconds West, 212.06; thence continuing along said west line, South 00 degrees 00 minutes 03 seconds West, 5.20 feet to the easterly line of Topeka Chamber Industrial Park Subdivision No. 3; thence along said line, North 89 degrees 58 minutes 28 seconds West, 10.00 feet; thence North 00 degrees 00 minutes 03 seconds East, 10.40 feet; thence North 55 degrees 00 minutes 33 seconds East, 202.61 feet to said south line; thence along said south line, North 89 degrees 18 minutes 52 seconds East, 17.74 feet to the Point of Beginning.

The above-described property to be acquired contains 2,151 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 15

Owner of Record: Southwestern Bell Telephone Company (AT&T)

Home Office:

c/o Ellie Carranco
7159 San Pedro Ave., Room 202
San Antonio, TX 78216

Local Office:

4112 NW 16th St
Topeka, KS 66618

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

PROPERTY TO BE ACQUIRED:

Permanent Easement:

The North 30 feet of Lot 1, Block C, Topeka Chamber Industrial Park Subdivision No. 2 in Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas; except the West 20 feet thereof.

The above-described property to be acquired contains 10,950 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 16

Owner of Record: Southwestern Bell Telephone Company (AT&T)
Home Office:
c/o Ellie Carranco
7159 San Pedro Ave., Room 202
San Antonio, TX 78216
Local Office:
4112 NW 16th St
Topeka, KS 66618

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

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

Those parts of Lot 2, Block C, Topeka Chamber Industrial Park Subdivision No. 2 in Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas described as follows: Commencing at the northwest corner of said Lot 2; thence along the west line of said Lot on an assumed bearing South 00 degrees 00 minutes 03 seconds West, 30.00 feet; thence South 89 degrees 45 minutes 43 seconds East, 412.97 feet to the Point of Beginning; thence South 73 degrees 21 minutes 44 seconds East, 245.91 feet; thence South 08 degrees 52 minutes 04 seconds East, 18.91 feet to the southeasterly line of said Lot; thence along said southeasterly line 26.16 feet along a curve concave to the southeast having a radius of 600.00 feet, a chord direction of South 77 degrees 01 minutes 01 seconds West and a chord length of 26.16 feet; thence North 73 degrees 21 minutes 44 seconds West, 333.24 feet; thence South 89 degrees 45 minutes 43 seconds East, 106.26 feet to the Point of Beginning.

TOGETHER WITH

Commencing at the northeast corner of said Lot 2; thence along the northeasterly line of said Lot on an assumed bearing of South 73 degrees 21 minutes 44 seconds East, 296.83 feet to the Point of Beginning; thence continuing along said northeasterly line South 73 degrees 21 minutes 44 seconds East, 11.08 feet; thence South 08 degrees 52 minutes 04 seconds East, 26.01 feet to the southeasterly line of said Lot; thence along said southeasterly line 10.00 feet along a curve concave to the southeast having a radius of 600.00 feet, a chord direction of South 80 degrees 39 minutes 17 seconds West, and a chord length of 10.00 feet; thence North 08 degrees 52 minutes 04 seconds West, 30.86 feet to the Point of Beginning.

The above-described property to be acquired contains 9,216 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires June 30, 2008 or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Easement:

That part of Lot 2, Block C, Topeka Chamber Industrial Park Subdivision No. 2 in Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas described as follows: Beginning at the northwest corner of said Lot 2; thence along the north line of said Lot on an assumed bearing of South 89 degrees 45 minutes

43 seconds East, 382.00 feet to the northeast corner of said Lot; thence along the northeasterly line of said Lot South 73 degrees 21 minutes 44 seconds East, 296.83 feet; thence South 08 degrees 52 minutes 04 seconds East, 30.86 feet to the southeasterly line of said Lot; thence along said southeasterly line 20.01 feet along a curve concave to the southeast having a radius of 600.00 feet, a chord direction of South 79 degrees 13 minutes 18 seconds West and a chord length of 20.01 feet; thence North 08 degrees 52 minutes 04 seconds West, 18.91 feet; thence North 73 degrees 21 minutes 44 seconds West, 245.91 feet; thence North 89 degrees 45 minutes 43 seconds West, 412.97 feet to the west line of said Lot 2; thence along said west line North 00 degrees 00 minutes 03 seconds East, 30.00 feet to the Point of Beginning.

The above-described property to be acquired contains 17,849 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 33

Owner of Record: Rebecca B. Knowles
Kate K. Cole
Lucy K. Thatcher
C.B. Knowles
or their Respective heirs, legatees, devisees, or
assigns, being the sole heirs of Charles O. Knowles,
deceased
Addresses Unknown

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: 1) Vacant land
2) Westar Energy
4001 NW 14th
Topeka, KS 66601

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract of land in Kansas Half Breed Lands Reserve No. 2, Township 11 South, Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas described as follows:

Commencing at an iron bar at the point of intersection of the centerline of Lower Silver Lake Road with the west line of said Reserve No. 2; thence along said west line on an assumed bearing of South 01 degrees 24 minutes 18 seconds East, 324.21 feet to a point being a perpendicular distance of 30 feet south of the south right-of-way line of the Union Pacific Railroad; thence parallel with said right-of-way line South 74 degrees 48 minutes 20 seconds East, 144.55 feet; thence at right angles North 15 degrees 11 minutes 40 seconds East, 15.00 feet to the Point of Beginning; thence continuing North 15 degrees 11 minutes 40 seconds East, 15.00 feet to said right-of-way line; thence along said right-of-way line South 74 degrees 48 minutes 20 seconds East, 10.00 feet; thence at right angles South 15 degrees 11 minutes 40 seconds West, 15.00 feet; thence at right angles North 74 degrees 48 minutes 20 seconds West, 10.00 feet to the Point of Beginning.

The above-described property to be acquired contains 150 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires June 30, 2008 or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Easement:

A tract of land in Kansas Half Breed Lands Reserve No. 2, Township 11 South, Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas described as follows:

Commencing at an iron bar at the point of intersection of the centerline of Lower Silver Lake Road with the west line of said Reserve No. 2; thence along said west line on an assumed bearing of South 01 degrees 24 minutes 18 seconds East, 324.21 feet to a point being a perpendicular distance of 30 feet south of the south right-of-way line of the Union Pacific Railroad; thence parallel with said right-of-way line South 74 degrees 48 minutes 20 seconds East, 124.55 feet; thence at right angles North 15 degrees 11 minutes 40 seconds East, 15.00 feet to the Point of Beginning; thence continuing North 15 degrees 11 minutes 40 seconds East, 15.00 feet to said right-of-way line; thence along said right-of-way line South 74 degrees 48 minutes 20 seconds East, 20.00 feet; thence at right angles South 15 degrees 11 minutes 40 seconds West, 15.00 feet; thence at right angles North 74 degrees 48 minutes 20 seconds West, 20.00 feet to the Point of Beginning.

The above-described property to be acquired contains 300 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the Council of the City of Topeka, Kansas shall present a written application to the District Court of Shawnee County, Kansas, for the appointment of appraisers to make the appraisal and assessment required by law when land is taken for public purposes, and said City Attorney shall do all things necessary for the condemnation of said land completing the appropriation of the same for public purposes.

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_____.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 21, 2006

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DATE: October 4, 2006

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

SECOND PARTY/SUBJECT: Trafficway Improvement **PROJECT #:** 70197-01

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 008 Special Assessments

CIP PROJECT: No

ACTION OF COUNCIL: Approve the Ordinance as presented **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Industrial Boulevard with pavement, curb and gutter and all other contingencies needed to complete Trafficway Improvement Project No. 70197-01 as defined and described in Resolution No. 7231 adopted and approved April 16, 2002. First Reading. (Council District No. 5)

(Levies special assessments for Project No. 70197-01.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve the Ordinance Special Assessment as presented.

BACKGROUND:

To Pave:

Industrial Boulevard from the south line of SW 53rd Street to the north line of SW 57th Street with 41 feet wide paving, including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering and all other contingencies needed for a complete project.

BUDGETARY IMPACT:

95% Paid by City at Large, General Obligation Bonds and any other lawfully available funds
\$1,393,441.00
5% Paid by Improvement District \$ 73,339.00
FINAL PROJECT COST \$1,466,780.00

Item #29

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

SOURCE OF FUNDING:

95% Paid by City at Large, General Obligation Bonds and any other lawfully available funds.

5% Paid by Improvement District.

ATTACHMENTS:

[Assessment Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Industrial Boulevard with pavement, curb and gutter and all other contingencies needed to complete Trafficway Improvement Project No. 70197-01 as defined and described in Resolution No. 7231 adopted and approved April 16, 2002.

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

Section 1. For the purpose of paying the cost of pavement, curb and gutter and all other contingencies needed to complete the project, same being Trafficway Improvement Project No. 70197-01, in the City of Topeka, Shawnee County, Kansas, there is hereby levied and assessed a special assessment on all lots and pieces of ground liable therefore.

Said assessments are computed as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To Pave:

Industrial Boulevard from the south line of SW 53rd Street to the north line of SW 57th Street with 41 feet wide paving, including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering and all other contingencies needed for a complete project.

B. IMPROVEMENT DISTRICT:

Begin at the northwest corner of the east on half of the east one half of the northeast quarter of Section 36, Township 12 south, Range 15 east of the Sixth Principal Meridian; thence south to the southwest corner of the north one half of the east one half of the east one half of the northeast quarter of said Section 36; thence westerly 33 feet; thence southerly 33 feet west of, parallel with the west line of the east one half of the east one half of the northeast quarter of Section 36, Township 12 south, Range 15 east of the Sixth P.M. to the north right of way line of the SW 57th Street; thence Westerly on said north line of SW 57th Street to the southeast corner of Lot 1, Block A, 57th Street Industrial Park Subdivision; thence north to the northeast corner of said Lot 1; thence west 242.50 feet to the northwest corner of said Lot 1; thence south to the southwest corner of Lot 1, Block A,

57th Street Industrial Park Subdivision; thence westerly on the north line of SW 57th Street to the center line of Southwest Lincoln Street; thence northerly on the center line of SW Lincoln Street for a distance of 510 feet to the north line of Block B, Thompson Industrial Park Subdivision; thence westerly for a distance of 237.50 feet to the northwest corner of Lot 5, Block B, Thompson Industrial Park Subdivision; thence southerly 300 feet to the southwest corner of Lot 3, Block B, Thompson Industrial Park Subdivision; thence easterly 200 feet to the southeast corner of said Lot 3; thence south 210 feet to the north right of way line of SW 57th Street; thence westerly on the north line of SW 57th Street to the easterly right of way line U.S. Highway 75; thence northerly along the easterly right of way line of said Highway 75 to the north line of Section 36, Township 12 South, Range 15 east of the Sixth P.M.; thence easterly on the north line of said Section 36 to the northwest corner of the east one half of the east one half of the northwest corner of the east one half of the northeast quarter of Section 36, Township 12 South, Range 15 east of the Sixth P.M. and the point of beginning.

C. METHOD OF ASSESSMENT:

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

D. TOTAL COST & APPORTIONMENT OF COSTS:

95%	Paid by City at Large, General Obligation Bonds and any other lawfully available funds	\$1,393,441.00
<u>5%</u>	<u>Paid by Improvement District</u>	<u>\$ 73,339.00</u>
	FINAL PROJECT COST	\$1,466,780.00

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

TRAFFICWAY IMPROVEMENT PROJECT NO.70197-01

<u>Parcel Identification Number</u>	<u>Description</u>	<u>Assessment</u>
	SW 57 th St. Distribution Center Subdivision <u>Block "A"</u>	
1473600001011070	Lot 1	\$47,860.80
1473600001011000	Lot 2	\$1,988.36
1473600001011000	Lot 2A Part of NE quarter and NW quarter Described as: Begin at the NE Corner of Lot 1, Block "A"; thence North 448 feet; thence West 3528 feet to East right-of- way of Hwy. 75; thence Southerly along right-of-way 934 feet; thence East 200 feet; thence South 200 feet; thence West 200 feet; thence Southerly 275 feet; thence SE 102 feet; thence East 31 feet; thence South 17 feet; thence SE 19 feet; thence South 49 feet; thence SE 154 feet; thence SE 44 feet; thence South 43 feet; thence SE 47.12 feet; thence Southerly 30 feet; thence SE 61 feet; thence Westerly 18 feet; thence Southerly 100.14 feet; thence SW 252.57 feet; thence SE 401.31 feet to North right-of- way line of 57 th Street; thence East 582 feet; thence Northerly 2,207.93 feet; thence Easterly 3,444.79 feet to point of beginning.	\$19,623.86
	South View Subdivision <u>Block "A"</u>	
1473600001012020	Lot 1	\$3,865.66

Section 3. Such assessments with accrued interest are hereby levied concurrent
with general property taxes and shall be payable in twenty (20) equal annual installments;

the first installment to be payable at the time of the first payment of the general property taxes, following the publication of this Ordinance.

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

Section 5. The owner of any property so assessed may at any time prior to ninety (90) days from the date of publication of this Ordinance, pay the whole of the assessment against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

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

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

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 4, 2006

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DATE:	October 4, 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



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SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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October 4, 2006

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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