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## **City Council Agenda**

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

November 7, 2006  
6:00 PM

**City Manager: Norton N. Bonaparte, Jr.**

**Mayor: William W. Bunten**

### **Councilmembers**

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

**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. PRESENTATIONS:**

**2. ROLL CALL:**

**3. CONSENT AGENDA:**

**A. Communication - Metropolitan Topeka Airport Authority**

A COMMUNICATION re-appointing Sam Carkhuff, 2611 SW 35th Terr., to the Metropolitan Topeka Airport Authority for a three-year term that would expire on November 30, 2009.  
*(Council District No. 5)*

**B. Communication - Jayhawk Area Agency On Aging Advisory Council**

 [ATTACHMENTS](#)

A COMMUNICATION appointing Beverly Thompson, 1025 SW Prairie Rd., to the Jayhawk Area Agency On Aging Advisory Council, to a three-year term that will expire on November 30, 2009.  
*(Council District No. 9)*

**C. Metropolitan Topeka Airport Authority**

A COMMUNICATION re-appointing Ed Ramirez, 1010 N. Kansas Ave., to the Metropolitan Topeka Airport Authority for a three-year term that would expire on November 30, 2009.  
*(Council District No. 2)*

**D. Communication - Workers' Compensation Settlement**

A COMMUNICATION authorizing the Workers' Compensation Settlement for Timothy Bass.  
*(This will permit settling a workers' compensation claim.)*

**E. MINUTES of the regular meeting of October 24, 2006**

**F. APPLICATIONS:**

**4. PUBLIC HEARINGS:**

**A. Ordinance - Neighborhood Revitalization Plan**

 [ATTACHMENTS](#)

A PUBLIC HEARING to consider the adoption of the neighborhood revitalization plan and designating a revitalization area.

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. Final Reading. *(Deferred from the meeting of October 24, 2006.)*

*(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.)*

**5. UNFINISHED BUSINESS:**

**A. Ordinance - Authorizing the issuance of General Obligation Bonds, Series 2006-A and 2006-B**

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. authorizing the issuance of not to exceed \$14,280,000 aggregate principal amount of General Obligation Bonds, Series 2006-A, and the issuance of not to exceed \$7,875,000 aggregate principal amount of General Obligation Bonds, Series 2006-B, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive; K.S.A. 12-685 et seq., K.S.A. 12-6A01 et.



seq., the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the City, all as amended. Final Reading.

*(This Ordinance will authorize the issuance of two series of general obligation bonds. Proceeds of the Series 2006-A Bonds will pay for a number of public infrastructure improvements. Proceeds of the Series 2006-B Bonds will pay to construct a new, public parking garage.)*

**B. Resolution prescribing the form and details of General Obligation Bonds, Series 2006-A and Series 2006-B**

 [ATTACHMENTS](#)

**A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., prescribing the form and details of both the General Obligation Bonds, Series 2006-A and Series 2006-B of the City of Topeka, Kansas, in the aggregate principal amount of \$22,155,000, the issuance of which were authorized by the City pursuant to its Ordinance adopted and approved on November 7, 2006, and authorizing certain other documents and actions in connection with the issuance of the Bonds.

*(This Resolution prescribes the form and details of the City's Series 2006-A and Series 2006-B general obligation bonds, providing funds to finance the costs of previously authorized capital projects.)*

**C. Resolution Authorizing the Issuance of Temporary Notes, Series 2006-A**

 [ATTACHMENTS](#)

**A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing and directing the issuance of temporary notes, Series 2006-A of the City of Topeka, Kansas, in the aggregate principal amount of \$11,825,000 for the purpose of providing funds to pay the cost of renewing a portion of the principal amount of the Series 2005-A temporary notes of the City, dated November 29, 2005, and for the purpose of providing funds to pay a portion of the cost of certain improvements in the City.

*(This Resolution authorizes issuance of the City's Series 2006-A temporary notes, providing funds to temporarily finance the costs of previously authorized capital projects.)*

**D. Ordinance - Approval of Employment and Severance Agreements**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. amending City of Topeka Code Section 2-119 concerning the approval of employment and severance agreements, and specifically repealing said original section. Final Reading.

*(This ordinance corrects language in Section 2-119 to allow the City Manager to approve these contracts)*

**E. Ordinance - Prepaid Motor Fuel**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by Deputy Mayor Jeff Preisner, relating to the payment of gasoline and/or diesel fuel, amending City of Topeka Code Chapter 30. Final Reading. *(Referred to the Policy and Finance Committee from the meeting of September 5, 2006.)*

*(The ordinance would require prepayment for gasoline and/or diesel fuel sold to the public or at retail.)*

**F. Ordinance - Riding of skateboards on sidewalks**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by Councilmember Lana Kennedy amending City of Topeka Code Section 142-611 concerning the riding of skateboards on sidewalks, and specifically repealing said original section. Final Reading. *(Council District No. 1)*

*(The ordinance prohibits persons from riding a skateboard upon a sidewalk within the central business area.)*

**G. Final Plat - Hickory Ridge Estates No. 10 (P06-27)**

 [ATTACHMENTS](#)

**A FINAL PLAT** for Hickory Ridge Estates Subdivision No. 10 located approximately 130-feet east of NW Bent Tree Lane between NW 32<sup>nd</sup> Street and NW Bitter Nut Street within unincorporated Shawnee County, Kansas.(P06/27) *(The Planning Commission recommended approval by a vote of 7-0-0.) (Tabled for 60 days from the meeting of July 25, 2006.) (Tabled for 30 days from the meeting of September 26, 2006.)*

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

**H. Plat - Hickory Ridge Estates Subdivision No. 11(P06/26)**

 [ATTACHMENTS](#)

**A FINAL PLAT** for Hickory Ridge Estates Subdivision No. 11 located at the southwest corner of NW 35<sup>th</sup> Street and NW Button Road within unincorporated Shawnee County, Kansas. (P06/26) *(The Planning Commission recommended approval by a vote of 7-0-0.) (Tabled for 30 days from the meeting of September 26, 2006.)*

*(Approval would accommodate development of the property for an additional single-family residence.)*

**I. 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.) (Deferred for two weeks from the meeting of October 17, 2006.)*

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

**J. 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. *(Deferred from the meeting of October 24, 2006.)*

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

**K. 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. *(Deferred from the meeting of October 24, 2006.)*

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

**L. 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. *(Deferred from the meeting of October 24, 2006.)*

*(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.)*

**M. 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) (Deferred from the meeting of October 24, 2006.)*

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

**6. NEW BUSINESS:**

**A. Communication - 2007 Alcohol and Drug Grant Recommendations**

 [ATTACHMENTS](#)

**A COMMUNICATION** from City Manager Norton N. Bonaparte, Jr., outlining and seeking approval of the funding recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council for the 2007 grant awards from the Special Alcohol Program Fund.

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

**B. Resolution - Initiation of nonconsensual, unilateral annexation**

 [ATTACHMENTS](#)

**A RESOLUTION** introduced by Councilmembers Jeff Preisner and Clark Duffy concerning annexation by the City of Topeka and rescinding City of Topeka Resolution No. 7711.

*(Concerning the initiation of nonconsensual unilateral annexation.)*

**C. Condemnation Resolution for Project No. 70190-01 Part B**

 [ATTACHMENTS](#)

**A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Trafficway Improvement Project No. 70190-01, Part B, which provides for the reconstruction of East 6th Street to five lanes wide between Golden Avenue and Market Street. *(Council District No. 3)*

*(The resolution authorizes the City Engineer to prepare a list of properties that may need to be acquired for Trafficway Improvement Project No. 70190-01.)*

**D. Authorization of Weekly Expenditures for Week Ended October 15, 2006**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period October 9, 2006, through October 15, 2006, and enumerating said expenditures therein. First and Final Reading.

**E. Authorization of Weekly Expenditures for Week Ended October 22, 2006**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period October 16, 2006, through October 22, 2006, and enumerating said expenditures therein. First and Final Reading.

**7. FIRST READINGS:**

**A. Ordinance - Deer Creek Force Main Improvement Project No. 29032-02**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., authorizing improvement Project No. 29093-02 which provides for installation of a new force main from the Deer Creek Pump Station to the Oakland Wastewater Treatment Plant, as more specifically described herein. First Reading.

*(The project would install a new force main from the Deer Creek Pump Station along the west side of Billard Airport, to Fairchild Street and Poplar Avenue and continue across Billard Park to the Oakland Wastewater Treatment Plant.)*

**B. Ordinance - Initiation of condemnation - Betty Phillips Park**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by Norton N. Bonaparte, Jr., City Manager authorizing the initiation of condemnation proceedings to acquire property for Improvement Project # 606270, for the second phase park expansion of the Betty Phillips Park formerly known as Hi-Crest Park. First Reading.

*( An Engineering Division land survey of the subject property is attached. Subject property to be acquired is located at 3337 SE Girard, 3331 SE Girard and 3311 SE Irvingham.)*

**C. Ordinance - Sewer Line Capping**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 26-523 and establishing § 26-524 regarding building and building regulations relating to demolition, and repealing said original section. First Reading.

*(The ordinance develops a policy that helps ensure sewer lines are capped during or shortly after a demolition job is complete without additional cost to the City. The \$500 cash deposit requirement will be refunded upon the filing of a certificate of inspection and compliance, issued by the Engineering Division.)*

**D. Ordinance- Love Enterprises L.L.C. (Z06/11)**

 [ATTACHMENTS](#)

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. amending the

“District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located on the northeast corner of SE Klein Street and SE 4<sup>th</sup> Street in the City of Topeka, Kansas from “R-2” Single Family Dwelling District TO “X-2” Mixed Use District. First Reading. (Z06/11) (Council District No. 3)(The Planning Commission recommended approval by a vote of 8-0-0 at their October 16, 2006 public hearing.)(The Planning Department recommended that the request be approved.)

(Approval would allow the property to be developed for a mix of light industrial, commercial, office, or residential uses.)

**E. Project Budget and Ordinance for Project No. 70142-03, Part B**

 [ATTACHMENTS](#)

**AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing improvement Project No. 70142-03, Part B, which provides for the widening of California Avenue more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading. (Council District No. 4)**

(This project will widen S.E. California Avenue from S.E. 28<sup>th</sup> Street to S.E. 33<sup>rd</sup> Street along with new pavement, sidewalks, storm sewers and all other incidentals necessary for a complete project.)

**F. Tax Lien for Unpaid Sewer Service Charges (10-2006)**

 [ATTACHMENTS](#)

**AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-631k. First Reading.**

(The ordinance would create a tax lien for unpaid or delinquent sewer charges on certain properties in the amount of \$3,129.04.)

**8. MISCELLANEOUS:**

-

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

-

**10. PUBLIC COMMENT:**

-

-

**11. ADJOURNMENT:**

-



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 17, 2006

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|                       |                  |             |
|-----------------------|------------------|-------------|
| DATE:                 | October 17, 2006 | DOCUMENT #: |
| CONTACT PERSON:       |                  | PROJECT #:  |
| SECOND PARTY/SUBJECT: |                  |             |
| CATEGORY/SUBCATEGORY  |                  |             |
| CIP PROJECT:          | No               |             |
| ACTION OF COUNCIL:    |                  | JOURNAL #:  |
|                       |                  | PAGE #:     |

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### DOCUMENT DESCRIPTION:

### POLICY ISSUE:

### STAFF RECOMMENDATION:

### BACKGROUND:

### BUDGETARY IMPACT:

### SOURCE OF FUNDING:

### ATTACHMENTS:

No Attachments Available



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Topeka, Kansas 66603

October 17, 2006

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**DOCUMENT DESCRIPTION:**

**POLICY ISSUE:**

**STAFF RECOMMENDATION:**

**BACKGROUND:**

**BUDGETARY IMPACT:**

**SOURCE OF FUNDING:**

**ATTACHMENTS:**

No Attachments Available



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 + Back  Print

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|-----------------------|------------------|-------------|
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**STAFF RECOMMENDATION:**

**BACKGROUND:**

**BUDGETARY IMPACT:**

**SOURCE OF FUNDING:**

**ATTACHMENTS:**

No Attachments Available





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|                       |                  |             |
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| 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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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 10, 2006

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**DATE:** October 17, 2006  
**CONTACT PERSON:** Celeste Benton  
**SECOND PARTY/SUBJECT:** Metropolitan Topeka Airport Authority  
**CATEGORY/SUBCATEGORY:** 006 Communication / 003 Requests  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**DOCUMENT #:**  
**PROJECT #:**  
**JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**A COMMUNICATION re-appointing Sam Carkhuff, 2611 SW 35th Terr., to the Metropolitan Topeka Airport Authority for a three-year term that would expire on November 30, 2009. (Council District No. 5)**

### POLICY ISSUE:

NA

### STAFF RECOMMENDATION:

The Mayor is recommending the re-appointment of Sam Carkhuff, 2611 SW 35th Terr., to the Metropolitan Topeka Airport Authority for a three-year term that would expire on November 30, 2009. There is no official attendance policy, however board members are advised at orientation that the board will meet a minimum of one time per month and that additional meetings may be required throughout the year. Board members are advised that attendance is critical for the on-going success and operation of the board. Mr. Carkhuff has missed one meeting during his appointment.

### BACKGROUND:

KSA 27-327 et seq. The Metropolitan Topeka Airport Authority is created pursuant to KSA 27-327 et seq and shall have the powers granted according to the provisions of the statute. Members must be city residents and may not serve more than three consecutive terms. This re-appointment will be the second consecutive term for Mr. Carkhuff.

### BUDGETARY IMPACT:

NA

### SOURCE OF FUNDING:

NA

### ATTACHMENTS:

No Attachments Available



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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 17, 2006  
**CONTACT PERSON:** Celeste Benton **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Jayhawk Area Agency On Aging Advisory Council **PROJECT #:**  
**CATEGORY/SUBCATEGORY:** 006 Communication / 003 Requests  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**A COMMUNICATION** appointing Beverly Thompson, 1025 SW Prairie Rd., to the Jayhawk Area Agency On Aging Advisory Council, to a three-year term that will expire on November 30, 2009.  
(Council District No. 9)

### POLICY ISSUE:

NA

### STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Beverly Thompson, 1025 SW Prairie Rd., to the Jayhawk Area Agency On Aging Advisory Council, to a three-year term that would expire on November 30, 2009. Resume is attached.

### BACKGROUND:

Federal Authority-Older Americans Act and Ordinance 18382. The Jayhawk Area Agency On Aging Advisory Council advises the Jayhawk Area Agency On Aging Board of Directors concerning policies and programs that affect older citizens in Douglas, Jefferson and Shawnee Counties, and promotes the ability of older citizens to secure and maintain a high degree of independence and dignity in their community.

### BUDGETARY IMPACT:

NA

### SOURCE OF FUNDING:

NA

### ATTACHMENTS:

[JAAA - Thompson](#)

1025 SW Prairie Rd  
Topeka, KS 66604

Beverly Jean Caruthers Thompson was born in Kansas City, Kansas the only child of Ruel and Myrtha Caruthers.

DOB: August 8, 1936

HS Graduation: May 1954

Attended and graduated from University of Kansas June 1959

Received Master of Education Degree from Washburn 1971

Employed by Topeka Public Schools 25years (Intermediate Classroom Teacher)

Employed by Emporia State University 6 years (Instructor/Student Teacher Supervisor)

Has served on numerous boards in the Topeka community with enthusiasm and committment:

- \* TPAC
- \* KANU-FM (KU)
- \* Citizen Review Board (CRB)
- \* Selected by Sen. Brownback to serve on Plan for Action Presidential Commission for the National Museum of African American History and Culture
- \* Midland Hospice
- \* Topeka Community Concert Association
- \* Community Action
- \* KS Children's Discovery Center
- \* MC for LTD 9 years

Married Emmett W. Thompson, June 6, 1959 (47 yrs)

Two adult children: Emmett W. Thompson II

Jennifer A. Thompson Redmond

Five precious grandchildren:

Jessica E. Redmond

James Allen Thompson Redmond

Taelor Nicholson

Anthony and Emmett Thompson III

If you need more specific information, please call me.  
Again, thanks for the opportunity.

Sincerely,  
Beverly



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 10, 2006

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**DATE:** October 17, 2006  
**CONTACT PERSON:** Celeste Benton  
**SECOND PARTY/SUBJECT:** Metropolitan Topeka Airport Authority  
**CATEGORY/SUBCATEGORY:** 006 Communication / 003 Requests  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**DOCUMENT #:**  
**PROJECT #:**  
**JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**A COMMUNICATION** re-appointing Ed Ramirez, 1010 N. Kansas Ave., to the Metropolitan Topeka Airport Authority for a three-year term that would expire on November 30, 2009. (Council District No. 2)

### POLICY ISSUE:

NA

### STAFF RECOMMENDATION:

The Mayor is recommending the re-appointment of Ed Ramirez, 1010 N. Kansas Ave., to the Metropolitan Topeka Airport Authority for a three-year term that would expire on November 30, 2009. There is no official attendance policy, however board members are advised at orientation that the board will meet a minimum of one time per month and that additional meetings may be required throughout the year. Board members are advised that attendance is critical for the on-going success and operation of the board. Mr. Ramirez has missed two meetings during his three-year term.

### BACKGROUND:

KSA 27-327 et seq. The Metropolitan Topeka Airport Authority is created pursuant to KSA 27-327 et seq and shall have the powers granted according to the provisions of the statute. Members must be city residents and may not serve more than three consecutive terms. This re-appointment will be the second consecutive term for Mr. Ramirez.

### BUDGETARY IMPACT:

NA

### SOURCE OF FUNDING:

NA

### ATTACHMENTS:

No Attachments Available



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October 17, 2006

+ Back Print

**DATE:** October 17, 2006

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

**SECOND PARTY/SUBJECT:** Timothy Bass **PROJECT #:**

**CATEGORY/SUBCATEGORY:** 006 Communication / 005 Other

**CIP PROJECT:** No

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

**PAGE #:**

### DOCUMENT DESCRIPTION:

**A COMMUNICATION** authorizing the Workers' Compensation Settlement for Timothy Bass.

*(This will permit settling a workers' compensation claim.)*

### POLICY ISSUE:

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

### STAFF RECOMMENDATION:

Staff recommends the Council approve the proposed settlement offer.

### BACKGROUND:

The City Attorney's Office has reached a conditional agreement, subject to Council approval, to settle Timothy Bass's Workers' Compensation claim in the amount of \$15,700.00.

### BUDGETARY IMPACT:

\$15,700.00

### SOURCE OF FUNDING:

City of Topeka's self-insured workers' compensation fund.

### ATTACHMENTS:

No Attachments Available



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 + Back  Print

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| CIP PROJECT:          | No               |             |
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|                       |                  | PAGE #:     |

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### DOCUMENT DESCRIPTION:

### POLICY ISSUE:

### STAFF RECOMMENDATION:

### BACKGROUND:

### BUDGETARY IMPACT:

### SOURCE OF FUNDING:

### ATTACHMENTS:

No Attachments Available





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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 17, 2006

 + Back  Print

|                       |                  |             |
|-----------------------|------------------|-------------|
| DATE:                 | October 17, 2006 | DOCUMENT #: |
| CONTACT PERSON:       |                  | PROJECT #:  |
| SECOND PARTY/SUBJECT: |                  |             |
| CATEGORY/SUBCATEGORY  |                  |             |
| CIP PROJECT:          | No               |             |
| ACTION OF COUNCIL:    |                  | JOURNAL #:  |
|                       |                  | PAGE #:     |

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### DOCUMENT DESCRIPTION:

### POLICY ISSUE:

### STAFF RECOMMENDATION:

### BACKGROUND:

### BUDGETARY IMPACT:

### SOURCE OF FUNDING:

### ATTACHMENTS:

No Attachments Available



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 25, 2006

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**DATE:** October 17, 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:** 10/17/06 First reading. **JOURNAL #:** 06  
10/24/06 Deferred for two weeks

**PAGE #:**

### DOCUMENT DESCRIPTION:

**A PUBLIC HEARING** to consider the adoption of the neighborhood revitalization plan and designating a revitalization area.

**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. Final Reading. *(Deferred from the meeting of October 24, 2006.)*

*(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. **Item #11**
- 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](#)

## Neighborhood Revitalization Program

### 2004 Program vs. 2007 Program (proposed)

| Issue                                   | 2004 NRP (as amended)                                                                                                                                                                                                       | 2007 NRP                                                                                                     |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Neighborhood Revitalization Area</b> | 13.4 square miles                                                                                                                                                                                                           | Additional 0.21 sq. miles<br>(South Topeka Blvd and Southern Hills)                                          |
| <b>Eligibility</b>                      | All uses as permitted by zoning.                                                                                                                                                                                            | Allows appeal to City Council for ineligible projects (e.g., single-family renter-occupied new construction) |
| <b>Boundary</b>                         | Properties that front the boundary are eligible.                                                                                                                                                                            | Properties that front the boundary along a <i>public highway</i> are <u>not</u> eligible                     |
| <b>Investment Threshold</b>             | Residential improvements must increase appraised value 10%; commercial improvements 20%.                                                                                                                                    | No change                                                                                                    |
| <b>Appeals to Application Deadline</b>  | No appeal beyond 60-day deadline.                                                                                                                                                                                           | No change                                                                                                    |
| <b>Design</b>                           | Projects must conform to design guidelines in neighborhoods with adopted Neighborhood Plans.                                                                                                                                | No change                                                                                                    |
| <b>Rebate Rate - Standard</b>           | 80% rebate/10 years<br>5% administration<br>15% re-invested back into target area (Special Fund)                                                                                                                            | No change                                                                                                    |
| <b>Rebate Rate - Historical</b>         | 100%/15 years                                                                                                                                                                                                               | No change                                                                                                    |
| <b>Special Project Fund</b>             | Adds "11 <sup>th</sup> " 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                                           |

Exhibit "A"

*Septemeber 06 DRAFT*

*Neighborhood  
Revitalization  
Plan*

Topeka, Kansas

January 1, 2007

*Adopted by Topeka City Council:*  
\_\_\_\_\_, 2006

## *Table of Contents*

|                                                                                           |    |
|-------------------------------------------------------------------------------------------|----|
| <b>Purpose</b> .....                                                                      | 2  |
| <b>Part 1</b><br>Description of Neighborhood Revitalization Area .....                    | 3  |
| <b>Part 2</b><br>Appraised Valuation of Real Property .....                               | 11 |
| <b>Part 3</b><br>Listing of Owners of Record in Area .....                                | 11 |
| <b>Part 4</b><br>Summary Description of Zoning Districts .....                            | 11 |
| <b>Part 5</b><br>Major Improvements for NRP Area .....                                    | 12 |
| <b>Part 6</b><br>Statement Specifying the Eligibility Requirements for a Tax Rebate ..... | 13 |
| <b>Part 7</b><br>Criteria for Determination of Eligibility .....                          | 14 |
| <b>Part 8</b><br>Contents of Application for Tax Rebate .....                             | 15 |
| <b>Part 9</b><br>Application Procedure .....                                              | 16 |
| <b>Part 10</b><br>Standards and Criteria for Approval .....                               | 17 |
| <b>Part 11</b><br>Statement Specifying Rebate Formula .....                               | 18 |
| <b>Part 12</b><br>Other Matters .....                                                     | 19 |
| <b>Appendix</b>                                                                           |    |
| Shawnee County Tax Levy Schedule .....                                                    | 21 |
| Kansas Statutes – Neighborhood Revitalization Act .....                                   | 22 |

## **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%.

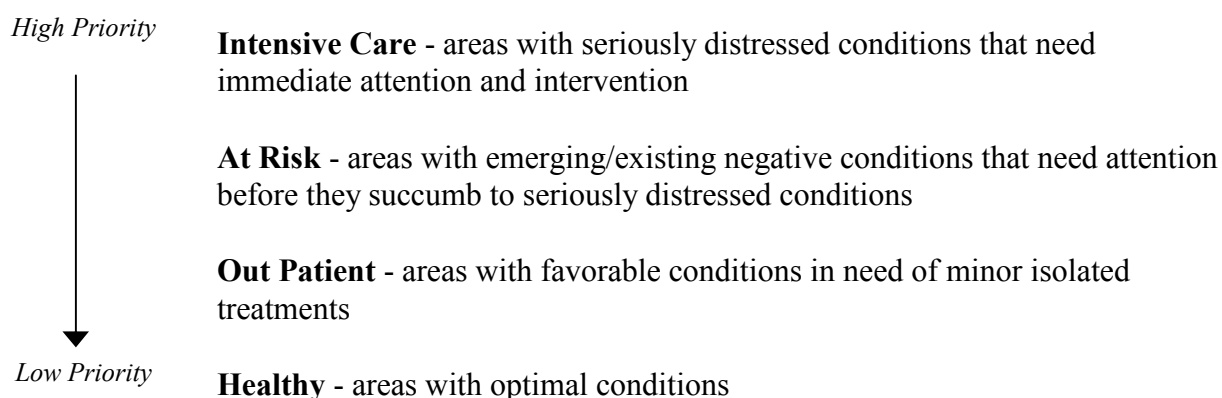
In accordance KSA (2000 Supp.) 12-17, 114 et. seq., the City Council has held a public hearing and considered the existing conditions and alternatives with respect to the described area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units. 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<br>↓<br>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                            |
| <b>Total Primary NR Area</b> | 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                           |
| <b>Total Non-NR Area</b>   | 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.

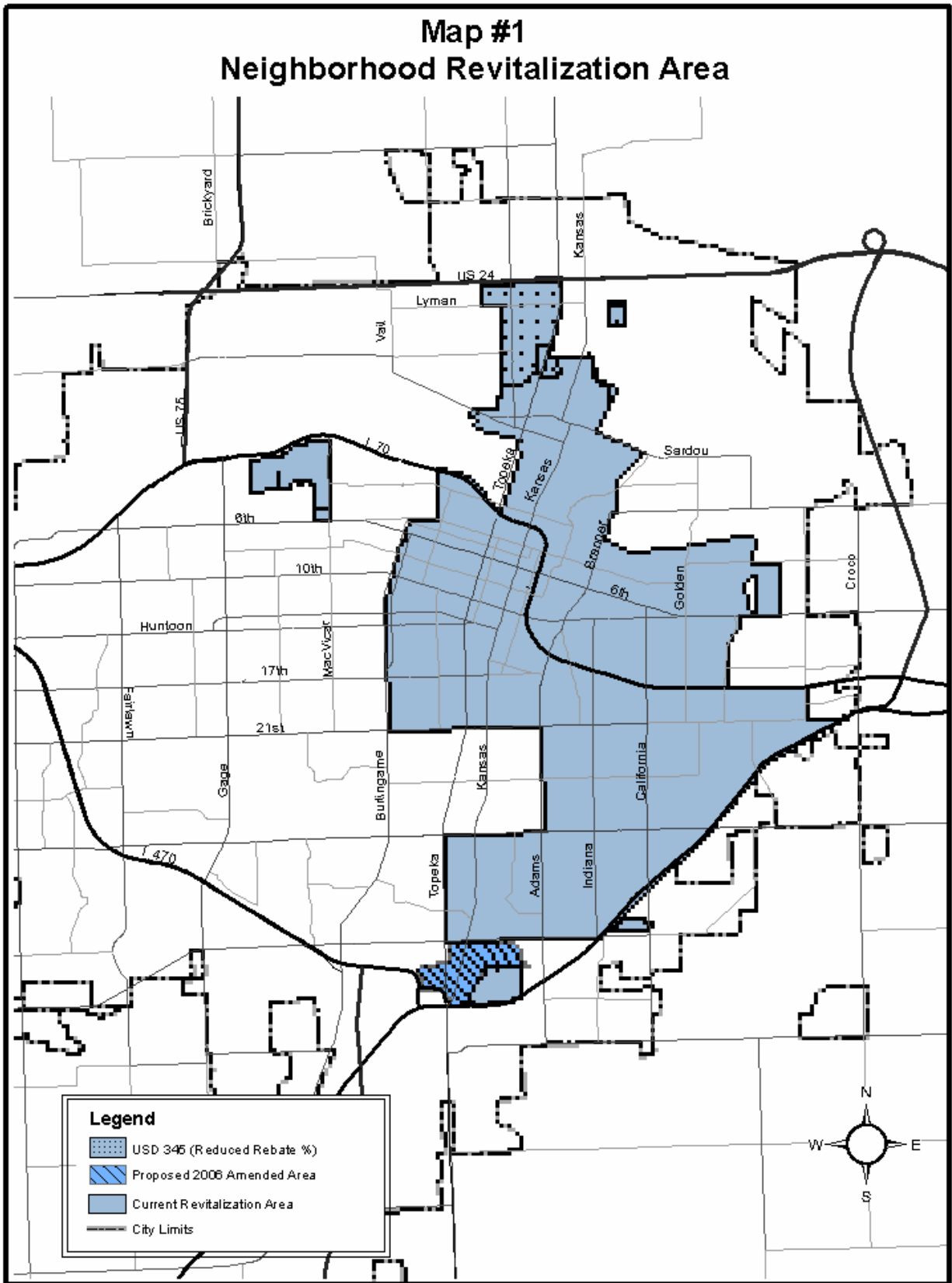
**General Characteristics (2006)**

| Area              | Square Miles | # of Parcels | Estimated Population    | Total Housing Units     | Real Property Valuation | Vacant Parcels |
|-------------------|--------------|--------------|-------------------------|-------------------------|-------------------------|----------------|
| NR Area (Primary) | 8.9*         | 14,262       | 32,867<br>(2000 Census) | 15,303<br>(2000 Census) | \$1,376,319,699         | 1,572          |
| Non-NR Area       | 41.2*        | 34,841       | 89,510<br>(2000 Census) | 41,715<br>(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             |
| <b>Total Amended Areas</b>                         |                      | <b>0.93</b>  | <b>896</b>   | <b>1630</b>          | <b>690</b>          | <b>\$246,123,470</b>    | <b>130</b>     |



Topeka Planning Department  
2006

## **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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> Avenue; thence westerly, on the Centerline of SE 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 37<sup>th</sup> Street; thence westerly, on the Centerline of 37<sup>th</sup> 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 29<sup>th</sup> Street; thence easterly, on the Centerline of 29<sup>th</sup> 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 21<sup>st</sup> Street; thence westerly, on the Centerline of 21<sup>st</sup> 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 6<sup>th</sup> 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 6<sup>TH</sup> 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 6<sup>th</sup> 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-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 |
|-------------------|----------|

|                                                                                                             |          |
|-------------------------------------------------------------------------------------------------------------|----------|
| Properties on National/State Register, or properties designated as Historic Landmarks by the City of Topeka | 15 years |
|-------------------------------------------------------------------------------------------------------------|----------|

#### Rebate Amount:

|                   |        |
|-------------------|--------|
| All Eligible Uses | 80 % * |
|-------------------|--------|

|                                                                                                             |      |
|-------------------------------------------------------------------------------------------------------------|------|
| Properties on National/State Register, or properties designated as Historic Landmarks by the City of Topeka | 100% |
|-------------------------------------------------------------------------------------------------------------|------|

\*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

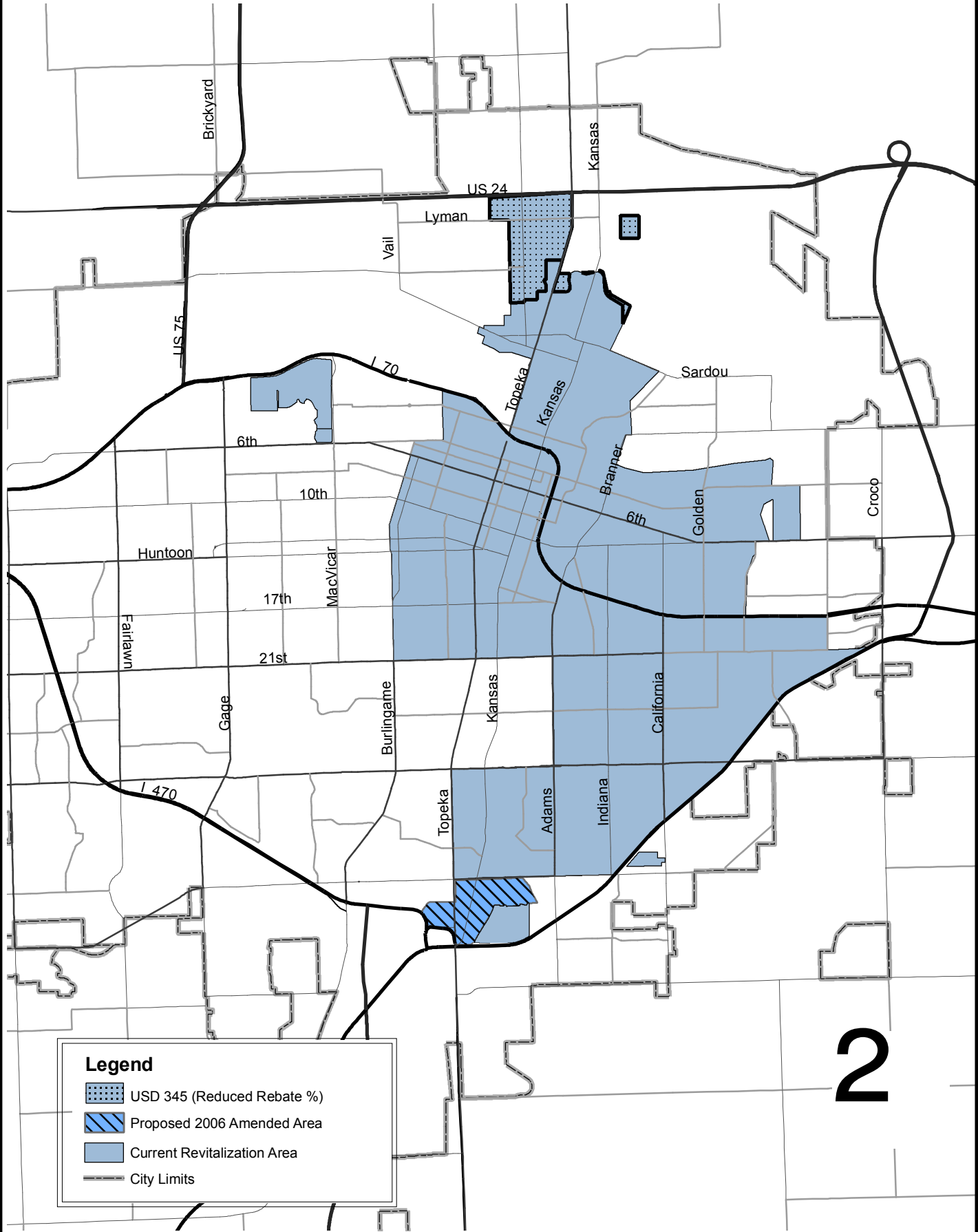
Tax Levies Per \$1,000 Assessed Valuation

| <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>             |
| <b>TOTAL</b>                                      | 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>             |
| <b>TOTAL</b>                                      | 138.081          | 100 %                  |

# Map #1

## Neighborhood Revitalization Area



2

**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         |
| <b>Totals</b> | <b>\$2,347,316.16</b> | <b>\$1,981,641.76</b> | <b>\$2,871,019.70</b> | <b>\$126,238.88</b> | <b>\$235,977.50</b> | <b>\$445,467.60</b> | <b>\$890,662.31</b> | <b>\$12,875,394.31</b> | <b>\$643,769.72</b> | <b>\$12,231,624.59</b> |

| 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    |
| <b>Total</b>            |                 |
| <b>Taxpayer Rebate*</b> | \$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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> Avenue; thence westerly, on  
72 the Centerline of SE 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 37<sup>th</sup> Street; thence westerly, on the Centerline of  
90 37<sup>th</sup> 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 29<sup>th</sup> Street; thence easterly, on the Centerline of 29<sup>th</sup> 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 21<sup>st</sup> Street; thence  
95 westerly, on the Centerline of 21<sup>st</sup> 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 6<sup>th</sup> 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 6<sup>TH</sup> 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 6<sup>th</sup> 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

October 18, 2006

+ Back Print

**DATE:** October 17, 2006

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

**SECOND PARTY/SUBJECT:** Authorization to Issue General Obligation Bonds **PROJECT #:**

**CATEGORY/SUBCATEGORY** 014 Ordinances – Non-Codified / 012 Bond Ordinances

**CIP PROJECT:** No

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

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr. authorizing the issuance of not to exceed \$14,280,000 aggregate principal amount of General Obligation Bonds, Series 2006-A, and the issuance of not to exceed \$7,875,000 aggregate principal amount of General Obligation Bonds, Series 2006-B, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive; K.S.A. 12-685 et seq., K.S.A. 12-6A01 et seq., the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the City, all as amended. Final Reading.

*(This Ordinance will authorize the issuance of two series of general obligation bonds. Proceeds of the Series 2006-A Bonds will pay for a number of public infrastructure improvements. Proceeds of the Series 2006-B Bonds will pay to construct a new, public parking garage.)*

### POLICY ISSUE:

The debt financing of public improvements, to distribute the costs of capital assets across multiple generations of taxpayers.

### STAFF RECOMMENDATION:

Adopt the Ordinance as presented.

### BACKGROUND:

Issuance of the Series 2006-A and Series 2006-B General Obligation Bonds will provide proceeds for a bridge project, phase one of a public building improvement project, nine park improvement projects, six sanitary sewer projects, ten street improvement projects, and five trafficway improvement projects, all as specified in the Ordinance, including construction of a public parking garage.

### BUDGETARY IMPACT:

The City's outstanding general obligation debt will increase by an estimated \$22,155,000.

Item #12



**SOURCE OF FUNDING:**

Funds to pay the principal and interest of the Series 2006-A Bonds will come from two sources--a general property tax levy, and special assessments against property owners within the relevant improvement benefit districts for \$3,144,946 of costs. The principal and interest of the Series 2006-B Bonds are anticipated to be paid from revenues of the new parking garage. Any shortfall in parking revenues will be paid from a general property tax levy.

**ATTACHMENTS:**

[Ordinance](#)

061006 3

(Published in The Topeka Metro News on November 10, 2006.)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF \$\_\_\_\_\_ AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2006-A, AND \$\_\_\_\_\_ AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2006-B, OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, K.S.A. 12-685 ET SEQ., K.S.A. 12-6a01 ET SEQ., THE HOME RULE AUTHORITY GRANTED TO THE CITIES OF THE STATE OF KANSAS BY SECTION 5 OF ARTICLE 12 OF THE KANSAS CONSTITUTION, AND CHARTER ORDINANCE NO. 89 OF THE CITY, ALL AS AMENDED.**

**WHEREAS**, pursuant to K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., all as amended, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter Ordinances Nos. 68 and 89 of the City (the "City") (Section A12-1 of the Code of the City) and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City has caused the following improvements (the "Internal Improvements") to be made in the City, to-wit:

- (a) Bridge Project No. 12062;
- (b) Public Building Improvement Project No. 13144 (Phase 1);
- (c) Park Improvement Project No. 30172 (Phase 4);
- (d) Park Improvement Project No. 30182;
- (e) Park Improvement Project No. 30252;
- (f) Park Improvement Project No. 30255;
- (g) Park Improvement Project No. 30256;
- (h) Park Improvement Project No. 30257;
- (i) Park Improvement Project No. 30259;
- (j) Park Improvement Project No. 30262;
- (k) Park Improvement Project No. 30265;
- (l) Sanitary Sewer Project No. 40596 (Phase 4);
- (m) Sanitary Sewer Project No. 40782 (Phase 2);
- (n) Sanitary Sewer Project No. 40906 (Phase 1);
- (o) Sanitary Sewer Project No. 40906 (Phase 2);
- (p) Sanitary Sewer Project No. 40907 (Phase 1);
- (q) Sanitary Sewer Project No. 40917 (Phase 1);
- (r) Street Improvement Project No. 60343 (Phase 2);
- (s) Street Improvement Project No. 60389 (Phase 3);
- (t) Street Improvement Project No. 60468 (Phase 5);

- (u) Street Improvement Project No. 60468 (Phase 6);
- (v) Street Improvement Project No. 60572;
- (w) Street Improvement Project No. 60572 (Phase 2);
- (x) Street Improvement Project No. 60591 (Phase 1);
- (y) Street Improvement Project No. 60594;
- (z) Street Improvement Project No. 60599 (Phase 1);
- (aa) Street Improvement Project No. 60613;
- (bb) Trafficway Improvement Project No. 14102;
- (cc) Trafficway Improvement Project No. 70142 (Phase 1);
- (dd) Trafficway Improvement Project No. 70142 (Phase 2);
- (ee) Trafficway Improvement Project No. 70142 (Phase 3); and
- (ff) Trafficway Improvement Project No. 70200 (Phase 1).

**WHEREAS**, all legal requirements pertaining to the Internal Improvements have been complied with, and the governing body of the City now finds and determines that the total costs of the Internal Improvements and related expenses are at least \$\_\_\_\_\_ (the "Internal Improvement Costs"), of which approximately \$\_\_\_\_\_ will be paid from other funds lawfully available to the City, with \$3,144,946.00 of said Internal Improvement Costs to be paid by the owners of the property within the City benefited by the Internal Improvements (none of which has been paid into the City Treasury on account of the Internal Improvements) and with \$\_\_\_\_\_ of said Internal Improvement Costs payable by the City at large leaving \$\_\_\_\_\_ to be paid for by the issuance of general obligation bonds; and

**WHEREAS**, pursuant to the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and other provisions of the laws of the State of Kansas applicable thereto the City has authorized the construction of a city parking garage (City Public Building Project No. 13137) together with all things necessary and incidental thereto (the "Parking Garage Improvements"); and

**WHEREAS**, all legal requirements pertaining to the Parking Garage Improvements have been complied with, and the governing body of the City now finds and determines that the total costs of the Parking Garage Improvements and related expenses are at least \$\_\_\_\_\_ (the "Parking Garage Improvement Costs"), of which approximately \$\_\_\_\_\_ will be paid from other funds lawfully available to the City leaving \$\_\_\_\_\_ to be paid for by the issuance of general obligation bonds; and

**WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell (1) its General Obligation Bonds, Series 2006-A in the aggregate principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) for the purpose of paying the cost of the Internal Improvements and (2) its General Obligation Bonds, Series 2006-B in the aggregate principal amount of \$\_\_\_\_\_ Dollars (\$\_\_\_\_\_) for the purpose of paying the cost of the Parking Garage Improvements.

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

**Section 1.** That there is hereby authorized and directed to be issued (1) General Obligation Bonds, Series 2006-A of the City in the aggregate principal amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) (the "Series 2006-A Bonds") for the purpose of paying the Internal Improvement Costs as provided by the home rule authority granted to the cities of the State of Kansas under Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq. and Article 1 of Chapter 10, Kansas States Annotated, all as amended and (2) General Obligation Bonds, Series 2006-B of the City in the aggregate principal amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) (the "Series 2006-B Bonds") (the Series 2006-A Bonds and Series 2006-B Bonds are collectively the "Bonds") for the purpose of paying the Parking Garage Improvement Costs as provided by the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and other provisions of the laws of the State of Kansas applicable thereto. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the "Resolution").

**Section 2.** That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same shall become due by levying a tax upon all the taxable property of the City.

**Section 3.** That the City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

**Section 4.** That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**Section 5.** That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

**Section 6.** That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

138 Passed and approved by the Council of the City of Topeka, Kansas, this 7th day of  
139 November, 2006.

140  
141 **CITY OF TOPEKA, KANSAS**  
142

143  
144  
145 \_\_\_\_\_  
146 **William W. Bunten, Mayor**

147 **ATTEST:**  
148

149 \_\_\_\_\_  
150 **Iris E. Walker, City Clerk**  
151

152 **(SEAL)**  
153

154  
155 **I, IRIS E. WALKER**, City Clerk of the City of Topeka, Shawnee County, Kansas, do  
156 hereby certify that the above and foregoing is a true and correct copy of Ordinance No.  
157 \_\_\_\_\_ adopted and approved by the City Council on November 7, 2006.  
158

159  
160  
161 \_\_\_\_\_  
162 **Iris E. Walker, City Clerk**



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 25, 2006

+ Back Print

**DATE:** October 17, 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:** 10/17/06 Defer one week **JOURNAL #:** 06  
10/24/06 Defer one week

**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. *(Deferred from the meeting of October 24, 2006.)*

*(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 #13

### ATTACHMENTS:

[Resolution adopting 2007-08 CIB](#)

[2007-2008 CIB Recommendation](#)

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<br>Improvement Program | Adopted<br>2007 | REQUEST<br>2007 | City Manager<br>2007 | Adopted<br>2008 | REQUEST<br>2008 | City Manager<br>2008 |
|--------------------------------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|
|--------------------------------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|

## 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<br>Improvement Program                                 | Adopted<br>2007   | REQUEST<br>2007   | City Manager<br>2007 | Adopted<br>2008   | REQUEST<br>2008   | City Manager<br>2008 |
|----------------------------------------------------------------------------|-------------------|-------------------|----------------------|-------------------|-------------------|----------------------|
| <b>Public Works/Water Fund</b>                                             |                   |                   |                      |                   |                   |                      |
| 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<br>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<br>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 Campdor as 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            |
| <b>Sub-Total Enterprise Fund</b>                                           | <b>25,961,200</b> | <b>17,020,390</b> | <b>17,020,390</b>    | <b>26,278,115</b> | <b>22,421,030</b> | <b>22,421,030</b>    |

| 2007 - 2011 Capital<br>Improvement Program | Adopted<br>2007 | REQUEST<br>2007 | City Manager<br>2007 | Adopted<br>2008 | REQUEST<br>2008 | City Manager<br>2008 |
|--------------------------------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|
|--------------------------------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|

## General Improvement Fund

### Housing & Neighborhood Dev.

|                             |         |         |         |         |         |         |
|-----------------------------|---------|---------|---------|---------|---------|---------|
| Affordable Housing Projects | 200,000 | 220,000 | 275,000 | 200,000 | 220,000 | 200,000 |
|-----------------------------|---------|---------|---------|---------|---------|---------|

### 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 |
|--------------------|--------|--------|--------|--|--|--------|

### 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  |         |         |         |

|                                           |                  |                  |                  |                  |                  |                  |
|-------------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| <b>Sub-Total General Improvement Fund</b> | <b>2,535,600</b> | <b>3,383,000</b> | <b>1,275,000</b> | <b>1,905,200</b> | <b>2,944,100</b> | <b>2,774,100</b> |
|-------------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|

## General Fund Transfers

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

|                                         |          |          |                |          |          |          |
|-----------------------------------------|----------|----------|----------------|----------|----------|----------|
| <b>Sub-Total General Fund Transfers</b> | <b>-</b> | <b>-</b> | <b>800,000</b> | <b>-</b> | <b>-</b> | <b>-</b> |
|-----------------------------------------|----------|----------|----------------|----------|----------|----------|

## Other Revenue Funded

### Public Works/Transportation

|                                            |  |  |  |  |  |  |
|--------------------------------------------|--|--|--|--|--|--|
| Topeka Blvd. Bridge/Half-Cent Sales<br>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       |         |         |         |           |           |           |

|                                |                |                |                |                  |                  |                  |
|--------------------------------|----------------|----------------|----------------|------------------|------------------|------------------|
| <b>Sub-Total Other Revenue</b> | <b>320,000</b> | <b>270,000</b> | <b>270,000</b> | <b>1,000,000</b> | <b>1,000,000</b> | <b>1,000,000</b> |
|--------------------------------|----------------|----------------|----------------|------------------|------------------|------------------|

| 2007 - 2011 Capital<br>Improvement Program | Adopted<br>2007 | REQUEST<br>2007 | City Manager<br>2007 | Adopted<br>2008 | REQUEST<br>2008 | City Manager<br>2008 |
|--------------------------------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|
|--------------------------------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|

## 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        |
| <b>Fire Department Annual Target</b> | <b>750,000</b> | <b>750,000</b> | <b>750,000</b> | <b>750,000</b> | <b>750,000</b> | <b>750,000</b> |
| 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        | -              | -              | -              |
| <b>Police Department Annual Target</b> | <b>250,000</b> | <b>250,000</b> | <b>250,000</b> | <b>250,000</b> | <b>250,000</b> | <b>250,000</b> |
| 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        |
| <b>Neighborhood /Citywide Annual Target</b> | <b>2,500,000</b> | <b>2,500,000</b> | <b>2,500,000</b> | <b>2,500,000</b> | <b>2,500,000</b> | <b>2,500,000</b> |
| 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        |
| <b>Signals Annual Target</b>  | <b>825,000</b> | <b>825,000</b> | <b>825,000</b> | <b>825,000</b> | <b>825,000</b> | <b>825,000</b> |
| 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<br>Improvement Program | Adopted<br>2007  | REQUEST<br>2007  | City Manager<br>2007 | Adopted<br>2008  | REQUEST<br>2008  | City Manager<br>2008 |
|--------------------------------------------|------------------|------------------|----------------------|------------------|------------------|----------------------|
| <b>Streets</b>                             |                  |                  |                      |                  |                  |                      |
| 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            |
| <b>Streets Annual Target</b>               | <b>3,750,000</b> | <b>3,750,000</b> | <b>3,750,000</b>     | <b>3,750,000</b> | <b>3,750,000</b> | <b>3,750,000</b>     |
| 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)            |
| <b>Bridges</b>                             |                  |                  |                      |                  |                  |                      |
| 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              |
| <b>Bridges Annual Target</b>               | <b>300,000</b>   | <b>300,000</b>   | <b>300,000</b>       | <b>300,000</b>   | <b>300,000</b>   | <b>300,000</b>       |
| 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)            |
| <b>Parks &amp; Recreation</b>              |                  |                  |                      |                  |                  |                      |
| 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<br>Improvement Program | Adopted<br>2007   | REQUEST<br>2007   | City Manager<br>2007 | Adopted<br>2008   | REQUEST<br>2008   | City Manager<br>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              |
| <b>Parks &amp; Recreation Target</b>       | <b>1,750,000</b>  | <b>1,750,000</b>  | <b>1,750,000</b>     | <b>1,750,000</b>  | <b>1,750,000</b>  | <b>1,750,000</b>     |
| 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)            |
| <b>Zoo</b>                                 |                   |                   |                      |                   |                   |                      |
| Animal Health Ctr Expansion                |                   |                   |                      |                   |                   |                      |
| Tropical Rain Forest Roof                  |                   |                   |                      |                   |                   |                      |
| Australian Down Under Adventure            |                   |                   |                      |                   |                   |                      |
| Indoor Lowland Gorilla Exhibit             |                   |                   |                      |                   |                   |                      |
| Subtotal                                   | -                 | -                 | -                    | -                 | -                 | -                    |
| <b>Zoo Target</b>                          | <b>150,000</b>    | <b>150,000</b>    | <b>150,000</b>       | <b>150,000</b>    | <b>150,000</b>    | <b>150,000</b>       |
| 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)             |
| <b>Subtotal GO Bond Projects</b>           | <b>10,995,733</b> | <b>10,156,933</b> | <b>10,156,933</b>    | <b>6,269,450</b>  | <b>6,571,090</b>  | <b>6,571,090</b>     |
| Contingency                                |                   |                   |                      | 500,000           | 500,000           | 500,000              |
| <b>TOTAL GO Bond PROJECTS</b>              | <b>10,995,733</b> | <b>10,156,933</b> | <b>10,156,933</b>    | <b>6,769,450</b>  | <b>7,071,090</b>  | <b>7,071,090</b>     |
| <b>Total Annual Target</b>                 | <b>10,275,000</b> | <b>10,275,000</b> | <b>10,275,000</b>    | <b>10,275,000</b> | <b>10,275,000</b> | <b>10,275,000</b>    |
| 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)          |
| <b>Total CIP</b>                           | <b>39,812,533</b> | <b>30,830,323</b> | <b>29,522,323</b>    | <b>35,952,765</b> | <b>33,436,220</b> | <b>33,266,220</b>    |
| <b>Sub-Total GO Bond Projects</b>          | <b>10,995,733</b> | <b>10,156,933</b> | <b>10,156,933</b>    | <b>6,769,450</b>  | <b>7,071,090</b>  | <b>7,071,090</b>     |
| (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 25, 2006

+ Back Print

**DATE:** October 17, 2006  
**CONTACT PERSON:** Jim Langford **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** 2007-2011 CIP **PROJECT #:**  
**CATEGORY/SUBCATEGORY** 020 Resolutions / 005 Miscellaneous  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** 10/17/06 Defer one week. **JOURNAL #:**  
10/24/06 Defer one week  
**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. *(Deferred from the meeting of October 24, 2006.)*

*(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 #14

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<br>Improvement Program | Adopted<br>2006 | Adopted<br>2007 | REQUEST<br>2007 | City Manager<br>2007 | Adopted<br>2008 | REQUEST<br>2008 | City Manager<br>2008 | Adopted<br>2009 | REQUEST<br>2009 | City Manager<br>2009 |
|--------------------------------------------|-----------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|
|--------------------------------------------|-----------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|

Enterprise Funded Projects

|                                                                                                                                                 |           |            |           |           |            |            |            |            |           |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|-----------|-----------|------------|------------|------------|------------|-----------|-----------|
| <b>Pub Wrks/Water Pollution Control Fund</b>                                                                                                    |           |            |           |           |            |            |            |            |           |           |
| 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 |           |            |           |           |            |            |            |            |           |           |
| <b>Public Works/Stormwater Fund</b>                                                                                                             |           |            |           |           |            |            |            |            |           |           |
| 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<br>Improvement Program          | Adopted<br>2006 | Adopted<br>2007 | REQUEST<br>2007 | City Manager<br>2007 | Adopted<br>2008 | REQUEST<br>2008 | City Manager<br>2008 | Adopted<br>2009 | REQUEST<br>2009 | City Manager<br>2009 |
|-----------------------------------------------------|-----------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|
| <b>Public Works/Water Fund</b>                      |                 |                 |                 |                      |                 |                 |                      |                 |                 |                      |
| 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<br>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<br>Improvement Program | Adopted<br>2006 | Adopted<br>2007 | REQUEST<br>2007 | City Manager<br>2007 | Adopted<br>2008 | REQUEST<br>2008 | City Manager<br>2008 | Adopted<br>2009 | REQUEST<br>2009 | City Manager<br>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<br>Improvement Program | Adopted<br>2006 | Adopted<br>2007 | REQUEST<br>2007 | City Manager<br>2007 | Adopted<br>2008 | REQUEST<br>2008 | City Manager<br>2008 | Adopted<br>2009 | REQUEST<br>2009 | City Manager<br>2009 |
|--------------------------------------------|-----------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|
|--------------------------------------------|-----------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|

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 |
| <b>Police Department</b>                     |         |           |           |         |         |           |         |         |         |         |
| Radios: Base, Mobile, and Portable           |         |           |           |         |         |           |         |         |         |         |
| Fleet Replacement Vehicles                   |         |           | 1,000,000 | -       |         | 1,000,000 | 800,000 |         | 850,000 | 650,000 |
| <b>Fire Department</b>                       |         |           |           |         |         |           |         |         |         |         |
| 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 |
| <b>Zoo</b>                                   |         |           |           |         |         |           |         |         |         |         |
| Zoo Infrastructure                           |         | 50,000    | 50,000    | 50,000  |         |           | 50,000  | 50,000  | 50,000  | 50,000  |
| <b>City Wide Projects (except utilities)</b> |         |           |           |         |         |           |         |         |         |         |
| 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  |         |           |         |         |         |         |

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

General Fund Transfers

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

|                                         |                  |          |          |                |          |          |          |          |          |          |
|-----------------------------------------|------------------|----------|----------|----------------|----------|----------|----------|----------|----------|----------|
| <b>Sub-Total General Fund Transfers</b> | <b>2,106,579</b> | <b>-</b> | <b>-</b> | <b>800,000</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b> |
|-----------------------------------------|------------------|----------|----------|----------------|----------|----------|----------|----------|----------|----------|



| 2007 - 2011 Capital<br>Improvement Program  | Adopted<br>2006  | Adopted<br>2007  | REQUEST<br>2007  | City Manager<br>2007 | Adopted<br>2008  | REQUEST<br>2008  | City Manager<br>2008 | Adopted<br>2009  | REQUEST<br>2009  | City Manager<br>2009 |
|---------------------------------------------|------------------|------------------|------------------|----------------------|------------------|------------------|----------------------|------------------|------------------|----------------------|
| <b>Neighborhoods/Citywide</b>               |                  |                  |                  |                      |                  |                  |                      |                  |                  |                      |
| 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            |
| <b>Neighborhood /Citywide Annual Target</b> | <b>2,500,000</b> | <b>2,500,000</b> | <b>2,500,000</b> | <b>2,500,000</b>     | <b>2,500,000</b> | <b>2,500,000</b> | <b>2,500,000</b>     | <b>2,500,000</b> | <b>2,500,000</b> | <b>2,500,000</b>     |
| 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)            |
| <b>Signals</b>                              |                  |                  |                  |                      |                  |                  |                      |                  |                  |                      |
| 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              |
| <b>Signals Annual Target</b>                | <b>825,000</b>   | <b>825,000</b>   | <b>825,000</b>   | <b>825,000</b>       | <b>825,000</b>   | <b>825,000</b>   | <b>825,000</b>       | <b>825,000</b>   | <b>825,000</b>   | <b>825,000</b>       |
| 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              |
| <b>Streets</b>                              |                  |                  |                  |                      |                  |                  |                      |                  |                  |                      |
| 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            |
| <b>Streets Annual Target</b>                | <b>3,750,000</b> | <b>3,750,000</b> | <b>3,750,000</b> | <b>3,750,000</b>     | <b>3,750,000</b> | <b>3,750,000</b> | <b>3,750,000</b>     | <b>3,750,000</b> | <b>3,750,000</b> | <b>3,750,000</b>     |
| 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<br>Improvement Program | Adopted<br>2006 | Adopted<br>2007 | REQUEST<br>2007 | City Manager<br>2007 | Adopted<br>2008 | REQUEST<br>2008 | City Manager<br>2008 | Adopted<br>2009 | REQUEST<br>2009 | City Manager<br>2009 |
|--------------------------------------------|-----------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|-----------------|-----------------|----------------------|
| <b>Bridges</b>                             |                 |                 |                 |                      |                 |                 |                      |                 |                 |                      |
| 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              |
| <b>Bridges Annual Target</b>               | <b>300,000</b>  | <b>300,000</b>  | <b>300,000</b>  | <b>300,000</b>       | <b>300,000</b>  | <b>300,000</b>  | <b>300,000</b>       | <b>300,000</b>  | <b>300,000</b>  | <b>300,000</b>       |
| 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)            |
| <b>Parks &amp; Recreation</b>              |                 |                 |                 |                      |                 |                 |                      |                 |                 |                      |
| 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<br>Improvement Program | Adopted<br>2006 | Adopted<br>2007 | REQUEST<br>2007 | City Manager<br>2007 | Adopted<br>2008 | REQUEST<br>2008 | City Manager<br>2008 | Adopted<br>2009 | REQUEST<br>2009 | City Manager<br>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<br>Improvement Program | Adopted<br>2010 | <i>REQUEST<br/>2010</i> | <i>City Manager<br/>2010</i> | <i>REQUEST<br/>2011</i> | <i>City Manager<br/>2011</i> | Other<br>Source | Other<br>Contrib. |
|--------------------------------------------|-----------------|-------------------------|------------------------------|-------------------------|------------------------------|-----------------|-------------------|
|--------------------------------------------|-----------------|-------------------------|------------------------------|-------------------------|------------------------------|-----------------|-------------------|

Enterprise Funded Projects

|                                              |           |           |           |            |            |            |   |
|----------------------------------------------|-----------|-----------|-----------|------------|------------|------------|---|
| <b>Pub Wrks/Water Pollution Control Fund</b> |           |           |           |            |            |            | - |
| 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 |            |   |
| <b>Public Works/Stormwater Fund</b>          |           |           |           |            |            |            |   |
| 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<br>Improvement Program          | Adopted<br>2010 | REQUEST<br>2010 | City Manager<br>2010 | REQUEST<br>2011 | City Manager<br>2011 | Other<br>Source | Other<br>Contrib. |
|-----------------------------------------------------|-----------------|-----------------|----------------------|-----------------|----------------------|-----------------|-------------------|
| <b>Public Works/Water Fund</b>                      |                 |                 |                      |                 |                      |                 |                   |
| 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<br>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            |                 | -                 |
| Kirklawn 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<br>Improvement Program | Adopted<br>2010   | <i>REQUEST</i><br><i>2010</i> | <i>City Manager</i><br><i>2010</i> | <i>REQUEST</i><br><i>2011</i> | <i>City Manager</i><br><i>2011</i> | Other<br>Source | Other<br>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                         |                 |                   |
| <b>Sub-Total Enterprise Fund</b>           | <b>18,002,430</b> | <b>15,687,100</b>             | <b>15,687,100</b>                  | <b>28,552,500</b>             | <b>28,552,500</b>                  |                 |                   |

| 2007 - 2011 Capital<br>Improvement Program | Adopted<br>2010 | REQUEST<br>2010 | City Manager<br>2010 | REQUEST<br>2011 | City Manager<br>2011 | Other<br>Source | Other<br>Contrib. |
|--------------------------------------------|-----------------|-----------------|----------------------|-----------------|----------------------|-----------------|-------------------|
|--------------------------------------------|-----------------|-----------------|----------------------|-----------------|----------------------|-----------------|-------------------|

General Improvement Fund

Housing & Neighborhood Dev.

|                                              |           |           |           |         |         |             |        |
|----------------------------------------------|-----------|-----------|-----------|---------|---------|-------------|--------|
| Affordable Housing Projects                  | 200,000   | 220,000   | 220,000   | 220,000 | 220,000 |             | -      |
| <b>Police Department</b>                     |           |           |           |         |         |             |        |
| 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 |             |        |
| <b>Fire Department</b>                       |           |           |           |         |         |             |        |
| Fleet Replacement Vehicles                   | 333,060   | 743,195   | 743,195   | 780,355 | 780,355 |             |        |
| Lease Pmt. on Breathing Apparati             | 100,000   | 100,000   | 100,000   |         |         |             |        |
| <b>Zoo</b>                                   |           |           |           |         |         |             |        |
| Zoo Infrastructure                           |           |           | 50,000    |         | 50,000  |             |        |
| <b>City Wide Projects (except utilities)</b> |           |           |           |         |         |             |        |
| 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 |

|                                           |                  |                  |                  |                  |                  |  |  |
|-------------------------------------------|------------------|------------------|------------------|------------------|------------------|--|--|
| <b>Sub-Total General Improvement Fund</b> | <b>4,845,744</b> | <b>5,109,343</b> | <b>5,159,343</b> | <b>2,350,355</b> | <b>2,200,355</b> |  |  |
|-------------------------------------------|------------------|------------------|------------------|------------------|------------------|--|--|

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                   |  |  |  |  |  |             |         |

|                                         |          |          |          |          |          |  |  |
|-----------------------------------------|----------|----------|----------|----------|----------|--|--|
| <b>Sub-Total General Fund Transfers</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b> |  |  |
|-----------------------------------------|----------|----------|----------|----------|----------|--|--|

| 2007 - 2011 Capital<br>Improvement Program | Adopted<br>2010 | REQUEST<br>2010 | City Manager<br>2010 | REQUEST<br>2011 | City Manager<br>2011 | Other<br>Source | Other<br>Contrib. |
|--------------------------------------------|-----------------|-----------------|----------------------|-----------------|----------------------|-----------------|-------------------|
|--------------------------------------------|-----------------|-----------------|----------------------|-----------------|----------------------|-----------------|-------------------|

Other Revenue Funded

Public Works/Transportation

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

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 | - | - | - | - | - |  |  |
|-------------------------|---|---|---|---|---|--|--|

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<br>Improvement Program  | Adopted<br>2010  | REQUEST<br>2010  | City Manager<br>2010 | REQUEST<br>2011  | City Manager<br>2011 | Other<br>Source | Other<br>Contrib. |
|---------------------------------------------|------------------|------------------|----------------------|------------------|----------------------|-----------------|-------------------|
| <b>Neighborhoods/Citywide</b>               |                  |                  |                      |                  |                      |                 |                   |
| 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            |                 |                   |
| <b>Neighborhood /Citywide Annual Target</b> | <b>2,500,000</b> | <b>2,500,000</b> | <b>2,500,000</b>     | <b>2,500,000</b> | <b>2,500,000</b>     |                 |                   |
| 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              |                 |                   |
| <b>Signals</b>                              |                  |                  |                      |                  |                      |                 |                   |
| 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              |                 |                   |
| <b>Signals Annual Target</b>                | <b>825,000</b>   | <b>825,000</b>   | <b>825,000</b>       | <b>825,000</b>   | <b>825,000</b>       |                 |                   |
| 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               |                 |                   |
| <b>Streets</b>                              |                  |                  |                      |                  |                      |                 |                   |
| 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            |                 |                   |
| <b>Streets Annual Target</b>                | <b>3,750,000</b> | <b>3,750,000</b> | <b>3,750,000</b>     | <b>3,750,000</b> | <b>3,750,000</b>     |                 |                   |
| 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<br>Improvement Program | Adopted<br>2010 | <i>REQUEST</i><br><i>2010</i> | <i>City Manager</i><br><i>2010</i> | <i>REQUEST</i><br><i>2011</i> | <i>City Manager</i><br><i>2011</i> | Other<br>Source | Other<br>Contrib. |
|--------------------------------------------|-----------------|-------------------------------|------------------------------------|-------------------------------|------------------------------------|-----------------|-------------------|
| <b>Bridges</b>                             |                 |                               |                                    |                               |                                    |                 |                   |
| 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                            |                 |                   |
| <b>Bridges Annual Target</b>               | <b>300,000</b>  | <b>300,000</b>                | <b>300,000</b>                     | <b>300,000</b>                | <b>300,000</b>                     |                 |                   |
| 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                            |                 |                   |
| <b>Parks &amp; Recreation</b>              |                 |                               |                                    |                               |                                    |                 |                   |
| 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<br>Improvement Program | Adopted<br>2010   | REQUEST<br>2010   | City Manager<br>2010 | REQUEST<br>2011   | City Manager<br>2011 | Other<br>Source | Other<br>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            |                 |                   |
| <b>Parks &amp; Recreation Target</b>       | <b>1,750,000</b>  | <b>1,750,000</b>  | <b>1,750,000</b>     | <b>1,750,000</b>  | <b>1,750,000</b>     |                 |                   |
| 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              |                 |                   |
| <b>Zoo</b>                                 |                   |                   |                      |                   |                      |                 |                   |
| 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              |                 |                   |
| <b>Zoo Target</b>                          | <b>150,000</b>    | <b>150,000</b>    | <b>150,000</b>       | <b>150,000</b>    | <b>150,000</b>       |                 |                   |
| 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)            |                 |                   |
| <b>Subtotal GO Bond Projects</b>           | <b>8,024,400</b>  | <b>8,687,900</b>  | <b>7,937,900</b>     | <b>10,176,100</b> | <b>9,526,100</b>     |                 |                   |
| Contingency                                | 500,000           | 500,000           | 500,000              | 500,000           | 500,000              |                 |                   |
| <b>TOTAL GO Bond PROJECTS</b>              | <b>8,524,400</b>  | <b>9,187,900</b>  | <b>8,437,900</b>     | <b>10,676,100</b> | <b>10,026,100</b>    |                 |                   |
| <b>Total Annual Target</b>                 | <b>10,275,000</b> | <b>10,275,000</b> | <b>10,275,000</b>    | <b>10,275,000</b> | <b>10,275,000</b>    |                 |                   |
| 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            |                 |                   |
| <b>Total CIP</b>                           | <b>31,372,574</b> | <b>29,984,343</b> | <b>29,284,343</b>    | <b>41,578,955</b> | <b>40,778,955</b>    |                 |                   |
| <b>Sub-Total GO Bond Projects</b>          | <b>8,524,400</b>  | <b>9,187,900</b>  | <b>8,437,900</b>     | <b>10,676,100</b> | <b>10,026,100</b>    |                 |                   |
| (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                                |                   |                   |                      |                   |                      |                 |                   |





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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 25, 2006

+ Back Print

**DATE:** October 17, 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:** 10/17/06 Defer one week.  
10/24/06 Defer one week.  
**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. (Deferred from the meeting of October 24, 2006.)

*(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 #15

**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>  |
| <b>Total</b>                                           | <b>\$982,260</b> |

|                                         |                  |
|-----------------------------------------|------------------|
| Annual Debt Service                     | <b>\$128,756</b> |
| Annual Debt Service as Percent of Total | 13.1%            |

|                                             |             |
|---------------------------------------------|-------------|
| Total Debt Service (principal and interest) | \$1,287,561 |
|---------------------------------------------|-------------|

|                                                |           |
|------------------------------------------------|-----------|
| Difference Project Cost and Total Debt Service | \$324,561 |
|------------------------------------------------|-----------|

|                                          |               |
|------------------------------------------|---------------|
| GO Bonded Indebtedness as of March 2006* | \$148,705,000 |
|------------------------------------------|---------------|

|                                                             |              |
|-------------------------------------------------------------|--------------|
| 2005-A Temporary Notes that Finance Future GO Bond projects | \$20,487,369 |
|-------------------------------------------------------------|--------------|

|                                                                           |              |
|---------------------------------------------------------------------------|--------------|
| Approved, not Included in GO Bond Issue or Temporary Notes--City Projects | \$12,706,424 |
|---------------------------------------------------------------------------|--------------|

|                                                                                         |                     |
|-----------------------------------------------------------------------------------------|---------------------|
| Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects | <u>\$10,809,580</u> |
|-----------------------------------------------------------------------------------------|---------------------|

|                    |                      |
|--------------------|----------------------|
| Total Indebtedness | <u>\$192,708,373</u> |
|--------------------|----------------------|

|              |               |
|--------------|---------------|
| Plus Project | \$193,690,633 |
|--------------|---------------|

|                                                             |                      |
|-------------------------------------------------------------|----------------------|
| <b>* Breakdown of GO Bonded Indebtedness</b>                |                      |
| 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>   |
| <b>Total</b>                                                | <b>\$148,705,000</b> |

(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

October 25, 2006

+ Back Print

**DATE:** October 17, 2006

**CONTACT PERSON:** Mark Schreiner **DOCUMENT #:**

**SECOND PARTY/SUBJECT:** Park Improvement **PROJECT #:** 13154-00

**CATEGORY/SUBCATEGORY** 004 Budgets or Appropriations / 004 Project Budget - Capital Project

**CIP PROJECT:** Yes

**ACTION OF COUNCIL:** 10/10/06 First reading. **JOURNAL #:** 06  
10/17/06 Defer one week.  
10/24/06 Defer one week

**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) (Deferred from the meeting of October 24, 2006.)

*(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.

Item #16

### SOURCE OF FUNDING:

General Obligation Bonds

**ATTACHMENTS:**

[Vinicity Map](#)

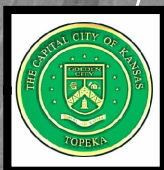
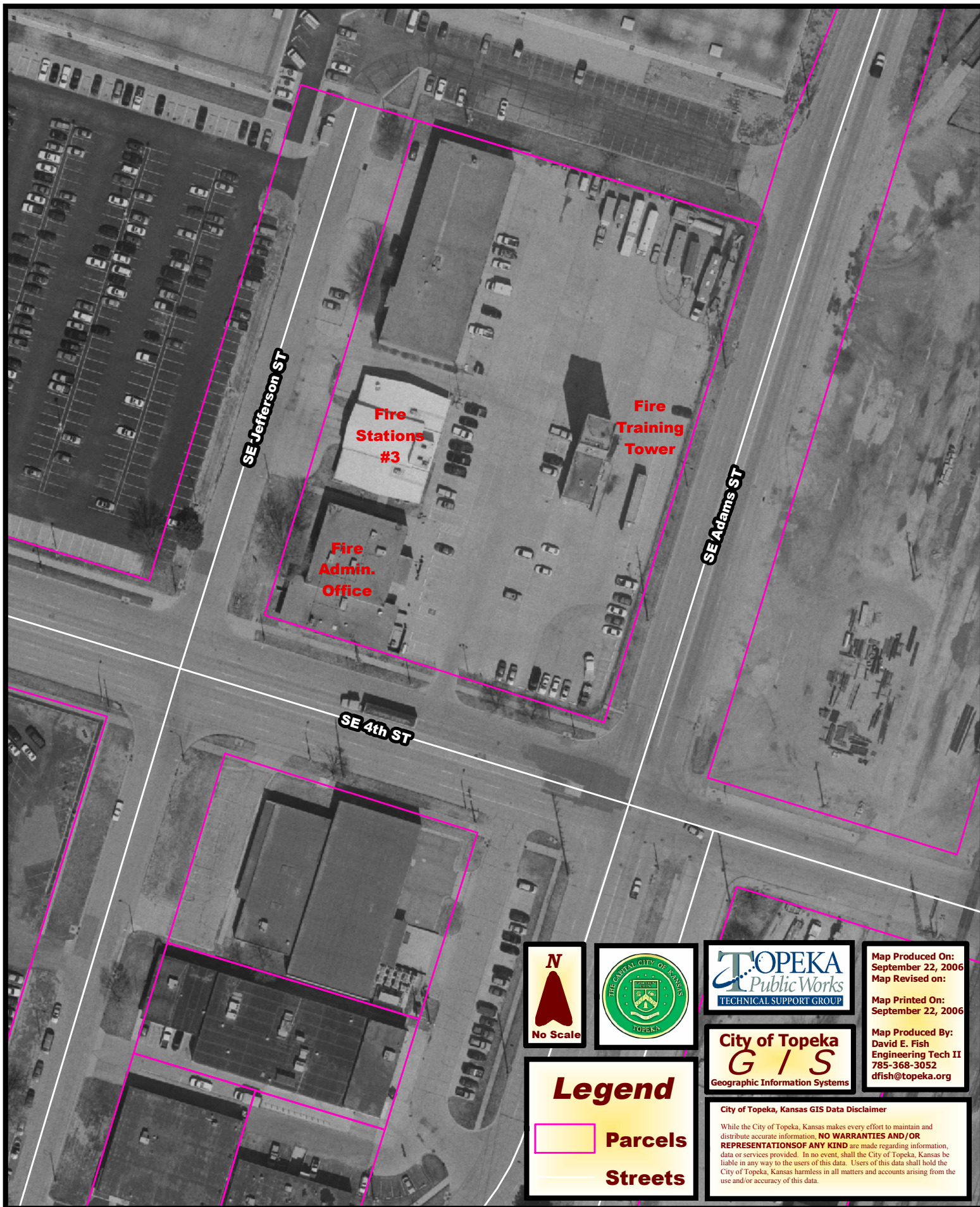
[Debt Service](#)

[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<br>SOURCE 1 | FUNDING<br>SOURCE 2 | FUNDING<br>SOURCE 3 |
|------------------------------|---------------------|---------------------|---------------------|
| <b><u>COST ESTIMATE:</u></b> |                     |                     |                     |
| 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            |                     |                     |
| <b>Total:</b>                | <b>\$291,200</b>    |                     |                     |

#### 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 \_\_\_\_\_.

38

39

40

\_\_\_\_\_  
William W. Bunten, Mayor

41 ATTEST:

42

43

44

45 \_\_\_\_\_  
Iris E. Walker, City Clerk



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 25, 2006

+ Back Print

**DATE:** October 17, 2006

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

**SECOND PARTY/SUBJECT:** Resolution prescribing the form and details of General Obligation Bonds, Series 2006-A and Series 2006-B **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., prescribing the form and details of both the General Obligation Bonds, Series 2006-A and Series 2006-B of the City of Topeka, Kansas, in the aggregate principal amount of \$22,155,000, the issuance of which were authorized by the City pursuant to its Ordinance adopted and approved on November 7, 2006, and authorizing certain other documents and actions in connection with the issuance of the Bonds.

*(This Resolution prescribes the form and details of the City's Series 2006-A and Series 2006-B general obligation bonds, providing funds to finance the costs of previously authorized capital projects.)*

### POLICY ISSUE:

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

### STAFF RECOMMENDATION:

Adopt the Resolution as presented.

### BACKGROUND:

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

### BUDGETARY IMPACT:

The funds provided from issuance of the 2006-A bonds will be used to finance the costs of several capital projects, as set forth in the related Ordinance, including completed special assessment projects. The funds provided from issuance of the 2006-B bonds will be used to finance the costs of a public parking garage, as set forth in the related Ordinance. Issuance of both series of bonds will increase the City's general obligation indebtedness by the principal amount of the bonds.

Item #17

### SOURCE OF FUNDING:

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

**ATTACHMENTS:**

[Resolution Authorizing the City's Series 2006-A and 2006-B General Obligation Bonds](#)

231006 4

\*\*\*\*\*

RESOLUTION

OF

CITY OF TOPEKA, KANSAS

ADOPTED

NOVEMBER 7, 2006

---

\$14,280,000  
GENERAL OBLIGATION BONDS  
SERIES 2006-A

\$7,875,000  
GENERAL OBLIGATION BONDS  
SERIES 2006-B

\*\*\*\*\*

RESOLUTION

TABLE OF CONTENTS

ARTICLE I

DEFINITIONS

|                                                  |                  |
|--------------------------------------------------|------------------|
| Section 101. Definitions of Words and Terms..... | <u>Page</u><br>2 |
|--------------------------------------------------|------------------|

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

|                                                                                |    |
|--------------------------------------------------------------------------------|----|
| Section 201. Authorization of the Bonds.....                                   | 7  |
| Section 202. Description of the Bonds.....                                     | 7  |
| Section 203. Designation of Paying Agent and Bond Registrar.....               | 9  |
| Section 204. Method and Place of Payment of the Bonds.....                     | 10 |
| Section 205. Registration, Transfer and Exchange of Bonds.....                 | 11 |
| Section 206. Execution, Registration, Authentication and Delivery of Bonds.... | 11 |
| Section 207. Mutilated, Lost, Stolen or Destroyed Bonds.....                   | 12 |
| Section 208. Cancellation and Destruction of Bonds upon Payment.....           | 12 |
| Section 209. Preliminary and Final Official Statement.....                     | 13 |
| Section 210. Sale of the Bonds.....                                            | 13 |
| Section 211. Book-Entry Bonds; Securities Depository.....                      | 13 |

ARTICLE III

REDEMPTION OF BONDS

|                                                                 |    |
|-----------------------------------------------------------------|----|
| Section 301. Optional and Mandatory Redemption by the City..... | 14 |
| Section 302. Selection of Bonds to be Redeemed.....             | 15 |
| Section 303. Notice and Effect of Call for Redemption.....      | 16 |

ARTICLE IV

SECURITY FOR AND PAYMENT OF BONDS

|                                                     |    |
|-----------------------------------------------------|----|
| Section 401. Security for the Bonds.....            | 17 |
| Section 402. Levy and Collection of Annual Tax..... | 17 |

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS  
DEPOSIT AND APPLICATION OF MONEYS

|                                                                                     |    |
|-------------------------------------------------------------------------------------|----|
| Section 501. Establishment of Funds and Account.....                                | 18 |
| Section 502. Disposition of Bond Proceeds.....                                      | 18 |
| Section 503. Disposition of Other Monies.....                                       | 19 |
| Section 504. Withdrawals from the Series 2006-A and<br>2006-B Project Accounts..... | 19 |
| Section 505. Surplus in the Series 2006-A and 2006-B Project Accounts.....          | 19 |

|     |                                                                             |    |
|-----|-----------------------------------------------------------------------------|----|
| 99  | Section 506. Application of Moneys in Series 2006-A and                     |    |
| 100 | 2006-B Principal and Interest Accounts.....                                 | 19 |
| 101 | Section 507. Application of Moneys in Series 2006-A and                     |    |
| 102 | 2006-B Rebate Funds.....                                                    | 20 |
| 103 | Section 508. Deposits and Investment of Moneys.....                         | 20 |
| 104 | Section 509. Nonpresentment of Bonds.....                                   | 21 |
| 105 |                                                                             |    |
| 106 | ARTICLE VI                                                                  |    |
| 107 |                                                                             |    |
| 108 | DEFAULT AND REMEDIES                                                        |    |
| 109 |                                                                             |    |
| 110 | Section 601. Remedies.....                                                  | 21 |
| 111 | Section 602. Limitation on Rights of Owners.....                            | 21 |
| 112 | Section 603. Remedies Cumulative.....                                       | 21 |
| 113 |                                                                             |    |
| 114 | ARTICLE VII                                                                 |    |
| 115 |                                                                             |    |
| 116 | DEFEASANCE                                                                  |    |
| 117 |                                                                             |    |
| 118 | Section 701. Defeasance.....                                                | 22 |
| 119 |                                                                             |    |
| 120 | ARTICLE VIII                                                                |    |
| 121 |                                                                             |    |
| 122 | TAX COVENANTS                                                               |    |
| 123 |                                                                             |    |
| 124 | Section 801. General Covenants.....                                         | 22 |
| 125 | Section 802. Rebate Covenants.....                                          | 23 |
| 126 | Section 803. Survival of Covenants.....                                     | 23 |
| 127 | Section 804. Qualified Tax-exempt Obligations.....                          | 23 |
| 128 |                                                                             |    |
| 129 | ARTICLE IX                                                                  |    |
| 130 |                                                                             |    |
| 131 | CONTINUING DISCLOSURE REQUIREMENTS                                          |    |
| 132 |                                                                             |    |
| 133 | Section 901. Disclosure Requirements.....                                   | 23 |
| 134 | Section 902. Failure to Comply with Continuing Disclosure Requirements..... | 23 |
| 135 |                                                                             |    |
| 136 | ARTICLE X                                                                   |    |
| 137 |                                                                             |    |
| 138 | MISCELLANEOUS PROVISIONS                                                    |    |
| 139 |                                                                             |    |
| 140 | Section 1001. Annual Audit.....                                             | 24 |
| 141 | Section 1002. Amendments.....                                               | 24 |
| 142 | Section 1003. Notices, Consents and Other Instruments by Owners.....        | 25 |
| 143 | Section 1004. Further Authority.....                                        | 25 |
| 144 | Section 1005. Severability.....                                             | 26 |
| 145 | Section 1006. Governing Law.....                                            | 26 |
| 146 | Section 1007. Effective Date.....                                           | 26 |
| 147 | Passage.....                                                                | 27 |
| 148 | Signatures and Seal.....                                                    | 27 |
| 149 |                                                                             |    |
| 150 | Exhibit A: Form of Bond                                                     |    |
| 151 | Exhibit B: Letter of Representations                                        |    |
| 152 |                                                                             |    |



153  
154

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. PRESCRIBING THE FORM AND DETAILS OF BOTH THE GENERAL OBLIGATION BONDS, SERIES 2006-A AND SERIES 2006-B OF THE CITY OF TOPEKA, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$22,155,000 THE ISSUANCE OF WHICH WERE AUTHORIZED BY THE CITY PURSUANT TO ITS ORDINANCE NO. \_\_\_\_\_ ADOPTED AND APPROVED NOVEMBER 7, 2006; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.**

**WHEREAS**, the Governing Body of the City of Topeka, Kansas, (the "City") has caused certain internal improvements (the "Internal Improvements") to be made in the City under the authority of K.S.A. 12-685 *et seq.*, K.S.A. 12-6a01 *et seq.*, all as amended, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City), and other provisions of the laws of the State of Kansas applicable thereto; and

**WHEREAS**, the City has authorized the construction of a city parking garage (the "Parking Garage Improvements") in the City under the authority of the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and other provisions of the laws of the State of Kansas applicable thereto; and

**WHEREAS**, the City has by its Ordinance No. \_\_\_\_\_ adopted and approved November 7, 2006, (the "Ordinance") authorized the issuance of (1) its General Obligation Bonds, Series 2006-A in the aggregate principal amount of \$14,280,000 (the "Series 2006-A Bonds") under the authority of K.S.A. 12-685 *et seq.*, K.S.A. 12-6a01 *et seq.*, all as amended, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and other provisions of the laws of the State of Kansas applicable thereto for the purpose of providing funds to pay the cost of making the Internal Improvements and (2) its General Obligation Bonds, Series 2006-B in the aggregate principal amount of \$7,875,000 (the "Series 2006-B Bonds") (the "Series 2006-A Bonds and Series 2006-B Bonds are collectively referred to as the "Bonds") under the authority of the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and other provisions of the laws of the State of Kansas applicable thereto for the purpose of providing funds to pay the cost of making the Parking Garage Improvements; and

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

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

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

ARTICLE I

DEFINITIONS

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

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

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

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

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

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

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

**"Bonds"** means the General Obligation Bonds, Series 2006-A and Series 2006-B, authorized and issued by the City pursuant to the Ordinance.

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

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

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

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

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

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

**"Dated Date"** means November 28, 2006.

261 **"Defaulted Interest"** means interest on any Bond which is payable but not paid on any  
262 Interest Payment Date.

263  
264 **"Defeasance Obligations"** means any of the following obligations:

265  
266 (a) United States Government Obligations that are not subject to redemption in  
267 advance of their maturity dates; or

268  
269 (b) obligations of any state or political subdivision of any state, the interest on which  
270 is excluded from gross income for federal income tax purposes and which meet the following  
271 conditions:

272  
273 (1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee  
274 for such obligations has been given irrevocable instructions concerning their calling and  
275 redemption and the issuer of such obligations has covenanted not to redeem such obligations  
276 other than as set forth in such instructions;

277  
278 (2) the obligations are secured by cash or United States Government Obligations that  
279 may be applied only to principal of, premium, if any, and interest payments on such obligations;

280  
281 (3) such cash and the principal of and interest on such United States Government  
282 Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the  
283 obligations;

284  
285 (4) such cash and United States Government Obligations serving as security for the  
286 obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust; and

287  
288 (5) such cash and United States Government Obligations are not available to satisfy  
289 any other claims, including those against the trustee or escrow agent.

290  
291 **"Disclosure Certificate"** means the Continuing Disclosure Certificate attached to the  
292 City's Final Certificate as *Exhibit D* and included in the transcript of proceedings pertaining to  
293 the issuance of the Bonds.

294  
295 **"Event of Default"** means any of the following occurrences or events:

296  
297 (a) Payment of the principal or the Redemption Price of any of the Bonds shall not be  
298 made when the same shall become due and payable, either at Stated Maturity or by proceedings  
299 for redemption or otherwise; or

300  
301 (b) Payment of any installment of interest on any of the Bonds shall not be made on  
302 the Interest Payment Date when the same shall become due; or

303  
304 (c) The City shall default in the due and punctual performance of any other of the  
305 covenants, conditions, agreements and provisions contained in the Bonds or in this Resolution on  
306 the part of the City to be performed (other than relating to Rule 15c2-12 as defined in the  
307 Disclosure Certificate), and such default shall continue for thirty (30) days after written notice  
308 specifying such default and requiring same to be remedied shall have been given to the City by  
309 the Owner of any of the Bonds then Outstanding.

310  
311 **"Federal Tax Certificate"** means the certificate so named and included in the transcript  
312 of proceedings pertaining to the issuance of the Bonds describing the investment and use of the  
313 proceeds of the Bonds.

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

316  
317 **"Funds and Accounts"** means funds and accounts created or referred to in **Section 501**  
318 hereof.

319  
320 **"Interest Payment Date(s)"** means the Stated Maturity of an installment of interest on  
321 any Bond which shall be February 15 and August 15 of each year, commencing February 15,  
322 2007.

323  
324 **" Internal Improvements"** mean certain internal improvements constructed in the City  
325 in accordance with the legal authority as described in the recitals to this Resolution and in the  
326 Ordinance.

327  
328 **"Maturity"** when used with respect to any Bond means the date on which the principal  
329 of such Bond becomes due and payable as therein and herein provided, whether at the Stated  
330 Maturity thereof or upon on call for redemption or otherwise.

331  
332 **"Mayor"** means the duly appointed and/or elected Mayor of the City or, in the Mayor's  
333 absence, the duly appointed Deputy Mayor or Acting Mayor of the City.

334  
335 **"Moody's"** means Moody's Investors Service, Inc., New York, New York, and any  
336 successors or assigns to the Bond rating functions thereof which is deemed acceptable by the  
337 City and Bond Counsel.

338  
339 **"Original Purchaser"** means, with respect to the Bonds, \_\_\_\_\_,  
340 \_\_\_\_\_.

341  
342 **"Ordinance"** means Ordinance No. \_\_\_\_\_ adopted and approved November 7,  
343 2006, and published as required by law, pursuant to which the issuance of the Bonds has been  
344 authorized.

345  
346 **"Outstanding"** means, when used with reference to the Bonds, as of a particular date of  
347 determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

348  
349 (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent  
350 for cancellation;

351  
352 (b) Bonds deemed to be paid in accordance with the provisions of **Section 701**  
353 hereof; and

354  
355 (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated  
356 and delivered hereunder.

357  
358 **"Owner"** when used with respect to any Bond means the Person in whose name such  
359 Bond is registered on the Bond Register.

360  
361 **"Parking Garage Improvements"** means construction of a city parking garage in the  
362 City in accordance with the legal authority as described in the recitals to this Resolution and in  
363 the Ordinance.

364  
365 **"Participants"** means those financial institutions for whom the Securities Depository  
366 effects book-entry transfers and pledges of securities deposited with the Securities Depository, as  
367 such listing of Participants exists at the time of such reference.

369       **"Paying Agent"** means the State Treasurer, and any successors and assigns thereof to the  
370 duties and responsibilities described in this Resolution and in the related agreement between the  
371 City and the State Treasurer.  
372

373       **"Permitted Investments"** means: (a) investments authorized by K.S.A. 12-1675 and  
374 amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a,  
375 and amendments thereto; (c) direct obligations of the United States Government or any agency  
376 thereof; (d) the City's temporary notes issued pursuant to K.S.A. 10-123 and amendments  
377 thereto; (e) interest-bearing time deposits in commercial banks located in the county or counties  
378 in which the City is located; (f) obligations of the federal national mortgage association, federal  
379 home loan banks or the federal home loan mortgage corporation; (g) repurchase agreements for  
380 securities described in (c) or (f); (h) investment agreements with or other obligations of a finan-  
381 cial institution the obligations of which at the time of investment are rated in either of the three  
382 highest rating categories by Moody's, Inc. or Standard & Poor's; (i) investments in shares or units  
383 of a money market fund or trust the portfolio of which is comprised entirely of securities  
384 described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof  
385 described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the  
386 State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the  
387 same; or (l) bonds of any municipality of the States as defined in K.S.A. 10-1101 which have  
388 been refunded in advance of their maturity and are fully secured as to payment of principal and  
389 interest thereon by deposit in trust, under escrow agreement with a bank, of securities described  
390 in (c) or (f). No Permitted Investment shall include any derivative investment instrument whose  
391 market price is derived from the fluctuating value of an underlying asset, index, currency, futures  
392 contract, including futures, options and collateralized mortgage obligations.  
393

394       **"Person"** means any natural person, as well as any corporation, partnership, joint  
395 venture, association, firm, joint-stock company, trust, unincorporated organization, or  
396 government or any agency or political subdivision thereof or other public body.  
397

398       **"Purchase Price"** means the purchase price of the Bonds as set forth in the *Bid Proposal*  
399 *for Purchase of the Bonds* as submitted by the Original Purchaser and accepted by the City, plus  
400 accrued interest to the date of delivery.  
401

402       **"Record Dates"** means, for the interest payable on any Interest Payment Date, the first  
403 day (whether or not a Business Day) of each month of such Interest Payment Date.  
404

405       **"Redemption Date"** means when used with respect to any Bond to be redeemed, the  
406 date fixed for the redemption of such Bond pursuant to the terms of this Resolution.  
407

408       **"Redemption Price"** means when used with respect to any Bond to be redeemed the  
409 price at which such Bond is to be redeemed pursuant to the terms of this Resolution, including  
410 the applicable redemption premium, if any, but excluding installments of interest whose Stated  
411 Maturity is on or before the Redemption Date.  
412

413       **"Replacement Bonds"** means Bonds issued to the beneficial owners of the Bonds in  
414 accordance with **Section 211** hereof.  
415

416       **"Representation Letter"** means the Blanket Issuer Letter of Representations from the  
417 City to the Securities Depository with respect to the Bonds, substantially in the form attached to  
418 this Resolution as *Exhibit B*.  
419

420       **"Resolution"** means this resolution relating to the Bonds, and any Supplemental  
421 Resolution.  
422

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

425  
426 **"Series 2006-A Bonds"** means the City's General Obligation Bonds, Series 2006-A  
427 issued pursuant to the Ordinance.

428  
429 **"Series 2006-A Principal and Interest Account"** means the Principal and Interest  
430 Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2006-A, created  
431 herein within the City's Bond and Interest Fund.

432  
433 **"Series 2006-A Project Account"** means the Project Account for the Internal  
434 Improvements in the treasury of the City, created herein.

435  
436 **"Series 2006-A Rebate Fund"** means the Rebate Fund for the City of Topeka, Kansas,  
437 General Obligation Bonds, Series 2006-A, created herein.

438  
439 **"Series 2006-A Term Bonds"** means the Series 2006-A Bonds scheduled to mature in  
440 the year 20\_\_\_\_].

441  
442 **"Series 2006-B Bonds"** means the City's General Obligation Bonds, Series 2006-B  
443 issued pursuant to the Ordinance.

444  
445 **"Series 2006-B Capitalized Interest Account"** means the Capitalized Interest Account  
446 for the City of Topeka, Kansas, General Obligation Bonds, Series 2006-B, created herein.

447  
448 **"Series 2006-B Principal and Interest Account"** means the Principal and Interest  
449 Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2006-B, created  
450 herein within the City's Bond and Interest Fund.

451  
452 **"Series 2006-B Project Account"** means the Project Account for the Parking Garage  
453 Improvements in the treasury of the City, created herein.

454  
455 **"Series 2006-B Rebate Fund"** means the Rebate Fund for the City of Topeka, Kansas,  
456 General Obligation Bonds, Series 2006-B, created herein.

457  
458 **"Series 2006-B Term Bonds"** means the Series 2006-B Bonds scheduled to mature in  
459 the year 20\_\_\_\_].

460  
461 **"Special Record Date"** means the date fixed by the Paying Agent pursuant to **Section**  
462 **204** hereof for the payment of Defaulted Interest.

463  
464 **"Standard & Poor's"** means Standard & Poor's Ratings Services, a Division of The  
465 McGraw Hill Companies, Inc., New York, New York and any successors or assigns to the Bond  
466 rating functions thereof which is deemed acceptable by the City and Bond Counsel.

467  
468 **"State"** means the State of Kansas.

469  
470 **"State Treasurer"** means the duly elected Treasurer or, in the Treasurer's absence, the  
471 duly appointed Deputy Treasurer or acting Treasurer of the State of Kansas and any successors  
472 or assigns.

473  
474 **"Stated Maturity"** means (i) with respect to any Bond principal payment, the date on  
475 which payment of principal is due and payable on any Bond, as specified on that Bond and in

this Resolution, and (ii) with respect to any Interest Payment, each February 15 and August 15 of the year in which any Bond is Outstanding, beginning February 15, 2007.

["**Term Bonds**" means collectively the Series 2006-A Term Bonds and Series 2006-B Term Bonds.]

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

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

## ARTICLE II

### AUTHORIZATION AND DETAILS OF THE BONDS

**Section 201. Authorization of the Bonds.** There shall be issued and hereby are authorized and directed to be issued (1) General Obligation Bonds, Series 2006-A, of the City in the aggregate principal amount of \$14,280,000 for the purpose of providing funds to pay the costs of the Internal Improvements as described in the Ordinance, in accordance with K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City (Sections A12-1 of the Code of the City) and other provisions of the laws of the State of Kansas applicable thereto and (2) General Obligation Bonds, Series 2006-B, of the City in the aggregate principal amount of \$7,875,000 for the purpose of providing funds to pay the costs of the Parking Garage Improvements as described in the Ordinance, in accordance with the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City (Sections A12-1 of the Code of the City), Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended, and other provisions of the laws of the State of Kansas applicable thereto.

**Section 202. Description of the Bonds.** The Bonds shall consist of fully registered bonds in the denominations of \$5,000 or any integral multiple thereof and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated November 28, 2006, shall become due in the amounts on the Stated Maturities (subject to redemption and payment prior to their Stated Maturities as provided in Article III hereof), and shall bear interest at the rates per annum as follows:

(REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)



SERIES 2006-A BONDS

| MATURITY<br>(August 15) | PRINCIPAL<br>AMOUNT | INTEREST<br>RATE |
|-------------------------|---------------------|------------------|
|-------------------------|---------------------|------------------|

SERIAL BONDS

|      |           |       |
|------|-----------|-------|
| 2007 | \$640,000 | ____% |
| 2008 | 495,000   | ____  |
| 2009 | 510,000   | ____  |
| 2010 | 530,000   | ____  |
| 2011 | 550,000   | ____  |
| 2012 | 570,000   | ____  |
| 2013 | 595,000   | ____  |
| 2014 | 620,000   | ____  |
| 2015 | 645,000   | ____  |
| 2016 | 670,000   | ____  |
| 2017 | 695,000   | ____  |
| 2018 | 725,000   | ____  |
| 2019 | 755,000   | ____  |
| 2020 | 785,000   | ____  |
| 2021 | 820,000   | ____  |
| 2022 | 855,000   | ____  |
| 2023 | 895,000   | ____  |
| 2024 | 935,000   | ____  |
| 2025 | 975,000   | ____  |
| 2026 | 1,015,000 | ____  |

TERM BONDS

|      |       |       |
|------|-------|-------|
| 20__ | _____ | ____% |
|------|-------|-------|

SERIES 2006-B BONDS

| MATURITY<br>(August 15) | PRINCIPAL<br>AMOUNT | INTEREST<br>RATE |
|-------------------------|---------------------|------------------|
|-------------------------|---------------------|------------------|

SERIAL BONDS

|      |           |       |
|------|-----------|-------|
| 2008 | \$145,000 | ____% |
| 2009 | 150,000   | ____  |
| 2010 | 155,000   | ____  |
| 2011 | 165,000   | ____  |

|     |      |         |       |
|-----|------|---------|-------|
| 566 |      |         |       |
| 567 |      |         |       |
| 568 |      |         |       |
| 569 | 2012 | 170,000 | _____ |
| 570 | 2013 | 175,000 | _____ |
| 571 | 2014 | 180,000 | _____ |
| 572 | 2015 | 190,000 | _____ |
| 573 | 2016 | 195,000 | _____ |
| 574 | 2017 | 205,000 | _____ |
| 575 | 2018 | 215,000 | _____ |
| 576 | 2019 | 225,000 | _____ |
| 577 | 2020 | 230,000 | _____ |
| 578 | 2021 | 240,000 | _____ |
| 579 | 2022 | 255,000 | _____ |
| 580 | 2023 | 265,000 | _____ |
| 581 | 2024 | 275,000 | _____ |
| 582 | 2025 | 285,000 | _____ |
| 583 | 2026 | 300,000 | _____ |
| 584 | 2027 | 315,000 | _____ |
| 585 | 2028 | 330,000 | _____ |
| 586 | 2029 | 340,000 | _____ |
| 587 | 2030 | 360,000 | _____ |
| 588 | 2031 | 375,000 | _____ |
| 589 | 2032 | 390,000 | _____ |
| 590 | 2033 | 410,000 | _____ |
| 591 | 2034 | 425,000 | _____ |
| 592 | 2035 | 445,000 | _____ |
| 593 | 2036 | 465,000 | _____ |
| 594 |      |         |       |

#### TERM BONDS

20\_\_\_\_\_%

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

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

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

The City will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent or Bond Registrar by (1) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (2) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

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

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

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

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

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

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

673  
674 **Section 205. Registration, Transfer and Exchange of Bonds.** The City covenants that,  
675 as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the  
676 office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in  
677 the name of the Owner thereof on the Bond Register.

678  
679 Bonds may be transferred and exchanged only on the Bond Register as provided in this  
680 Section. Upon surrender of any Bond at the principal corporate trust office of the Bond Regis-  
681 trar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any  
682 authorized denomination of the same Stated Maturity and in the same aggregate principal  
683 amount as the Bond that was presented for transfer or exchange.

684  
685 Bonds presented for transfer or exchange shall be accompanied by a written instrument or  
686 instruments of transfer or authorization for exchange, in a form and with guarantee of signature  
687 satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly  
688 authorized agent.

689  
690 In all cases in which the privilege of transferring or exchanging Bonds is exercised, the  
691 Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this  
692 Resolution. The City shall pay the fees and expenses of the Bond Registrar for the registration,  
693 transfer and exchange of Bonds provided for by this Resolution and the cost of printing a  
694 reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred  
695 in the secondary market, other than fees of the Bond Registrar, are the responsibility of the  
696 Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification  
697 number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient  
698 to pay any governmental charge required to be paid as a result of such failure. In compliance  
699 with Section 3406 of the Code, such amount may be deducted by the Paying Agent from  
700 amounts otherwise payable to such Owner hereunder or under the Bonds.

701  
702 The City and the Bond Registrar shall not be required (a) to register the transfer or  
703 exchange of any Bond that has been called for redemption after notice of such redemption has  
704 been mailed by the Bond Registrar pursuant to **Section 303** hereof and during the period of 15  
705 days next preceding the date of mailing of such notice of redemption; or (b) to register the  
706 transfer or exchange of any Bond during a period beginning at the opening of business on the  
707 day after receiving written notice from the City of its intent to pay Defaulted Interest and ending  
708 at the close of business on the date fixed for the payment of Defaulted Interest pursuant to  
709 **Section 204** hereof.

710  
711 The City and the Paying Agent may deem and treat the Person in whose name any Bond  
712 is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is  
713 overdue or not, for the purpose of receiving payment of, or on account of, the principal or  
714 Redemption Price of and interest on said Bond and for all other purposes. All payments so made  
715 to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge  
716 the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the  
717 Paying Agent shall be affected by any notice to the contrary.

718  
719 At reasonable times and under reasonable regulations established by the Bond Registrar,  
720 the Bond Register may be inspected and copied by the Owners of 10% or more in principal  
721 amount of the Bonds then Outstanding or any designated representative of such Owners whose  
722 authority is evidenced to the satisfaction of the Bond Registrar.

723  
724 **Section 206. Execution, Registration, Authentication and Delivery of Bonds.** Each  
725 of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially  
726 delivered, shall be executed for and on behalf of the City by the manual or facsimile signature of

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

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

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

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

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

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

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

**Section 209. Preliminary and Final Official Statement.** The *Preliminary Official Statement* dated October 30, 2006, is hereby ratified and approved. For the purpose of enabling the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the *Preliminary Official Statement* to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Original Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Original Purchaser to comply with the requirement of such Rule.

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

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

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

**Section 211. Book-Entry Bonds; Securities Depository.**

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

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

their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City, with the consent of the Bond Registrar, may select a successor securities depository in accordance with **Section 211(c)** hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with **Section 211(c)** hereof, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds. The cost of printing, registration, authentication and delivery of Replacement Bonds shall be paid for by the City.

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

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

### ARTICLE III

#### REDEMPTION OF BONDS

**Section 301. Optional Redemption by City.** The Bonds maturing prior to August 15, 2012, shall become due without the option of prior payment. The Bonds maturing on or after August 15, 2012, may be called for redemption and payment prior to maturity on August 15, 2011, and thereafter in whole or in part on any date (Bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the Paying Agent and Bond Registrar in such equitable manner as they shall designate), at the redemption price equal to the principal amount thereof with a redemption premium of one percent of the principal amount redeemed, such redemption premium to decline one-quarter of one percent (1/4 of 1%) each Interest Payment Date thereafter, plus accrued interest thereon to the date fixed for redemption and payment.

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

SERIES 2006-A TERM BONDS

| <u>Principal<br/>Amount</u> | <u>Year</u> |
|-----------------------------|-------------|
| \$ _____                    | 20__        |

(leaving \$ \_\_\_\_\_ to mature August 15, 20\_\_)

SERIES 2006-B TERM BONDS

| <u>Principal<br/>Amount</u> | <u>Year</u> |
|-----------------------------|-------------|
| \$ _____                    | 20__        |

(leaving \$ \_\_\_\_\_ to mature August 15, 20\_\_)

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

**Section 302. Selection of Bonds to be Redeemed.** Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Bonds of the same maturity are to be redeemed and paid prior to their Stated Maturity, the Bonds to be redeemed shall be selected by the Bond Registrar in \$5,000 units of principal amount in such equitable manner as the Bond Registrar may determine.



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

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

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

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

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

996 The failure of any Owner to receive notice given as heretofore provided or an immaterial  
997 defect therein shall not invalidate any redemption.  
998

999 Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of  
1000 money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be  
1001 redeemed on such Redemption Date.  
1002

1003 Official notice of redemption having been given as aforesaid, the Bonds or portions of  
1004 Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption  
1005 Price therein specified, and from and after the Redemption Date (unless the City defaults in the  
1006 payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest.  
1007 Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption  
1008 Price shall be payable as herein provided for payment of interest. Upon surrender for any partial  
1009 redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same  
1010 Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have  
1011 been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as  
1012 provided herein and shall not be reissued.  
1013

1014 The Paying Agent is also directed to comply with any mandatory or voluntary standards  
1015 then in effect for processing redemptions of municipal securities established by the State or the  
1016 Securities Exchange Commission. Failure to comply with such standards shall not affect or  
1017 invalidate the redemption of any Bond.  
1018

#### 1019 ARTICLE IV

#### 1020 SECURITY FOR AND PAYMENT OF BONDS

1021  
1022  
1023  
1024 **Section 401. Security for the Bonds.** The Bonds shall be general obligations of the  
1025 City. The Series 2006-A Bonds shall be payable as to both principal and interest in part from  
1026 special assessments levied upon specially benefited property and, if not so paid, from ad valorem  
1027 taxes which may be levied without limitation upon all the taxable tangible property, real and  
1028 personal, within the territorial limits of the City. The balance of the principal of and interest on  
1029 the Series 2006-A Bonds and all of the principal of and interest on the Series 2006-B Bonds is  
1030 payable from ad valorem taxes which may be levied without limitation as to rate or amount upon  
1031 all the taxable tangible property, real and personal, within the territorial limits of the City. The  
1032 full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment  
1033 of the principal of and interest on the Bonds as the same become due.  
1034

1035 **Section 402. Levy and Collection of Annual Tax.** The governing body of the City  
1036 shall annually make provision for the payment of principal of, redemption premium, if any, and  
1037 interest on the Bonds as the same become due by levying and collecting the necessary taxes upon  
1038 all of the taxable tangible property within the City in the manner provided by law.  
1039

1040 The taxes referred to above shall be extended upon the tax rolls in each of the several  
1041 years, respectively, and shall be levied and collected at the same time and in the same manner as  
1042 the other ad valorem taxes of the City are levied and collected. The proceeds derived from said  
1043 taxes shall be deposited in the Series 2006-A Principal and Interest Account and Series 2006-B  
1044 Principal and Interest Account, shall be kept separate and apart from all other funds of the City  
1045 and shall be used solely for the payment of the principal of, redemption premium, if any, and  
1046 interest on the Series 2006-A and 2006-B Bonds, respectively, as and when the same become  
1047 due, taking into account the fees and expenses of the Bond Registrar and Paying Agent.  
1048

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

## ARTICLE V

### ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF MONEYS

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

- (a) In the treasury of the City, the "Series 2006-A Project Account";
- (b) In the treasury of the City, the "Series 2006-B Project Account";
- (c) In the City's Bond and Interest Fund, the "Principal and Interest Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2006-A (the "Series 2006-A Principal and Interest Account");
- (d) In the City's Bond and Interest Fund, the "Principal and Interest Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2006-B (the "Series 2006-B Principal and Interest Account");
- (e) In the City's Series 2006-B Project Account, the "Capital Interest Account for the City of Topeka, Kansas, General Obligation Bonds, Series 2006-B (the "Series 2006-B Capitalized Interest Account");
- (f) In the treasury of the City, the Rebate Fund for the City of Topeka, Kansas, General Obligation Bonds, Series 2006-A (the "Series 2006-A Rebate Fund"); and
- (g) In the treasury of the City, the Rebate Fund for the City of Topeka, Kansas, General Obligation Bonds, Series 2006-B (the "Series 2006-B Rebate Fund").

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

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

- (a) Proceeds of the Series 2006-A Bonds in the amount of \$\_\_\_\_\_ shall be deposited in the Series 2006-A Project Account;
- (b) Proceeds of the Series 2006-A Bonds in the amount of \$\_\_\_\_\_ shall be deposited with the Treasurer of the State of Kansas for the redemption of a portion of the City's Temporary Notes, Series 2005, on November 29, 2006;
- (c) Proceeds of the Series 2006-B Bonds in the amount of \$\_\_\_\_\_ shall be deposited in the Series 2006-B Project Account, upon issuance and delivery thereof;
- (d) Proceeds of the Series 2006-B Bonds in the amount of \$\_\_\_\_\_ shall be deposited in the Series 2006-B Capitalized Interest Account; and

(e) Proceeds of the Series 2006-B Bonds in the amount of \$\_\_\_\_\_ shall be deposited with the State Treasurer for the redemption of a portion of the City's Temporary Notes, Series 2005, on November 29, 2006.

### **Section 503. Disposition of Other Moneys.**

(a) That concurrently with the issuance and delivery of the Bonds, the City shall deposit with the Treasurer of the State of Kansas \$\_\_\_\_\_, for the redemption of a portion of the City's Temporary Notes, Series 2005, on November 29, 2006.

### **Section 504. Withdrawals from the Series 2006-A and 2006-B Project Accounts.**

The Treasurer shall make withdrawals from the Series 2006-A Project Account solely for the purpose of paying costs and expenses of the Internal Improvements and paying the Costs of Issuance for the Series 2006-A Bonds. The Treasurer shall make withdrawals from the Series 2006-B Project Account solely for the purpose of paying costs and expenses of the Parking Garage Improvements and paying the Costs of Issuance for the Series 2006-B Bonds. Such withdrawals shall be made only on due authorization by the governing body of the City.

**Section 505. Surplus in the Series 2006-A and 2006-B Project Accounts.** All moneys remaining in the Series 2006-A Project Account after the completion of the Internal Improvements, as determined by the governing body of the City, shall be transferred immediately to the Series 2006-A Principal and Interest Account and applied to the next installment of principal due on the Series 2006-A Bonds from which such surplus moneys remain. All moneys remaining in the Series 2006-B Project Account after the completion of the Parking Garage Improvements, as determined by the governing body of the City, shall be transferred immediately to the Series 2006-B Principal and Interest Account and applied to the next installment of principal due on the series of Series 2006-B Bonds from which such surplus moneys remain.

**Section 506. Application of Moneys in Series 2006-A and 2006-B Principal and Interest Accounts.** All amounts paid and credited to the Series 2006-A and 2006-B Principal and Interest Accounts shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Series 2006-A Bonds and Series 2006-B Bonds, respectively, as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Series 2006-A and 2006-B Principal and Interest Accounts sums sufficient to pay principal or Redemption Price of and interest on the Series 2006-A Bonds and Series 2006-B Bonds, respectively, and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal or Redemption Price, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Series 2006-A and 2006-B Principal and Interest Accounts after the retirement of the indebtedness for which the Series 2006-A Bonds and Series 2006-B Bonds, respectively, were issued shall be transferred and paid into the Bond and Interest Fund of the City.

**Section 507. Application of Moneys in the Series 2006-A and 2006-B Rebate Funds.**

(a) There shall be deposited in the Series 2006-A Rebate Fund and Series 2006-B Rebate Fund such amounts as are required to be deposited therein pursuant to the Arbitrage Instructions. All money at any time deposited in the Series 2006-A and 2006-B Rebate Funds shall be held in trust, to the extent required to pay rebatable arbitrage to the United States of America, and neither the City nor the Owner of any Series 2006-A or 2006-B Bond shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Series 2006-A and 2006-B Rebate Funds shall be governed by this Section and the Arbitrage Instructions.

(b) The City shall periodically determine the rebatable arbitrage, if any, under Section 148(f) of the Code in accordance with the Arbitrage Instructions, and the City shall make payments to the United States of America at the times and in the amounts determined under the Arbitrage Instructions. Any moneys remaining in the Series 2006-A Rebate Fund after redemption and payment of all of the Series 2006-A Bonds and payment and satisfaction of any rebatable arbitrage, or provision made therefor, shall be deposited into the Series 2006-A Principal and Interest Account of the City. Any moneys remaining in the Series 2006-B Rebate Fund after redemption and payment of all of the Series 2006-B Bonds and payment and satisfaction of any rebatable arbitrage, or provision made therefor, shall be deposited into the Series 2006-B Principal and Interest Account of the City.

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

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

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

Moneys held in the funds and accounts herein created or established in conjunction with the issuance of the Bonds may be invested by the City in Permitted Investments or in other investments allowed by Kansas law in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in said accounts or funds; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any Permitted Investment held in any fund or account (except amounts required to be deposited in the Series 2006-A Rebate Fund and 2006-B Rebate Fund in accordance with the Arbitrage Instructions) shall accrue to and become a part of such fund or account; provided, however, that interest earned on investments of moneys held in the Series 2006-A and 2006-B Project Accounts may, at the direction of the governing body of the City, be paid and credited to the Series 2006-A and 2006-B Principal and Interest Accounts, respectively, and used to pay interest on the Series 2006-A and 2006-B Bonds, respectively. In determining the amount held in any fund or account under the provisions of the Resolution, Permitted Investments shall be valued at their par value or at their then current redemption value, whichever is lower.

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

## ARTICLE VI

### DEFAULT AND REMEDIES

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

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

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

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

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

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

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

## ARTICLE VII

### DEFEASANCE

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

## ARTICLE VIII

### TAX COVENANTS

#### **Section 801. General Covenants.**

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

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

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

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

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

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

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

## ARTICLE IX

### CONTINUING DISCLOSURE REQUIREMENTS

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

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



1373 legal or equitable remedy as the Original Purchaser and/or any such Beneficial Owner shall deem  
1374 effectual to protect and enforce any of the duties of the City under such preceding section.

1375  
1376 ARTICLE X

1377  
1378 MISCELLANEOUS PROVISIONS

1379  
1380 **Section 1001. Annual Audit.** Annually, promptly after the end of the Fiscal Year, the  
1381 City will cause an audit to be made of its funds and accounts for the preceding Fiscal Year by a  
1382 certified public accountant or firm of certified public accountants.

1383  
1384 Within 30 days after the completion of each such audit, a copy thereof shall be filed in  
1385 the office of the Clerk, and a duplicate copy of the audit shall be mailed to the Original Purchas-  
1386 er. Such audit shall at all times during the usual business hours of the City be open to the  
1387 examination and inspection by any taxpayer, any Owner of the Bonds or by anyone acting for or  
1388 on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and  
1389 mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or  
1390 prospective Owner.

1391  
1392 As soon as possible after the completion of the annual audit, the governing body of the  
1393 City shall review such audit, and if the audit discloses that proper provision has not been made  
1394 for all of the requirements of this Resolution, the City shall promptly cure such deficiency.

1395  
1396 **Section 1002. Amendments.** The rights and duties of the City and the Owners, and the  
1397 terms and provisions of the Bonds or of this Resolution, may be amended or modified at any  
1398 time in any respect by resolution of the City with the written consent of the Owners of not less  
1399 than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced  
1400 by an instrument or instruments executed by such Owners and duly acknowledged or proved in  
1401 the manner of a deed to be recorded, and such instrument or instruments shall be filed with the  
1402 Clerk, but no such modification or alteration shall:

- 1403  
1404 (a) extend the maturity of any payment of principal or interest due upon any Bond;  
1405  
1406 (b) effect a reduction in the amount which the City is required to pay as principal of  
1407 or interest on any Bond;  
1408  
1409 (c) permit preference or priority of any Bond over any other Bond; or  
1410  
1411 (d) reduce the percentage in principal amount of Bonds required for the written  
1412 consent to any modification or alteration of the provisions of this Resolution.

1413  
1414 Any provision of the Bonds or of this Resolution may, however, be amended or modified  
1415 by resolution duly adopted by the governing body of the City at any time in any legal respect  
1416 with the written consent of the Owners of all of the Bonds at the time Outstanding.

1417  
1418 With notice to or the consent of any Owners, the City may amend or supplement this  
1419 Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity  
1420 therein or in connection with any other change therein which is not materially adverse to the  
1421 interests of the Owners.

1422  
1423 Every amendment or modification of the provisions of the Bonds or of this Resolution, to  
1424 which the written consent of the Owners is given, as above provided, shall be expressed in a  
1425 resolution adopted by the governing body of the City amending or supplementing the provisions  
1426 of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every

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

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

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

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

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

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

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

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

1481           **Section 1005. Severability.** If any section or other part of this Resolution is for any  
1482 reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of  
1483 this Resolution.  
1484

1485           **Section 1006. Governing Law.** This Resolution shall be governed exclusively by and  
1486 construed in accordance with the applicable laws of the State.  
1487

1488           **Section 1007. Effective Date.** This Resolution shall take effect and be in full force from  
1489 and after its passage by the Council of the City.  
1490

1491           (REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

PASSED and approved by the City of Topeka, Kansas, on November 7, 2006.

CITY OF TOPEKA, KANSAS

(SEAL)

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the Resolution of the Council of the City of Topeka, Kansas, adopted by the Council at a regularly scheduled meeting held on November 7, 2006, as the same appears of record in my office, and that the Resolution has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: November 7, 2006.

\_\_\_\_\_  
Iris E. Walker, City Clerk

(SEAL)

EXHIBIT A  
(FORM OF BOND)

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

UNITED STATES OF AMERICA  
STATE OF KANSAS  
COUNTY OF SHAWNEE  
CITY OF TOPEKA  
GENERAL OBLIGATION BOND  
SERIES 2006-[A][B]

No. R-\_\_\_\_\_ \$ \_\_\_\_\_

Rate of \_\_\_\_\_ Maturity \_\_\_\_\_ Dated \_\_\_\_\_ CUSIP \_\_\_\_\_  
Interest: Date: August 15, 20\_\_ Date: November 28, 2006

Registered Owner:

PRINCIPAL AMOUNT \_\_\_\_\_

The City of Topeka, in the County of Shawnee, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above (the "Owner"), or registered assigns as hereinafter provided, on the maturity date identified above, the principal amount identified above, and in like manner to pay, as of the Record Dates as hereinafter provided, interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid prior to the registration date set forth below at the rate of interest per annum set forth above semiannually on February 15 and August 15 of each year (the "Interest Payment Dates") commencing February 15, 2007, until said principal amount is paid.

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

City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

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

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

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

IN WITNESS WHEREOF, the said City of Topeka, in the State of Kansas, by its governing body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their manual signatures with its corporate seal to be affixed hereon, all as of the 28th day of November, 2006.

CITY OF TOPEKA, KANSAS

(manual)

Mayor

ATTEST: (manual)

City Clerk

(SEAL)

\*\*\*\*\*

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Topeka, Kansas, General Obligation Bonds, Series 2006-[A][B] described in the within mentioned Resolution.

Registration Date: \_\_\_\_\_

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

By \_\_\_\_\_

I.D.#: \_\_\_\_\_

\*\*\*\*\*

FURTHER TERMS AND PROVISIONS

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

supplemental thereto][including the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City (Sections A12-1 of the Code of the City), and all amendments thereof, acts supplemental thereto], the Ordinance, Resolution No. \_\_\_\_\_ of the City (the "Resolution") and all other provisions of the laws of the State of Kansas applicable thereto.

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

At the option of the City, the Bonds maturing on or after August 15, 2012, may be called for redemption and payment prior to maturity on August 15, 2011, and thereafter in whole or in part on any date (Bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the Paying Agent and Bond Registrar in such equitable manner as they shall designate), at the redemption price equal to the principal amount thereof with a premium of one percent of the principal amount redeemed, such premium to decline one-quarter of one percent (1/4 of 1%) each interest payment date thereafter, plus accrued interest thereon to the date fixed for redemption and payment.

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

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

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

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

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the

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

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

\*\*\*\*\*

#### BOND ASSIGNMENT

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

\_\_\_\_\_  
(Name and Address)

\_\_\_\_\_  
(Social Security or Taxpayer Identifying No.)

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

Dated \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Social Security or Taxpayer  
Identifying No.



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

Signature guaranty:

By \_\_\_\_\_

\*\*\*\*\*

CERTIFICATE OF CITY CLERK

I, the undersigned, City Clerk of the City of Topeka, Kansas, do hereby certify that this Bond has been duly registered in my office according to law as of November 28, 2006.

WITNESS my hand and official seal.

(manual)

\_\_\_\_\_  
City Clerk

(SEAL)

\*\*\*\*\*

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

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

WITNESS my hand and official seal.

LYNN JENKINS

TREASURER OF THE STATE OF KANSAS

By \_\_\_\_\_

State Treasurer

(SEAL)

1781  
1782  
1783  
1784

EXHIBIT B  
(DTC LETTERS OF REPRESENTATION)



A Capital City Serving You...

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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 25, 2006

+ Back Print

**DATE:** October 17, 2006

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

**SECOND PARTY/SUBJECT:** Resolution authorizing the issuance Temporary Notes, Series 2006-A **PROJECT #:**

**CATEGORY/SUBCATEGORY** 020 Resolutions / 005 Miscellaneous

**CIP PROJECT:** No

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

**PAGE #:**

### DOCUMENT DESCRIPTION:

**A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing and directing the issuance of temporary notes, Series 2006-A of the City of Topeka, Kansas, in the aggregate principal amount of \$11,825,000 for the purpose of providing funds to pay the cost of renewing a portion of the principal amount of the Series 2005-A temporary notes of the City, dated November 29, 2005, and for the purpose of providing funds to pay a portion of the cost of certain improvements in the City.

*(This Resolution authorizes issuance of the City's Series 2006-A temporary notes, providing funds to temporarily finance the costs of previously authorized capital projects.)*

### POLICY ISSUE:

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

### STAFF RECOMMENDATION:

Adopt the Resolution as presented.

### BACKGROUND:

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

### BUDGETARY IMPACT:

The funds provided from issuance of the 2006-A Notes will be used to temporarily finance the costs of several capital projects, including incomplete special assessment projects. The budgetary impact will not be realized until the principal and interest on the Notes are paid from proceeds of general obligation bonds expected to be issued in 2007.

Item #18

### SOURCE OF FUNDING:

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

2007.

**ATTACHMENTS:**

[Resolution Authorizing the Issuance of General Obligation Temporary Notes, Series 2006-A](#)

231006 3

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION INTRODUCED BY CITY MANAGER  
NORTON N. BONAPARTE, JR. AUTHORIZING AND  
DIRECTING THE ISSUANCE OF TEMPORARY NOTES,  
SERIES 2006-A OF THE CITY OF TOPEKA, KANSAS, IN  
THE AGGREGATE PRINCIPAL AMOUNT OF \$11,825,000  
FOR THE PURPOSE OF PROVIDING FUNDS TO PAY  
THE COST OF RENEWING A PORTION OF THE  
PRINCIPAL AMOUNT OF THE SERIES 2005-A  
TEMPORARY NOTES OF SAID CITY, DATED  
NOVEMBER 29, 2005, AND FOR THE PURPOSE OF  
PROVIDING FUNDS TO PAY A PORTION OF THE COST  
OF CERTAIN IMPROVEMENTS IN SAID CITY.**

**WHEREAS**, pursuant to K.S.A. 12-6a01 *et seq.*, K.S.A. 12-685 *et seq.*, all as amended,  
the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of  
the Kansas Constitution, and Charter Ordinance No. 89 of the City of Topeka, Kansas, (the  
“City”) (Section A12-1 of the Code of the City) and all other provisions of the laws of the State  
of Kansas applicable thereto, by proceedings duly had and other actions duly and legally taken,  
the City has approved the following internal improvements (the “Improvements”):

- (a) Bridge Project No. 12060 (Phase 1);
- (b) Sanitary Sewer Project No. 40025 (Phase 6);
- (c) Sanitary Sewer Project No. 40858 (Phase 3);
- (d) Sanitary Sewer Project No. 40915 (Phase 2);
- (e) Sanitary Sewer Project No. 40917 (Phase 2);
- (f) Sanitary Sewer Project No. 40932;
- (g) Sanitary Sewer Project No. 40933 (Phase 1);
- (h) Sanitary Sewer Project No. 40945;
- (i) Street Improvement Project No. 60525 (Phase 1);
- (j) Street Improvement Project No. 60598 (Phase 2);
- (k) Street Improvement Project No. 60599 (Phase 2);
- (l) Street Improvement Project No. 60604 (Phase 1);

- (m) Street Improvement Project No. 60605;
- (n) Street Improvement Project No. 60610 (Phase 2);
- (o) Street Improvement Project No. 60611 (Phase 2);
- (p) Street Improvement Project No. 60611 (Phase 3);
- (q) Street Improvement Project No. 60614 (Phase 1);
- (r) Street Improvement Project No. 60623 (Phase H);
- (s) Street Improvement Project No. 60624 (Phase 1);
- (t) Street Improvement Project No. 60625;
- (u) Street Improvement Project No. 60626;
- (v) Street Improvement Project No. 60627;
- (w) Trafficway Improvement Project No. 70183;
- (x) Trafficway Improvement Project No. 70190 (Phase 1);
- (y) Trafficway Improvement Project No. 70196 (Phase 2); and
- (z) Trafficway Improvement Project No. 70197 (Phase 1).

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

**WHEREAS**, pursuant to Resolution No. 7701 of the City adopted October 25, 2005, the City has issued its Temporary Notes, Series 2005-A dated November 29, 2005, aggregating the principal amount of \$22,425,000 and maturing on November 29, 2006, (the "Series 2005-A Notes") to provide funds to finance certain improvements in the City including Projects Nos. 40025 (Phase 6), 40858 (Phase 3), 40915 (Phase 2), 40917 (Phase 2), 40932, 40933 (Phase 1), 60525 (Phase 1), 60598 (Phase 2), 60599 (Phase 2), 60604 (Phase 1), 60605, 60611 (Phase 2), 60614 (Phase 1), 70183, 70190 (Phase 1) and 70197 (Phase 1); as hereinbefore described (the "Projects"), and all aspects of said Projects will not be fully completed at the maturity of the Series 2005-A Notes; and

**WHEREAS**, it is necessary for the City to provide cash funds to renew a portion of the Series 2005-A Temporary Notes issued to provide financing for the Projects and to meet the

City's obligations incurred in connection with the Improvements prior to the completion of said work and the issuance of the City's general obligation bonds, and it is desirable and in the interest of the City that such funds be raised by the issuance of temporary notes of the City, said notes to be issued by the City pursuant to the provisions of K.S.A. 10-123, as amended.

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

**Section 1.(a)** For the purpose of providing funds to renew a portion of the Series 2005-A Notes issued in connection with the Projects as hereinbefore described and to pay obligations incurred by the City in acquiring and constructing the Improvements, there shall be issued and are hereby authorized to be issued Temporary Notes, Series 2006-A, of the City, in the principal amount not to exceed \$11,825,000 (the "Notes"). The Notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. The Notes shall initially be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, (along with its successors and assigns, the "Securities Depository") to which payments of principal on the Notes will be made by the Treasurer of the State of Kansas (the "Note Registrar" and "Paying Agent") in lawful money of the United States of America upon presentation of the Notes for payment and cancellation. Individual purchases of Notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in Notes purchased. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among those financial institutions (the "Participants") for whom it effects book entry transfers and pledges of securities deposited with it from time to time and receive and transmit payment of principal of and interest on the Notes to the Participants until and unless the Note Registrar (hereinafter designated) authenticates and delivers Replacement Notes to the beneficial owners as described in subsection (b). The Notes shall be dated November 28, 2006, shall become due on December 1, 2007, and shall bear interest from said date at the rate of \_\_\_\_\_ and \_\_\_\_\_ percent (\_\_\_\_%) per annum. Interest on the Notes shall be payable at the maturity of the Notes on December 1, 2007, (the "Interest Payment

Date”) to the Registered Owner thereof appearing on the books of the Note Registrar as of the 15th day of the month next preceding the applicable interest payment date (the “Record Date”).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Notes being issued to any registered owner of any of the Notes ("Registered Owner") other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, or (2) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes which are outstanding and unpaid, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Notes being issued to any Registered Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, then the Note Registrar shall notify the Registered Owners of such determination or such notice and of the availability of certificates to beneficial owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver replacement Notes to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustment as it may find necessary or appropriate as to accrued interest; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City may, after consultation with the Note Registrar, select a successor securities depository in accordance with subsection (c) hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Note. Upon the issuance of any replacement Notes ("Replacement Notes"), all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the City is unable to locate a qualified successor of the Securities Depository in accordance



with subsection (c) hereof, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to the beneficial owners thereof, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Notes. The cost of printing, registration, authentication and delivery of Replacement Notes shall be paid for by the City.

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

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

**Section 2.** The Notes shall contain recitals and be in the form as prescribed by law. The Notes, shall in addition to all other requirements, shall be subject to the terms and conditions of

the agreement entitled “Agreement Between Issuer and Agent” by and between the City and the Treasurer of the State of Kansas, as Note Registrar.

**Section 3.** The Notes shall be executed by the facsimile or manual signature of the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk and the seal of the City shall be printed or affixed thereon. After such execution and the registration of the Notes by the City Clerk and the Kansas State Treasurer, Topeka, Kansas, hereby designated as both the City’s Note Registrar and Paying Agent in connection with the Notes, the Notes shall be countersigned by the City Clerk or Deputy City Clerk and delivered to the Original Purchaser thereof upon receipt of the purchase price thereof, said purchase price to be not less than the principal amount thereof plus accrued interest thereon to the date of delivery. The proceeds of the Notes shall be placed in the City Treasury and applied solely to pay the costs of renewing the Series 2005-A Notes previously issued to finance the Projects as hereinbefore described, the costs of the Improvements and the costs of issuing the Notes.

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

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

**Temporary Note No. R-1**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

**UNITED STATES OF AMERICA  
STATE OF KANSAS  
COUNTY OF SHAWNEE  
CITY OF TOPEKA  
SERIES 2006-A**

Rate of                      Maturity                      Dated                      CUSIP NO. \_\_\_\_\_

Interest: \_\_\_\_\_ Date: December 1, 2007 Date: November 28, 2006  
Registered Owner: Cede & Co.  
Principal Amount: \_\_\_\_\_ Dollars

**KNOW ALL MEN BY THESE PRESENTS:**

That the City of Topeka, in the County of Shawnee, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above, or registered assigns as hereinafter provided, on the maturity date identified above, both the principal amount identified above and in like manner to pay interest on such principal amount from the date of this Note until said principal amount is paid. The Notes will not be subject to redemption prior to maturity.

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

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

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

**IN WITNESS WHEREOF**, the said City of Topeka, in the State of Kansas, by its Governing Body, has caused this Temporary Note to be signed by its Mayor or Deputy Mayor and attested by its City Clerk, and has caused its corporate seal to be affixed hereto, all as of the 28th day of November, 2006.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor, City of Topeka, Shawnee County,  
Kansas

(SEAL)

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

(SEAL)

\_\_\_\_\_  
City Clerk

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**CERTIFICATE OF AUTHENTICATION AND REGISTRATION**

This Note is one of the City of Topeka, Kansas, Temporary Notes, Series 2006-A,  
described in the within mentioned Resolution.

Registration Date: \_\_\_\_\_.

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

I.D. No. \_\_\_\_\_ By \_\_\_\_\_

\*\*\*\*\*

**CITY CLERK'S CERTIFICATE**

**STATE OF KANSAS, COUNTY OF SHAWNEE, SS:**

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

WITNESS My Hand and Official Seal as of this 28th day of November, 2006.

(SEAL)

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

\*\*\*\*\*

**STATE TREASURER'S CERTIFICATE**

**STATE OF KANSAS, COUNTY OF SHAWNEE, SS:**

I, **LYNN JENKINS**, Treasurer of the State of Kansas, do hereby certify that a full and  
complete transcript of the proceedings leading up to the issuance of this Temporary Note has  
been filed in my office and that this Note has been registered in my office according to law this  
\_\_\_\_\_ day of November, 2006.

WITNESS My Hand and Official Seal.

**LYNN JENKINS**  
Treasurer of the State of Kansas

BY: \_\_\_\_\_  
(SEAL) State Treasurer

\*\*\*\*\*

**NOTE ASSIGNMENT**

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

(Note Assignment)

(Social Security or Taxpayer Identifying No.)

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

Dated \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Social Security or Taxpayer Identifying No.

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

\_\_\_\_\_  
Face of Certificate Signature Guaranteed By:

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

By: \_\_\_\_\_

\*\*\*\*\*

### **FURTHER TERMS AND CONDITIONS**

This Note is one of a duly authorized series of Temporary Notes aggregating the principal amount of \$11,825,000 (the "Notes") issued by the City to finance, on an interim basis, the construction of certain improvements, heretofore duly authorized by the City, which are to be paid for either in whole or in part by the issuance of bonds of the City. This Note and the series of which it is a part are issued by the City to pay the cost of such improvements until money for such purpose and for the payment of this Note with accrued interest, if any, thereon can be raised by the City by the sale and issuance of its general obligation bonds. This Note and the series of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of Resolution No. \_\_\_\_\_ of the City (the "Resolution"), the Constitution and Laws of the State of Kansas, including Article 12, Section 5 of the Constitution to the State of Kansas, K.S.A. 10-101 to 125, inclusive, K.S.A. 12-6a01 *et seq.*, K.S.A. 12-685 *et seq.*, all as amended, and Charter Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and all acts amendatory thereof and supplemental thereto.

The Notes are being issued by means of a book-entry system with no physical distribution of certificates to be made except as provided in the Resolution. One Note certificate with respect to each date on which the Notes are stated to mature, registered in the nominee name of the securities depository named in the Resolution, together with its successors and assigns (the "Securities Depository"), is being issued. The book-entry system will evidence positions held in the Notes by the Securities Depository's participants, beneficial ownership of the Notes in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to the rules and procedures established by the Securities Depository and its participants. The City will recognize the Securities Depository nominee, while the registered owner of this Note, as the owner of this Note for all purposes, including (i) payments of principal of and interest on this Note, (ii) notices and (iii) voting. Transfers of principal and interest payments to participants of the Securities Depository, and transfers of principal and interest payments to beneficial owners of the Notes by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the registered owner of this Note, notwithstanding the provision hereinabove contained, payments of principal of and interest on this Note shall be made in accordance with existing arrangements among the City, its Paying Agent and the Securities Depository.

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

\*\*\*\*\*

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

357           **Section 6.** That the City covenants and certifies to and for the benefit of the Owners of  
358 the Notes from time to time outstanding that so long as any of the Notes remain outstanding,  
359 moneys on deposit in any fund or account in connection with the Notes, whether or not such  
360 moneys were derived from the proceeds of the sale of the Notes or from any other sources, will  
361 not be used in a manner which will cause the Notes to be classified as “arbitrage bonds” within  
362 the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”).  
363 Pursuant to such covenant, the City shall, to the extent permitted by law, comply throughout the  
364 term of the issue of the Notes and thereafter with the requirements of Section 148 of the Code  
365 including, but not limited to, the rebate of certain amounts, if any, to the United States.

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

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

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

**ADOPTED** by the Council of the City of Topeka, Kansas, this 7th day of November,  
2006.

**CITY OF TOPEKA, KANSAS**

(SEAL)

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk

**I, IRIS E. WALKER**, City Clerk of the City of Topeka, Shawnee County, Kansas, do  
hereby certify that the above and foregoing is a true and correct copy of Resolution No. \_\_\_\_\_  
adopted and approved by the City Council on November 7, 2006.

(SEAL)

\_\_\_\_\_  
Iris E. Walker, City Clerk



EXHIBIT A

**LETTER OF REPRESENTATIONS**

(ATTACHED)



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 18, 2006

+ Back Print

DATE: October 17, 2006  
CONTACT PERSON: Norton N. Bonaparte, Jr. DOCUMENT #:  
SECOND PARTY/SUBJECT: Employment/Severance PROJECT #:  
Agreements  
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration  
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 2-119 concerning the approval of employment and severance agreements, and specifically repealing said original section. Final Reading.

*(This ordinance corrects language in Section 2-119 to allow the City Manager to approve these contracts)*

### POLICY ISSUE:

The current code section languages requires the Mayor to approve employment contracts. This ordinance will correct that language and allow the City Manager to approve employment contracts.

### STAFF RECOMMENDATION:

Approve ordinance.

### BACKGROUND:

### BUDGETARY IMPACT:

n/a

### SOURCE OF FUNDING:

n/a

### ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 2-119 concerning the approval of employment and severance agreements, and specifically repealing said original section.

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

Section 1. That City of Topeka Code § 2-119, Approval of employment and severance agreements, is hereby amended to read as follows:

**Approval of employment and severance agreements.**

a. All employment contracts with department heads or appointive officers or employees shall be approved by the City Council prior to signature by the ~~Mayor~~ City Manager. Approval shall not be required for employment contracts of ninety (90) days or less duration or with employees not designated as department heads.

b. No severance or other payments beyond those earned or otherwise authorized by state or federal law, City ordinance or contract shall be made to a current or former appointive city officer, department head or employee without prior City Council authorization.

Section 2. That City of Topeka Code § 2-119 is hereby specifically repealed.

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

PASSED AND APPROVED by the City Council \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
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 17, 2006  
**CONTACT PERSON:** Jeff Preisner **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Prepaid Motor Fuel **PROJECT #:**  
**CATEGORY/SUBCATEGORY** 013 Ordinances - Codified / 030 Businesses  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** 09/05/06 First Reading - **JOURNAL #:**  
Referred to the Policy and  
Finance Committee  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by Deputy Mayor Jeff Preisner, relating to the payment of gasoline and/or diesel fuel, amending City of Topeka Code Chapter 30. Final Reading. (Referred to the Policy and Finance Committee from the meeting of September 5, 2006.)

*(The ordinance would require prepayment for gasoline and/or diesel fuel sold to the public or at retail.)*

### POLICY ISSUE:

Whether or not the City should establish a policy which would require prepayment for gasoline and/or diesel fuel sold to the public or at retail.

### STAFF RECOMMENDATION:

### BACKGROUND:

A percentage of Part One Crimes is directly related to motorists who fill their vehicles and/or containers with gasoline or diesel fuel and thereafter immediately drive off without paying for the same. A significant amount of Topeka Police Department personnel resources along with administrative backup are associated with the investigation and apprehension of these criminals. Requiring prepayment of gasoline and/or diesel fuel sold to the public or at retail will greatly diminish if not eliminate this crime.

### BUDGETARY IMPACT:

None

### SOURCE OF FUNDING:

### ATTACHMENTS:

[Ordinance](#)

Item #20

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner, relating to the payment of gasoline and/or diesel fuel, amending City of Topeka Code Chapter 30.

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

Section 1. That City of Topeka Code Chapter 30, Business, is hereby amended by the addition of the following Article:

**Article XIII. Prepaid Motor Fuel**

Section 2. Findings.

a. A number of motorists in the town are driving into business establishments with gasoline and/or diesel fuel pumps, filling their vehicles and/or containers with gasoline or diesel fuel, and thereafter immediately driving off without paying for same.

b. For the year 2003, Topeka crime statistics evidence approximately seven hundred thirty-seven (737) thefts as a result of gas/diesel fuel drive offs without paying.

c. The stated level of crime results in significant personnel resources extended by Topeka Police Department officers along with the administrative backup associated therewith.

d. The personnel resources utilized in detecting and preventing motor vehicle fuel thefts detracts from proactive policing opportunities in regard to other community matters and more serious crimes.

e. The stated level of crime adversely impacts the City's uniform crime reporting statistics, along with the negative fallout therefrom. For example, theft of motor vehicle fuel constituted seven percent (7%) of Part One Crimes in 2003, and constitute six percent (6%) of Part One Crimes for the first six (6) months of 2004.

f. The stated level of crime results in significant costs to, and monies being paid by, the City and its citizens and taxpayers.

g. The stated level of crime with gas/diesel fuel drive offs without paying seriously and significantly adversely impacts the revenues of local business owners who own and operate business establishments involving the sale of gasoline and/or diesel fuel.

h. The stated matters are of serious concern and should now be addressed and eliminated, if possible.

i. This type of crime with its many adverse impacts can be addressed and, in fact, eliminated through the adoption of a zero tolerance policy.

j. A zero tolerance policy in regard to this problem could be accomplished through the adoption of a payment in advance requirement for gasoline and diesel fuel sold throughout the City.

k. Such a zero tolerance policy is imperative and in the best interests of the town and its citizens and, as such, the same is adopted along with this chapter.

**Section 3. Authority.**

The provisions of these regulations, in their interpretation and application, are requirements adopted for the promotion of the public safety and welfare, and general convenience, pursuant to the police powers of municipalities granted by the Kansas Constitution, and the Kansas Statutes.

**Section 4. Jurisdiction.**

The regulations set forth herein shall apply to all business establishments with gasoline and/or diesel fuel pumps located thereon, engaged in the selling of gasoline and/or diesel fuel, and located in the corporate limits of the City of Topeka.

**Section 5. Payment in advance required for gasoline and/or diesel fuel sold to the public or at retail.**

a. All business establishments with gasoline and/or diesel fuel pumps located thereon must require full payment in advance or pay at the pump for any quantity of gasoline or diesel fuel sold at any time.

b. Compliance with subsection (a) requires the business establishment and its representatives to receive payment in full prior to activating the gasoline or diesel fuel pumping device.

c. Payment includes purchase by any legal means: cash, credit card, debit card, checks, prearranged credit account directly with the retailer or otherwise.

d. These provisions do not apply to gasoline or diesel fuel sold at wholesale to a retail sales site, gasoline or diesel fuel delivered to construction vehicles or construction sites, or gasoline or diesel fuel sold for purposes not subject to the Kansas fuel tax.

**Section 6. Penalty.**

Any person or business establishment that violates any provision of this chapter shall be guilty of an unclassified misdemeanor and be subject to a fine of not more than four hundred ninety-nine dollars (\$499.00) for each offense.

**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

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

October 18, 2006

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**DATE:** October 17, 2006  
**CONTACT PERSON:** Lana Kennedy **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Skateboards **PROJECT #:**  
**CATEGORY/SUBCATEGORY** 013 Ordinances - Codified / 142 Traffic and Vehicles  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** 10/24/06 First reading. **JOURNAL #:** 06  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by Councilmember Lana Kennedy amending City of Topeka Code Section 142-611 concerning the riding of skateboards on sidewalks, and specifically repealing said original section. Final Reading. (Council District No. 1)

*(The ordinance prohibits persons from riding a skateboard upon a sidewalk within the central business area.)*

### POLICY ISSUE:

Whether or not persons shall be prohibited from riding skateboards upon a sidewalk within the central business district.

### STAFF RECOMMENDATION:

### BACKGROUND:

City Code currently prohibits persons from riding bicycles in the central business district. This amendment would also prohibit persons from riding skateboards on sidewalks in the central business district. (See attached map for boundaries.)

### BUDGETARY IMPACT:

None

### SOURCE OF FUNDING:

NA

### ATTACHMENTS:

[Central Business District Map](#)

[Ordinance](#)



# Central Business District Boundary



(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by Councilmember Lana Kennedy amending City of Topeka Code § 142-611 concerning the riding of skateboards on sidewalks, and specifically repealing said original section.

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

Section 1. That City of Topeka Code § 142-611, Riding on sidewalks regulated, is hereby amended to read as follows:

**Riding on sidewalks regulated.**

(a) No person shall ride a bicycle or skateboard upon a sidewalk within the central business district.

(b) The traffic engineer is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place, it shall be unlawful for any person to disobey such sign.

(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian, and shall give audible signal before overtaking and passing such pedestrian.

(d) No person riding a bicycle on a sidewalk shall exceed a speed of five miles per hour.

(e) This section shall not apply to a law enforcement officer engaged in the performance of his official duties.

Section 2. That City of Topeka Code § 142-611 is hereby specifically repealed.

Iris E. Walker, City Clerk





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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

September 27, 2006

+ Back Print

|                       |                                             |             |        |
|-----------------------|---------------------------------------------|-------------|--------|
| DATE:                 | October 17, 2006                            | DOCUMENT #: |        |
| CONTACT PERSON:       | Bill Fiander                                | PROJECT #:  | P06/27 |
| SECOND PARTY/SUBJECT: | Hickory Ridge Estates<br>Subdivision No. 10 |             |        |
| CATEGORY/SUBCATEGORY  | 017 Plats/002 Final                         |             |        |
| CIP PROJECT:          | No                                          |             |        |
| ACTION OF COUNCIL:    | Tabled for 30 days.<br>09/26/06             | JOURNAL #:  |        |
|                       |                                             | PAGE #:     |        |

### DOCUMENT DESCRIPTION:

**A FINAL PLAT** for Hickory Ridge Estates Subdivision No. 10 located approximately 130-feet east of NW Bent Tree Lane between NW 32<sup>nd</sup> Street and NW Bitter Nut Street within unincorporated Shawnee County, Kansas. (P06/27) (The Planning Commission recommended approval by a vote of 7-0-0.) (Tabled for 60 days from the meeting of July 25, 2006.) (Tabled for 30 days from the meeting of September 26, 2006.)

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

### POLICY ISSUE:

The plat is **not** consistent with current city code requiring annexation into the City prior to providing sanitary sewer service for new or redeveloped parcels established by preliminary or final plat within the MSA after November 1, 2005. The property is not contiguous to the city limits and the city is unable to annex without Shawnee County approval. In order to approve the plat without annexation, City Council must exempt the property from the annexation requirement for sewer service as provided for under Sec. 146-256.C(3).

### STAFF RECOMMENDATION:

The **Final Plat Phase of Hickory Ridge Estates Subdivision No. 10** was reviewed by the Planning Commission on June 19, 2006, at their regular monthly meeting. At that time, the Planning Commission took the following action on the plat: **APPROVAL (7-0-0)** as referenced in their attached minutes dated **June 19, 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 applicant has consented to annexation with recording of the final plat and by separate instrument.
- City Council options
  - Accept the plat as presented for recording by the Shawnee County Register of Deeds. In order to approve the plat without annexation, City Council must exempt the property from the annexation requirement for sewer service as provided for under Sec. 146-256.C(3).
  - Reject the plat so it would **not** be eligible for recording by the Shawnee County Register of Deeds.

Item #22

**BUDGETARY IMPACT:**

N/A

**SOURCE OF FUNDING:**

N/A

**ATTACHMENTS:**

[Staff Report](#)

[Applicant Letter p1](#)

[Applicant Letter p2](#)

[Plat](#)

[Aerial](#)

[City Council Minutes \(12-13-05\)](#)

[Planning Commission Minutes \(6/19/06\)](#)

June 19, 2006  
Agenda Item #G-4

# SUBDIVISION REPORT

## CITY OF TOPEKA PLANNING DEPARTMENT

*Preliminary Plat Phase*

*Preliminary and Final Plat Phase*

**Final Plat Phase**

**NAME:** Hickory Ridge Estates Subdivision No. 10 - [P06/27]

**OWNER/DEVELOPER:** Russell and Karen Pruitt, Pruitt Builders.

**ENGINEER/SURVEYOR:** Professional Engineering Consultants, P.A.

**GENERAL LOCATION:** On property located approximately 130-feet east of NW Bent Tree Lane between NW 32<sup>nd</sup> Street and NW Bitter Nut Street within unincorporated Shawnee County, Kansas.

**JURISDICTION:** Class "B" subdivision within the (3) three-mile extra territorial jurisdiction (ETJ) of the City of Topeka as well as the City's Municipal Service Area (MSA).

**ANNEXATION:** Current city code requires annexation into the City prior to providing sanitary sewer service for new or redeveloped parcels established by preliminary or final plat within the MSA after November 1, 2005. As the property is not contiguous to the city limits the city is unable to annex without Shawnee County approval. The City Council may exempt a property from the annexation requirement if certain findings are made according to current City code. The applicant has provided their written consent to annexation with the recoding of the final plat. The applicant also needs to provide a separate consent to annexation prior to Council consideration of the final plat.

| Area        | # of Lots | Residential Density | Proposed Land Use | Zoning                              |
|-------------|-----------|---------------------|-------------------|-------------------------------------|
| 13.71 acres | 28        | 2.04 units/acre     | Residential       | "RR-1" Residential Reserve District |

**Pending Zoning Case:** None.

**Design:** The subject plat contains 13.71 acres, more or less and is irregular in shape, measuring approximately 410' x 1640' with its greatest length running parallel to NW Bent Tree Lane. The proposal consists of a two (2) block 28-lot subdivision with Block "A" containing 17 Lots, and Block "B" containing 11 Lots, having an average lot size of approximately 17,740 S.F. The purpose of the plat is to establish a 28-lot subdivision of single-family residential dwellings.

**PREVIOUS ACTION:** The Topeka Planning Commission approved the final plat [P05/32] of Hickory Ridge Subdivision No. 10 on September 19, 2005 by a vote of 9-0-0. This plat was subsequently rejected by the City Council by a vote of 4-4-0 on December 13, 2005. The basis for the rejection was due to the fact the subdivision was located inside the municipal service boundary with questions being raised regarding street maintenance, snow removal, street lighting and the questionability of annexing the property.

**BACKGROUND:** The original preliminary plat was approved on July 18, 1994. This is the final phase of the Hickory Ridge Estates development and with its completion all remaining road connections within the subdivision will be realized through the extension and connecting of NW 32<sup>nd</sup> Street and NW Bitter Nut Street.

June 19, 2006  
Agenda Item #G-4

## **SERVICES AND FACILITIES:**

1. **WATER SERVICE:** The development is to be served by Shawnee County Rural Water District No. 4 water supply and distribution system by means of connection to and extension of an existing 6" water main located along the north side of NW 32<sup>nd</sup> Street.
2. **SEWAGE DISPOSAL:** The development is to be serviced by the Shawnee County Main Sewer District No. 37 as maintained by the City of Topeka public wastewater treatment plant and collection system by means of connection to and extension of an existing 8" sewer main located along the south side of NW 32<sup>nd</sup> Street.
3. **WASTEWATER PLAN SERVICE AREA:** The property is located within the Primary Urban Service Area as reflected by the Shawnee County Wastewater Management Plan; and the proposal appears to be 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 July 18, 2005.
5. **STREET PLAN/ACCESS:** The preliminary street plan as submitted to the Shawnee County Public Works Department has been approved per memo dated December 10, 2002.
6. **FIRE DISTRICT:** Soldier Township.
7. **STREAM BUFFER:** The City of Topeka Water Pollution Control Department finds the subdivision compliant with the Stream Buffer Ordinance per memo dated July 26, 2005.
8. **SCHOOL DISTRICT:** USD No. 345 – Seaman.
9. **PARKS/OPEN SPACE:** The parkland development fee is calculated at \$6,300. This figure is based on a total of 28 single-family dwelling units; with each dwelling unit being assessed a fee of \$225.00 per unit.

**WAIVER/VARIANCE TO STANDARDS:** Pursuant to the provisions of Section 134-4 of the City of Topeka Subdivision Regulations the applicant is seeking a design variance to the rear lot line public utility easement requirement pursuant to Section 134.142(a) of the City of Topeka Subdivision Regulations whereby the applicant seeks to have the six foot rear lot line public utility easement requirement waived in order to encourage preservation of the natural timber located along many rear lot lines within the proposed subdivision. All utilities will be required to be located along the frontages of the proposed lots.

The applicant is also requesting an extension of the approval of the original preliminary plat pursuant to Section 134-78 of the Subdivision Regulations.

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

**CAPITAL IMPROVEMENT PLAN (CIP):** There are currently no transportation projects in the City's or County's CIP (2006-2011) affecting this area.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The *Comprehensive Plan* establishes this area for *Urban Suburban Low Density Residential* land use. The proposal is consistent with this intent. The property is located in the northwest Planned Growth Area and is within the MSA. Annexation policies of the plan state that annexation should be the norm and not the

June 19, 2006  
Agenda Item #G-4

exception for all proposed development other than a rare, isolated rural residence and annexation should be encouraged prior to additional urbanized development.

---

**STAFF ANALYSIS:** As proposed the subdivision completes the street connection of NW 32<sup>nd</sup> Street with NW Bitter Nut Street within an already urbanized subdivision and meets the technical standards for subdivisions. However, recent Council decisions have established a de facto policy of not supporting urbanized-type development that is not annexable to the City or that the City is not contractually obligated to provide service to. Provided conditions of the proposal have not changed nor have subsequent decisions made by Council altered such de facto policy it is staff's position to make recommendations consistent with past Council decisions. The Council's policy is supported by annexation policies of the Topeka Land Use & Growth Management Plan - 2025. Therefore, the Planning Department recommends the final plat phase of Hickory Ridge Estates Subdivision No. 10 be **DISAPPROVED**.

Should the Planning Commission approve the final plat of Hickory Ridge Estates Subdivision No. 10 staff would recommend approval be subject to the following:

1. Compliance with all requirements of reviewing agencies before submitting the final plat to the City Council for consideration.
2. The Planning Commission granting an extension to the original preliminary plat of Hickory Ridge Estates Subdivision which was approved more than six months ago pursuant to the provisions of Section 134-78 of the Subdivision Regulations.
3. The Planning Commission granting a variance to Section 134-142(a) waiving the public six foot rear lot line public utility easement requirement in order to encourage preservation of the natural timber located along many rear lot lines within the proposed subdivision. All utilities will be required to be located along the frontages of the proposed lots.
4. Applicant is to provide a separate consent to annexation prior to Council consideration of the final plat.

Prepared by: Dean W. Diediker  
Planner II





**Professional Engineering Consultants, P.A.**

May 25, 2006

Mr. Dean Diediker  
Planner II  
Topeka Planning Department  
620 SW Madison, 3<sup>rd</sup> Floor  
Topeka, Kansas 66607

RE: Hickory Ridge Estates No. 10 Final Plat  
PEC Project No. 05A34-001-5970

Dear Dean:

Enclosed please find sixteen (16) full sized blackline copies, sixteen (16) 11" X 17" copies, one 8 1/2" x 11" copy of the above referenced final plat, a copy of the original Application for Subdivision, a check in the amount of \$156.00 for the filing fee, and a disk with a .tif file of the Final Plat drawing for your review.

As we have discussed, we are submitting the final plat for this property for reconsideration by the Planning Commission and City Council. Aside from the addition of the request for a variance to the Subdivision Regulations concerning the Planning Commission's extension of the preliminary plat review period, no other changes have been made to the plat. Following is an overall timeline of the Hickory Ridge Estates development as a whole that I felt would be helpful.

|                     |                                                                                     |
|---------------------|-------------------------------------------------------------------------------------|
| July, 1994:         | Approval by the Planning Commission of the overall preliminary plat                 |
| October, 1994:      | Hickory Ridge Estates final plat recorded (1 <sup>st</sup> phase of development)    |
| June, 1995:         | HRE No. 2, a replat of a portion of HRE                                             |
| May, 1997:          | HRE No. 3 and HRE No. 4 final plats recorded (2 <sup>nd</sup> phase of development) |
| February, 1998:     | HRE No. 5, a replat                                                                 |
| October, 1998:      | Revised overall preliminary plat approved                                           |
| June, 1999:         | HRE No. 6 and No. 7, replats                                                        |
| May, 2002:          | HRE No. 8 final plat recorded (3 <sup>rd</sup> phase of development)                |
| February, 2003:     | HRE No. 9 final plat recorded (4 <sup>th</sup> phase of development)                |
| August 15, 2005:    | HRE No. 10 preliminary plat approval by Planning Commission (9-0-0)                 |
| September 19, 2005: | HRE No. 10 final plat approval by Planning Commission (9-0-0)                       |
| December 13, 2005:  | HRE No. 10 final plat not approved by City Council (4-4-0)                          |

As can be seen from this summary, the development of this property has occurred in a steady, consistent manner that upon review has produced a well maintained and stable residential neighborhood. The plat drawing shows the proposed 28 lot plat as the final link that provides the completion of all remaining road connections within the subdivision. Homes have been built and are occupied on all lots of the development except 12 that lie within Hickory Ridge Estates No. 9 which was the most recently platted phase.

Review of the minutes from the December 13, 2005 City Council meeting indicates that the issues raised concerning this plat were the definition of infill development, the means by

**DIRECTORS:**

D.E. MALTBI, P.E.

M.D. SCHOMAKER, P.E.

G.D. SCHOCK, P.E.

J.H. BAILEY, P.E., Ph.D.

D.I. NORTON, P.E.

B.E. REMSBERG, P.E.

G.K. GREENWOOD, P.E.

D.E. HAGER, P.E.

M.W. BERRY, P.E.

J.B. GEORGE, P.E.

R.A. SCHLITT, P.E.

**ASSOCIATE**

**DIRECTORS:**

K.L. ROOD, P.E.

W.G. BRITSON, P.E.

T.M. LENZ, P.E.

R.R. YOUNG, P.E.

J.P. MOORE, P.E.

J.L. MARTIN, P.E.

W.G. MOHR, P.E.

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HRE NO. 10/LETTER  
May 25, 2006

PAGE 2

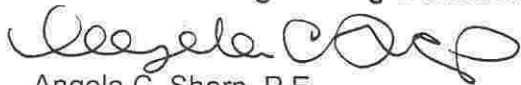
which street maintenance and snow removal are paid for, and whether street lights would be required for the subject property. In regard to infill development, I would offer that this is the final link in the street construction for a development that has been ongoing for over ten years. With the physical constraints of the property, this plat does not invite further unplanned development in an undeveloped area, but to the contrary, it completes an overall development plan. The staff report that was written for the final plat when it was first submitted supports this position and indicates: "The original preliminary plat of Hickory Ridge Estates included the subject property and was approved on July 18, 1994, prior to adoption of ordinance (#18272) requiring annexation prior to receiving sewer services. It is staff's interpretation that the term "new or redeveloped parcels" as used in the ordinance is not applicable to properties that were covered by an approved preliminary plat prior to the adoption of the ordinance on June 22, 2004. A consent to annexation has been provided on the final plat."

It was questioned at the council meeting whether City tax payers are paying for street maintenance and snow removal for developments outside the city limits. This is not the case for local and collector streets in the County. These are township roads that are maintained by the tax dollars provided by the residents of the Townships alone. All streets within the subject property are classified as local streets that do not receive any maintenance tax dollars from the County-at-large or City tax payers.

The final issue that was raised concerned the street light ordinance that is still under review. Should the ordinance be passed, it would require street lights to be installed by the developer for all newly constructed subdivisions. The Planning Director, David Thurbon, indicated that the applicant would have to comply with current regulations and would not have to install streetlights. As a side note to this issue, the language in the proposed ordinance did not address the responsible party for maintenance costs for the streetlights once they are installed for subdivisions that are outside the City limits. Maintenance for installations inside the City limits are indicated to be paid by the City. I feel this issue requires resolution.

In summary, I feel the approval of this plat will provide the connecting link for the existing streets and will complete the overall plan of development for this property that was approved twelve years ago. The property owner should be allowed to take this logical step in the final progression of this development. Please don't hesitate to contact me with any questions or comments you might have. Thank you for your assistance.

Sincerely,  
Professional Engineering Consultants, P.A.



Angela C. Sharp, P.E.

ACS\sa  
Enclosures

cc: Russell Pruitt, w/enclosures



# FINAL PLAT HICKORY RIDGE ESTATES NO. 10

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_

A PART OF THE SOUTHEAST QUARTER OF SECTION 11,  
TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE 6TH P.M.  
SHAWNEE COUNTY, KANSAS

### Notes:

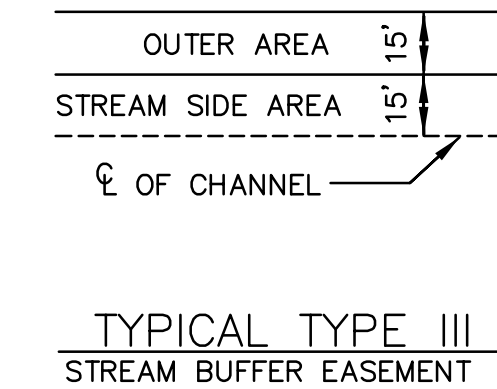
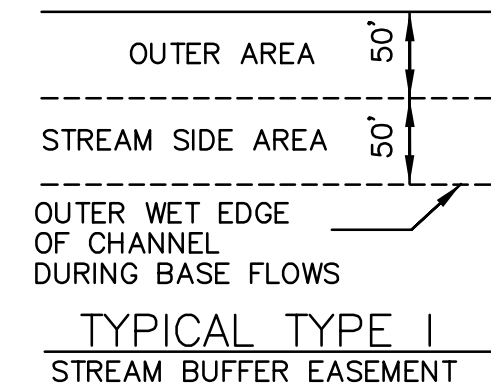
- Property owners shall be admonished from placing any permanent or semi-permanent obstructions in permanent sewer and utility easements. This includes, but is not limited to trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access and egress of maintenance vehicles and equipment for the operation and maintenance of the utility or pipe lines located in the easement. Any permanent or semi-permanent obstruction located within the permanent sewer easement may be removed by personnel representing the City of Topeka, 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.
- Sewer and water: no building (zoning) permit will be issued until the owner has made arrangements for connection to public sanitary sewer and public water line(s) to serve lot(s) requesting building permit.
- No building permits are to be issued for Lots 6–12, Block "A" or Lots 4–8, Block "B" until such time as the construction for NW Bitter Nut Street and NW 32nd Street is under contract.
- All utilities shall be placed underground pursuant to the City of Topeka right-of-way management standards.
- The owner of record of the above described real estate does hereby evidence its complete and irrevocable consent to annexation by the City of Topeka in accordance with the laws of the State of Kansas. This consent shall run with the land and shall be binding upon the heirs, successors and assigns of the undersigned.
- Flood Control Levee: Any excavation within 1000 feet of the centerline of any flood control levee is subject to review and approval by the applicable department of public works and a permit may be required. (All lots within this subdivision may be subject to this requirement, except Lot 17, Block A)
- Stream Buffer Easements are defined as follows and are dimensioned on the subject property as shown on the plat graphic. (Per ordinance No. 17837)

### STREAMSIDE AREA—USES ALLOWED:

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

### OUTER AREA—USES ALLOWED:

- NATIVE VEGETATION
- LANDSCAPED AREA, RESIDENTIAL YARDS
- BIKE/HIKING PATHS
- FLOOD CONTROL, DETENTION/RETENTION
- UTILITY CORRIDORS
- STORMWATER BMP'S



### VARIANCE REQUESTED:

Pursuant to provisions of Section 134–4, the Topeka Planning Commission has granted a variance to provisions of Code Section 134–142(a) of the Subdivision Regulations to eliminate the 16' utility easement requirement on approval of this plat. This variance applies to all rear property lines within the subdivision in order to maintain the existing vegetation.

Pursuant to provisions of Section 134–4, the Topeka Planning Commission has granted a variance to provisions of Code Section 134–78 of the Subdivision Regulations to extend the approval period of the preliminary plat by an additional 6 months to facilitate resubmittal of the final plat for additional consideration.

### SURVEYOR'S CERTIFICATE:

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

Michael D. Clifford #884

Reviewed by Shawnee County Surveyor

Rule A. Seymour #834

Date

### LEGAL DESCRIPTION

That part of the Southeast Quarter of Section 11, Township 11 South, Range 15 East of the Sixth Principal Meridian, Shawnee County, Kansas, described as follows:

Commencing at the northeast corner of said Southeast Quarter; thence along the north line of said Southeast Quarter on an assumed bearing of S88°27'02"W, 438.74 feet to the northeast corner of Hickory Ridge Estates No. 9, a Subdivision as recorded in Plat Book 39, Page 10 in the Office of the Register of Deeds in said County; thence, along the east line of said Subdivision the following courses: S01°32'58"E, 40.00 feet; thence S12°55'00"E, 202.25 feet; thence S12°50'00"E, 203.99 feet; and thence S12°45'11"E, 77.41 feet to the southeast corner of Lot 4, Block A in said Subdivision, also being a point on the west line of a tract of land as described and recorded in Book 3879, Page 943 (a portion of said tract later conveyed and recorded in Book 4063, Page 125) in said Office and being the Point of Beginning; thence along the west line of said tract S15°59'02"W, 170.80 feet (described as 170.60 feet); thence continuing along said west line S17°07'02"E, 163.76 feet (described as 163.57 feet) to the southwest corner of said tract and being the northeast corner of a tract of land described and recorded in Book 2025, Page 14 in said Office; thence along the north line of said tract S89°11'56"W, 115.00 feet to the northwest corner of said tract; thence along the west line of said tract S00°46'22"E, 711.25 feet (described as 711.51 feet) to the north right-of-way line of Soldier Creek as condemned under Case No. 82390; thence southwesterly along the north right-of-way line of Soldier Creek the following courses: 83.32 feet along a curve concave to the south having a radius of 1,567.40 feet, a chord direction of S54°23'20"W, and a chord length of 83.31 feet; thence S52°51'58"W, 588.22 feet (described as 588.03 feet); thence 119.92 feet along a curve concave to the north having a radius of 5,634.30 feet, a chord direction of S53°37'38"W, and a chord length of 119.91 feet to the northeast corner of Block C, Hickory Ridge Estates No. 8, a Subdivision as recorded in Plat Book 38, Page 104 in said Office; thence along the east line of Hickory Ridge Estates No. 8 the following courses: N89°51'07"W, 155.07 feet; thence N00°08'53"E, 376.31 feet; and thence N50°53'11"E, 169.97 feet to the southwest corner of Lot 6, Block B, Hickory Ridge Estates No. 9, a Subdivision as recorded in Plat Book 39, Page 11 in said Office; thence along the easterly line of Hickory Ridge Estates No. 9 the following courses: N50°53'11"E, 414.69 feet; thence N00°46'22"W, 390.94 feet; thence N37°56'34"E, 153.95 feet; thence N29°27'07"E, 60.40 feet; thence N00°31'04"E, 200.63 feet; and thence S89°28'56"E, 317.02 feet to the Point of Beginning.

The above described contains 13.71 acres more or less.

### DEDICATION:

Know all men by these presents that the owners of the above described tract of land have caused the same to be subdivided into lots, blocks and public ways which shall be known as Hickory Ridge Estates No. 10. The public ways (streets and roads) not heretofore dedicated, are hereby dedicated to the public. The utility easements are dedicated to the use of public utilities. Additional 12 foot temporary easements for construction purposes adjacent to the permanent utility easements are dedicated to the use of the public utilities during the initial installation of their facilities. Building lines or setback lines are established as shown on the attached plat.

### 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, the plat shall be null and void.

### IN TESTIMONY WHEREOF:

The owners of the above described tract of land, Russell and Karen Pruitt, husband and wife, have signed these presents this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Russell Pruitt

Karen Pruitt

### STATE OF KANSAS

#### 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 Russell and Karen Pruitt, husband and wife, owners of the above described tract of land.

### IN WITNESS WHEREOF:

I hereby set my hand and affix my notarial seal the day and year last written above.

NOTARY PUBLIC

My commission expires: \_\_\_\_\_

### CERTIFICATE OF APPROVAL:

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

Chairman, Topeka Planning Commission

David F. Thurbon A.I.C.P. Secretary

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

By the City Council  
City of Topeka, Kansas

William W. Buntin, Mayor

Iris E. Walker, City Clerk

Entered on the transfer record of Shawnee County, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Cynthia A. Beck, County Clerk

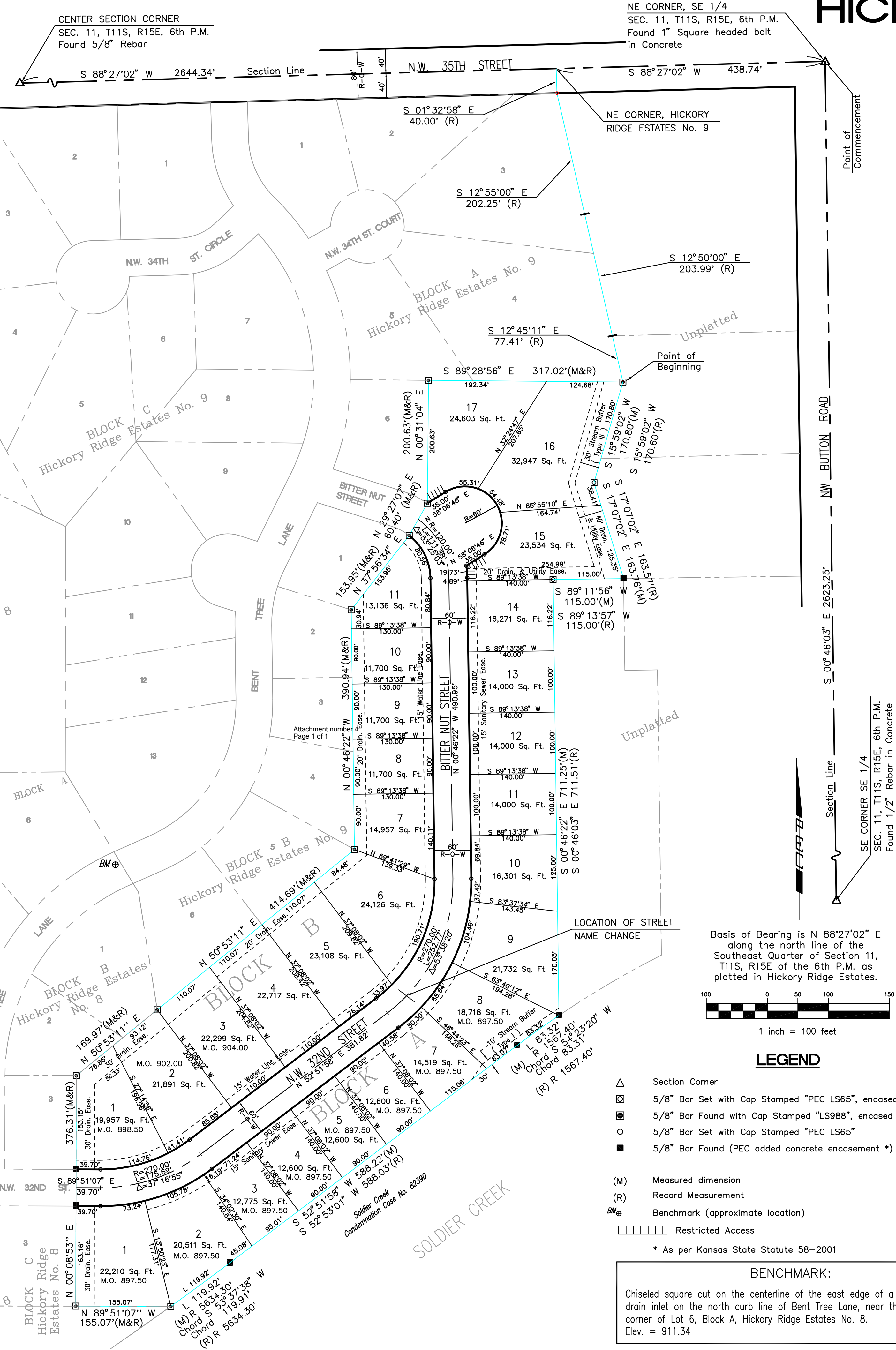
Filed for record in the office of the Shawnee County Register of Deeds this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ O'Clock.

Marilyn L. Nichols, Register of Deeds



**Professional Engineering Consultants, P.A.**  
1263 SW. TOPEKA BLVD. • TOPEKA, KANSAS 66612  
785-233-8300 • FAX 785-233-8855

PLAT PREPARATION DATE: AUGUST 26, 2005  
REVISION DATE: NOVEMBER 7, 2005  
REVISION DATE: MAY 24, 2006



### LEGEND

- △ Section Corner
- 5/8" Bar Set with Cap Stamped "PEC LS65", enclosed in concrete
- 5/8" Bar Found with Cap Stamped "LS988", enclosed in concrete
- 5/8" Bar Set with Cap Stamped "PEC LS65"
- 5/8" Bar Found (PEC added concrete encasement \*)

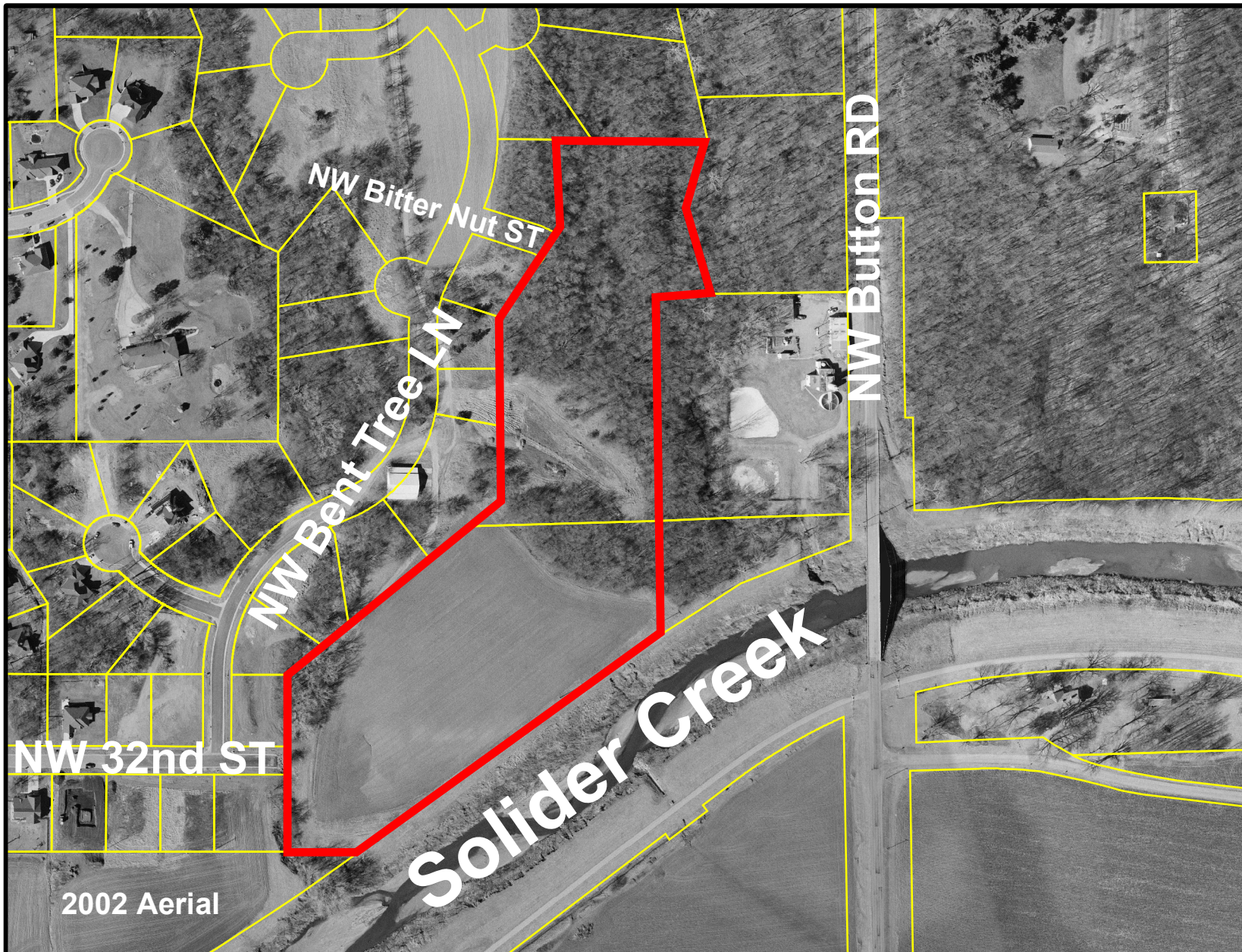
- (M) Measured dimension
- (R) Record Measurement
- BM Benchmark (approximate location)
- ||||| Restricted Access

\* As per Kansas State Statute 58–2001

### BENCHMARK:

Chiseled square cut on the centerline of the east edge of a storm drain inlet on the north curb line of Bent Tree Lane, near the southeast corner of Lot 6, Block A, Hickory Ridge Estates No. 8.  
Elev. = 911.34





**P06/27 Hickory Ridge Estates Subdivision No. 10**

### **City Council Minutes – December 13, 2005**

A FINAL PLAT for Hickory Ridge Estates Subdivision No. 10 located approximately 130feet east of NW Bent Tree Lane between NW 32<sup>nd</sup> Street and NW Bitter Nut Street within unincorporated Shawnee County, Kansas was presented.

David Thurbon, Planning Director gave the staff report. He stated that the Planning Commission recommended approval by a vote of 9-0-0 on September 19, 2005. He also stated that the applicant has granted their consent to annexation with the recording of the plat.

Councilmember Duffy stated that he believes the project does not qualify as an infill housing project and city taxpayers should not have to pay for development outside city limits. He asked who is responsible for snow removal services, and if the developer has presented a street lighting plan. He also asked who would be financially responsible for the streetlights, the City or County. David Thurbon stated that the applicant would have to comply with current regulations and would not have to install streetlights. He also stated that he is not sure who would be responsible for snow removal services at this time.

Councilmember Alcala moved to approve the final plat. The motion seconded by Councilmember Ortiz failed. Councilmembers Nave, Haynes, Duffy and Harmon voted "no". (4-4-0)

DRAFT

**Minutes of the  
Of the  
Topeka Planning Commission  
June 19, 2006**

**Hickory Ridge Estates No. 10 (Final Plat Phase)(P06/27)** by Russell and Karen Pruitt, Pruitt Builders on property located as a continuation and connection of NW 32<sup>nd</sup> Street and NW Bitter Nut Street. **(Diediker)** Dean Diediker summarized the staff report.

**Discussion by members:**

Ralph Skoog stated this item was already rejected by the city. Terry Simnitt stated it was approved by the Planning Commission unanimously but failed at City Council. Fred Sanders asked for an explanation of the Municipal Service Boundary (MSB). Mr. Diediker replied this is the area which the city anticipates being able to serve with water and sewer on a contiguous basis. Mr. Sanders asked how this subdivision is different than RockFire at the Lake? Mr. Diediker said RockFire was an island annexation just like this subdivision. David Thurbon added the difference is, the only parcel separating RockFire from the City limits is Lake Shawnee. There are many parcels between Hickory Ridge Estates and the City limit line. Terry Simnitt asked what sewer district serves this subdivision? Mr. Thurbon stated the same as Hickory Ridge Subdivision No. 11 but goes into a city treatment plant. Mr. Simnitt asked how hook up to the sewer would be funded?

Pam Simecka, City of Topeka Water Pollution Control, said it would be paid for with special assessment bonds.

**Proponents:**

Mike Berry, Professional Engineering Consultants, spoke in favor of the proposal. He stated nothing has really changed since this item was previously before you. He stated he agrees with the staff report and would like to forward this on the City Council again. Mr. Berry said the Council questioned the maintenance of the streets. Soldier Township will maintain all streets and will be funded by the township as well. Street lights were another issue. Currently there is not an ordinance requiring them. Ralph Skoog asked if the houses will have to be built to City standards if annexed. Mr. Berry replied yes. Mr. Skoog asked if the lots were going to be sold off or built by the developer?

Russell Pruitt, owner/developer, spoke in favor of the proposal. He said he intends to do the building and will follow City Code and will be inspected as well.

**Motion:**

Ralph Skoog moved approval as written by staff, seconded by Terry Simnitt. **APPROVAL (7-0-0), subject to conditions in the staff report.**

Mark Boyd stated the infrastructure is in place. He said he has a problem with denying areas that are paying for their infrastructure. Developers can't go into areas and extend themselves and they can't connect where available. He stated denying isn't following our future growth. It doesn't follow the fringe growth policy. Mr. Simnitt said he agrees. Mr. Sanders stated we need a core growth plan.





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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

September 27, 2006

 + Back  Print

**DATE:** October 17, 2006

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

**SECOND PARTY/SUBJECT:** Hickory Ridge Estates **PROJECT #:** P06/26  
Subdivision No. 11

**CATEGORY/SUBCATEGORY**

**CIP PROJECT:** No

**ACTION OF COUNCIL:** Tabled for 60 days. **JOURNAL #:**  
07/25/06 Tabled for 30  
Days. 09/26/06

**PAGE #:**

### DOCUMENT DESCRIPTION:

**A FINAL PLAT for Hickory Ridge Estates Subdivision No. 11 located at the southwest corner of NW 35<sup>th</sup> Street and NW Button Road within unincorporated Shawnee County, Kansas. (P06/26) (The Planning Commission recommended approval by a vote of 7-0-0.) (Tabled for 30 days from the meeting of September 26, 2006.)**

*(Approval would accommodate development of the property for an additional single-family residence.)*

### POLICY ISSUE:

The plat is **not** consistent with current city code requiring annexation into the City prior to providing sanitary sewer service for new or redeveloped parcels established by preliminary or final plat within the MSA after November 1, 2005. The property is not contiguous to the city limits and the city is unable to annex without Shawnee County approval. In order to approve the plat without annexation, City Council must exempt the property from the annexation requirement for sewer service as provided for under Sec. 146-256.C(3).

### STAFF RECOMMENDATION:

The **Final Plat Phase of Hickory Ridge Estates Subdivision No. 11** was reviewed by the Planning Commission on June 19, 2006, at their regular monthly meeting. At that time, the Planning Commission took the following action on the plat: **APPROVAL (7-0-0)** as referenced in their attached minutes dated **June 19, 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 applicant has consented to annexation with recording of the final plat and by separate instrument.
- City Council options:
  - Accept the plat as presented for recording by the Shawnee County Register of Deeds. In order to approve the plat without annexation, City Council must exempt the property from the annexation requirement for sewer service as provided for under Sec. 146-256.C(3).
  - Reject the plat so it would **not** be eligible for recording by the Shawnee County Register of Deeds.

Item #28

**BUDGETARY IMPACT:**

N/A

**SOURCE OF FUNDING:**

N/A

**ATTACHMENTS:**

[Staff Report](#)

[Plat](#)

[Aerial](#)

[Minutes of 6-19-06](#)



June 19, 2006  
Agenda Item #G-3

# SUBDIVISION REPORT

## CITY OF TOPEKA PLANNING DEPARTMENT

*Preliminary Plat Phase*

*Preliminary and Final Plat Phase*

**Final Plat Phase**

**NAME:** Hickory Ridge Estates Subdivision No. 11 - [P06/26]

**OWNER/DEVELOPER:** Nations Development Corporation, Mr. Charles Nation, President, Jeffrey S. and Michele R. Lewis.

**ENGINEER/SURVEYOR:** Professional Engineering Consultants, P.A.

**GENERAL LOCATION:** On property located at the southwest corner of the intersection of NW 35<sup>th</sup> Street and NW Button Road within unincorporated Shawnee County, Kansas.

**JURISDICTION:** Class "B" subdivision within the (3) three-mile extra territorial jurisdiction (ETJ) of the City of Topeka as well as the City's Municipal Service Area (MSA).

**ANNEXATION:** Current city code requires annexation into the City prior to providing sanitary sewer service for new or redeveloped parcels established by preliminary or final plat within the MSA after November 1, 2005. As the property is not contiguous to the city limits the city is unable to annex without Shawnee County approval. The City Council may exempt a property from the annexation requirement if certain findings are made according to current City code. The applicant has provided their written consent to annexation with the recoding of the final plat. The applicant also needs to provide a separate consent to annexation prior to Council consideration of the final plat.

| Area                                                                                                                                                                                                                                                                                                                                                                                                     | # of Lots | Residential Density | Proposed Land Use | Zoning                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------------|-------------------|-------------------------------------|
| 4.02 acres                                                                                                                                                                                                                                                                                                                                                                                               | 2         | 2.01 units/acre     | Residential       | "RR-1" Residential Reserve District |
| <b>Pending Zoning Case:</b> None.                                                                                                                                                                                                                                                                                                                                                                        |           |                     |                   |                                     |
| <b>Design:</b> The subject plat contains 4.02 acres, more or less and is basically square in shape, measuring approximately 388.19' x 398.54' with its greatest length running parallel to NW Button Road. The proposal consists of a single block 2-lot subdivision having an average lot size of approximately 68,827 S.F. The purpose of the plat is to establish two single-family residential lots. |           |                     |                   |                                     |

**BACKGROUND:** The original preliminary plat was approved on July 18, 1994.

### SERVICES AND FACILITIES:

1. **WATER SERVICE:** The development is to be served by Shawnee County Rural Water District No. 4 water supply and distribution system by means of connection to an existing 6" water main located along NW Button Road.
2. **SEWAGE DISPOSAL:** The development is to be serviced by the Shawnee County Main Sewer District No. 37 as maintained by the City of Topeka public wastewater treatment plant and collection system by means of connection to and extension of an existing 8" sewer main located along the east right-of-way of NW Bent Tree Lane.

June 19, 2006  
Agenda Item #G-3

3. WASTEWATER PLAN SERVICE AREA: The property is located within the Primary Urban Service Area as reflected by the Shawnee County Wastewater Management Plan; and the proposal appears to be in full compliance with said Plan.
4. DRAINAGE CONDITIONS: A drainage report must be submitted and approved before the final plat receives consideration by the City Council.
5. STREET PLAN/ACCESS: NW 35<sup>th</sup> Street is designated as a Minor Arterial and requires a dedication of 52.5' of right-of-way. Controlled access is to be provided along the entire north line of Lot 1 and along NW Button Road to meet corner clearance requirements.
6. FIRE DISTRICT: Soldier Township.
7. STREAM BUFFER: N/A
8. SCHOOL DISTRICT: USD No. 345 – Seaman.
9. PARKS/OPEN SPACE: The parkland development fee is calculated at \$450.00. This figure is based on a total of two single-family dwelling units; with each dwelling unit being assessed a fee of \$225.00 per unit.

**WAIVER/VARIANCE TO STANDARDS:** Pursuant to the provisions of Section 134-4 of the City of Topeka Subdivision Regulations the applicant is seeking a design variance to the public utility easement requirement pursuant to Section 134.142(a) of the City of Topeka Subdivision Regulations whereby the applicant seeks to have the public utility easement requirement waived along all property lines within the subdivision in order to encourage the preservation of the natural vegetation along said lines. It is anticipated that all utilities will be located along the frontages of the proposed lots on NW Button Road. Sanitary sewer connections will be made through private easements arrangements with Shawnee County Main Sewer District No. 37.

The applicant is also requesting an extension of the approval of the original preliminary plat pursuant to Section 134-78 of the Subdivision Regulations.

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

**CAPITAL IMPROVEMENT PLAN (CIP):** There are currently no transportation projects in the City's or County's CIP (2006-2011) affecting this area.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The *Comprehensive Plan* establishes this area for *Urban Suburban Low Density Residential* land use. The proposal is consistent with this intent. The property is located in the northwest Planned Growth Area and is within the MSA. Annexation policies of the plan state that annexation should be the norm and not the exception for all proposed development other than a rare, isolated rural residence and annexation should be encouraged prior to additional urbanized development.

**STAFF ANALYSIS:** Recent Council decisions have established a de facto policy of not supporting urbanized-type development that is not annexable to the City or that the City is not contractually obligated to provide service to. Provided conditions of the proposal have not changed nor have subsequent decisions made by Council altered such de facto policy it is staff's position to make recommendations consistent with past Council decisions. The Council's policy is supported by annexation policies of the Topeka Land Use & Growth Management Plan - 2025. Therefore, the Planning Department recommends the final plat phase of

**June 19, 2006**  
**Agenda Item #G-3**

Hickory Ridge Estates Subdivision No. 11 be **DISAPPROVED**.

Should the Planning Commission approve the final plat of Hickory Ridge Estates Subdivision No. 11 staff would recommend approval be subject to the following:

1. The Planning Commission granting an extension to the original preliminary plat of Hickory Ridge Estates Subdivision which was approved more than six months ago pursuant to the provisions of Section 134-78 of the Subdivision Regulations.
2. A drainage report must be submitted and approved before the final plat receives consideration by the City Council.
3. A total of 52.5' of right-of-way is to be dedicated along NW 35<sup>th</sup> Street.
4. Restricted access is to be provided along the entire North line of Lot 1, Block "A" and along NW Button Road to meet corner clearance requirements.
5. The Planning Commission granting a variance to Section 134-142(a) waiving the public utility easement requirement along all property lines within the subdivision in order to encourage the preservation of the natural vegetation along said lines.
6. Applicant is to provide a separate consent to annexation prior to Council consideration of the final plat.
7. Compliance with all requirements of reviewing agencies before submitting the final plat to the City Council for consideration.

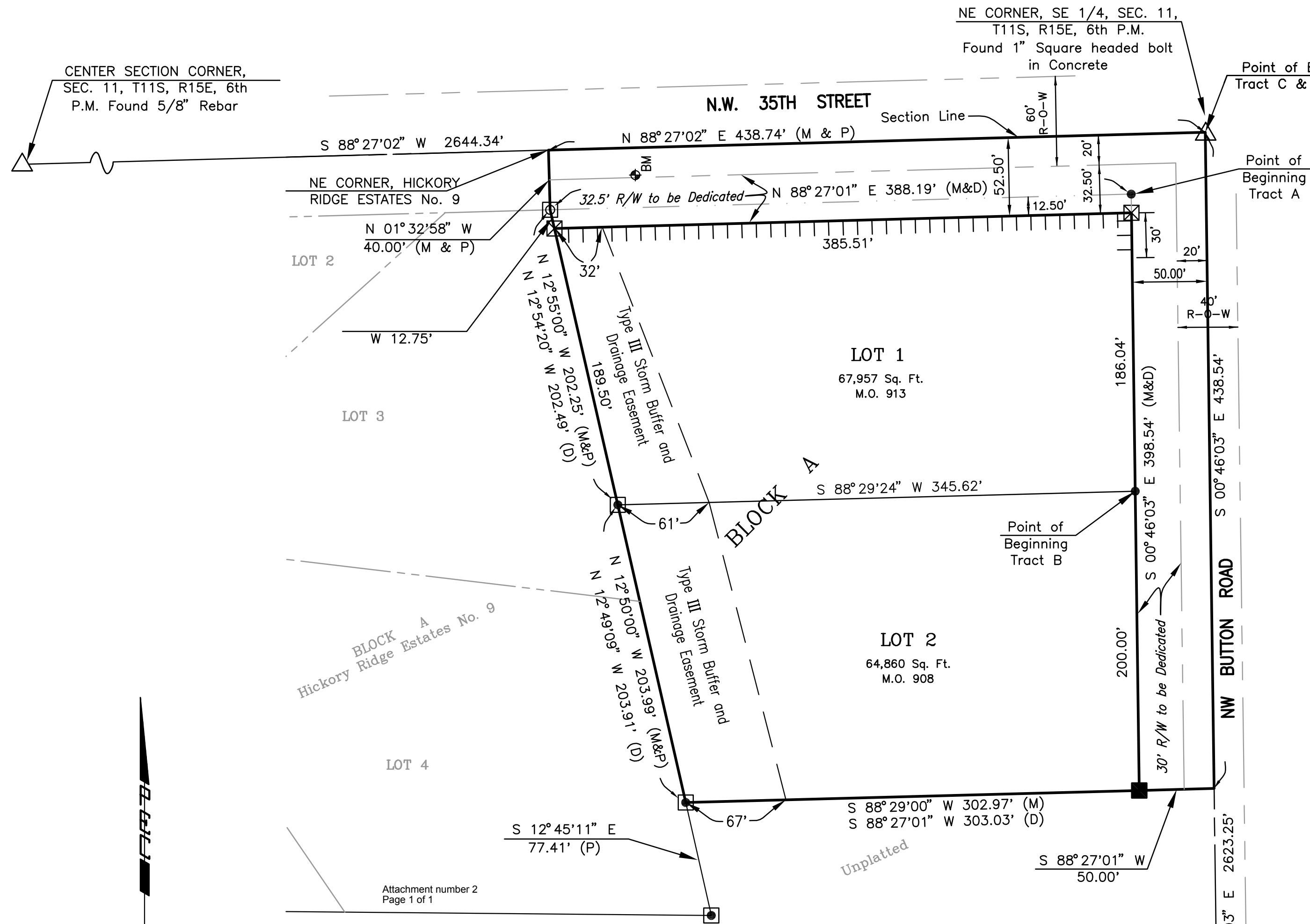
Prepared by: Dean W. Diediker  
Planner II



FINAL PLAT  
HICKORY RIDGE ESTATES NO. 11

A PART OF THE SOUTHEAST QUARTER OF SECTION 11,  
TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE 6TH P.M.  
SHAWNEE COUNTY, KANSAS

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_



Notes:

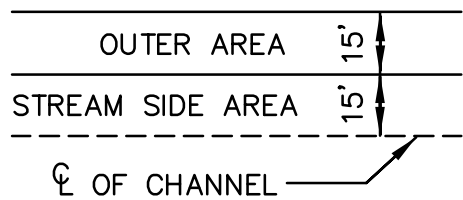
- Property owners shall be admonished from placing any permanent or semi-permanent obstructions in permanent sewer and utility easements. This includes, but is not limited to trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access and egress of maintenance vehicles and equipment for the operation and maintenance of the utility or pipe lines located in the easement. Any permanent or semi-permanent obstruction located within the permanent sewer easement may be removed by personnel representing the City of Topeka, 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.
- Sewer and water: no building (zoning) permit will be issued until the owner has made arrangements for connection to public sanitary sewer and public water line(s) to serve lot(s) requesting building permit.
- All utilities shall be placed underground pursuant to the City of Topeka right-of-way management standards.
- The owner of record of the above described real estate does hereby evidence its complete and irrevocable consent to annexation by the City of Topeka in accordance with the laws of the State of Kansas. This consent shall run with the land and shall be binding upon the heirs, successors and assigns of the undersigned.
- FLOOD PLAIN NOTE: This property lies within Zone C, areas of minimal flooding, according to the Federal Emergency Management Agency, Flood Insurance Rate Map No. 200331, panel 65 with an effective date of June 1, 1982.
- Stream Buffer Easements are defined as follows and are dimensioned on the subject property as shown on the plat graphic. (Per ordinance No. 17837)

STREAMSIDE AREA—USES ALLOWED:

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

OUTER AREA—USES ALLOWED:

- NATIVE VEGETATION
- LANDSCAPED AREA, RESIDENTIAL YARDS
- BIKE/HIKING PATHS
- FLOOD CONTROL, DETENTION/RETENTION
- UTILITY CORRIDORS
- STORMWATER BMP'S



TYPICAL TYPE III  
STREAM BUFFER EASEMENT

VARIANCE REQUESTED:

Pursuant to provisions of Section 134–4, the Topeka Planning Commission has granted a variance to provisions of Code Section 134–142(a) of the Subdivision Regulations to eliminate the 16' utility easement requirement on approval of this plat. This variance applies to all property lines within the subdivision in order to maintain the existing vegetation.

SURVEYOR'S CERTIFICATE:

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

Michael D. Clifford #884

Reviewed by Shawnee County Surveyor

Rule A. Seymour #834

Date

DEDICATION:

Know all men by these presents that the owners of the above described tract of land have caused the same to be subdivided into lots, blocks and public ways which shall be known as Hickory Ridge Estates No. 11. The public ways (streets and roads) not heretofore dedicated, are hereby dedicated to the public. The utility easements are dedicated to the use of public utilities. Additional 12 foot temporary easements for construction purposes adjacent to the permanent utility easements are dedicated to the use of the public utilities during the initial installation of their facilities.

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, the plat shall be null and void.

IN TESTIMONY WHEREOF:

The owners of a portion of the above described tract of land, Jeffrey S. and Michele R. Lewis, husband and wife, have signed these presents this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Jeffrey S. Lewis

Michele R. Lewis

STATE OF KANSAS

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 Jeffrey S. and Michele R. Lewis, husband and wife, owners of a portion of the above described tract of land.

IN WITNESS WHEREOF:

I hereby set my hand and affix my notarial seal the day and year last written above.

NOTARY PUBLIC

My commission expires: \_\_\_\_\_

IN TESTIMONY WHEREOF:

The owner of a portion of the above described tract of land, have caused these presents to be signed by its President, Charles Nations, and its seal to be affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Nations Development Corporation  
Charles Nations, President

STATE OF KANSAS

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 Charles Nations, President of Nations Development Corporation, a Corporation duly organized, incorporated and existing under and by virtue of the laws of the state of Kansas, who is personally known to me to be such officer, and who is personally known to me to be such person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF:

I hereby set my hand and affix my notarial seal the day and year last written above.

NOTARY PUBLIC

My commission expires: \_\_\_\_\_

CERTIFICATE OF APPROVAL:

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

Chairman, Topeka Planning Commission

David F. Thurbon A.I.C.P. Secretary

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

By the City Council  
City of Topeka, Kansas

William W. Bunten, Mayor

Iris E. Walker, City Clerk

Entered on the transfer record of Shawnee County, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Cynthia A. Beck, County Clerk

Filed for record in the office of the Shawnee County Register of Deeds this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ O'Clock.

Marilyn L. Nichols, Register of Deeds

LEGEND

- △ Section Corner
- ☒ 5/8" Bar Set with Cap Stamped "CLS 65", enclosed in concrete
- ☑ 1/2" Bar Found with Cap Stamped "Handke LS786", (PEC added concrete encasement\*)
- 5/8" Bar Found with Cap Stamped "LS988", enclosed in concrete
- 5/8" Bar Found, no cap
- 5/8" Bar Found, no cap (PEC added concrete encasement\*)
- (D) Record dimension from Deed
- (M) Measured dimension
- (P) Dimension as platted in Hickory Ridge Sub. No. 9
- BM Benchmark (approximate location)
- ||||| Restricted Access

\* As per Kansas State Statute 58–2001

BENCHMARK:

RR spike in S. face of 3rd power pole W. of Button Rd. on the S. side of 35th St.

Elev. = 922.76 MSL

Legal Description

TRACT A (Book 2992, Page 990)

A Tract of land situated in the Southeast Quarter of Section 11, Township 11 South, Range 15 East of the Sixth Principal Meridian, Shawnee County, Kansas, more particularly described as follows: Commencing at the Northeast Corner of the Southeast Quarter; thence along the East line of said Quarter on a bearing of S00°46'03"E, a distance of 40.00 feet; thence on a bearing of S88°27'01"W, a distance of 50.00 feet to the point of beginning; thence parallel with the East line of said Quarter on a bearing of S00°46'03"E, a distance of 198.54 feet; thence parallel with the North line of said Quarter on a bearing of S88°27'01"W, a distance of 345.61 feet; thence on a bearing of N12°54'20"W, a distance of 202.49 feet to a point on the South right-of-way line of 35th Street; thence along the South right-of-way line of 35th Street on a bearing of N88°27'01"E, a distance of 388.19 feet to the point of beginning.

TRACT B (Book 4341, Page 232)

A Tract of land situated in the Southeast Quarter of Section 11, Township 11 South, Range 15 East of the Sixth Principal Meridian, Shawnee County, Kansas, more particularly described as follows: Commencing at the Northeast Corner of the Southeast Quarter; thence along the East line of said Quarter on a bearing of S00°46'03"E, a distance of 238.54 feet; thence on a bearing of S88°27'01"W, a distance of 50.00 feet to the point of beginning; thence parallel with the East line of said Quarter on a bearing of S00°46'03"E, a distance of 200.00 feet; thence on a bearing of S88°27'01"W, a distance of 303.03 feet; thence on a bearing of N12°49'09"W, a distance of 203.91 feet; thence on a bearing of N88°27'01"E, a distance of 345.61 feet to the point of beginning.

TRACT C

That part of the Southeast Quarter of Section 11, Township 11 South, Range 15 East of the Sixth Principal Meridian, Shawnee County, Kansas, described as follows: Beginning at the Northeast Corner of said Southeast Quarter; thence along the east line of said Southeast Quarter on an assumed bearing of S00°46'03"E, 438.54 feet; thence S88°27'01"W, 50.00 feet; thence parallel with said east line N00°46'03"W, 398.54 feet to a point 40 feet south of the north line of said Southeast Quarter; thence parallel with said north line S88°27'02"W, 388.19 feet; thence N01°32'58"W, 40.00 feet to the north line of said Southeast Quarter; thence N88°27'02"E along said north line 438.74 feet to the point of beginning.

More particularly described as follows:

Beginning at the Northeast Corner of the Southeast Quarter of Section 11, Township 11 South, Range 15 East of the Sixth Principal Meridian, Shawnee County, Kansas; thence along the east line of said Southeast Quarter on an assumed bearing of S00°46'03"E, 438.54 feet; thence S88°27'01"W, 50.00 feet; thence S88°29'00"W, 302.97 feet; thence N12°50'00"W, 203.99 feet; thence N12°55'00"W, 202.25 feet; thence N01°32'58"W, 40.00 feet to the north line of said Southeast Quarter; thence along said north line, N88°27'02"E, 438.74 feet to the Point of Beginning.

The above described contains 4.020 acres, more or less, including 17,143 square feet of existing right-of-way.



Professional Engineering Consultants, P.A.  
1263 S.W. TOPEKA BLVD. • TOPEKA, KANSAS 66612  
785-233-8300 • FAX 785-233-8855

PLAN PREPARATION DATE: May 18, 2006





**P06/26 Hickory Ridge Estates Subdivision No. 11**

DRAFT

**Minutes of the  
Of the  
Topeka Planning Commission  
June 19, 2006**

**Hickory Ridge Estates No. 11 (Final Plat Phase)(P06/26)** by Nations Development Corporation, Charles Nations, President and Jeffrey S. and Michele R. Lewis on property located at the southwest corner of NW 35<sup>th</sup> Street and NW Button Road. **(Diediker)** Dean Diediker summarized the staff report.

**Proponents:**

Mike Berry, Professional Engineering Consultants, spoke in favor of the proposal. He said this is the last portion of this subdivision. It is two lots and is consistent with the Comprehensive Plan. He said it is within the Municipal Service Boundary and the property owners have been paying special assessments for sewer for 10 years. There is consent for annexation for this subdivision. He said he agrees with the conditions listed in the staff report. Terry Simnitt asked if there is a house on the property? Mr. Berry replied yes. Mr. Simnitt asked if the house has sewer connection? Mr. Berry replied it is supplied by Sewer District #37. Mr. Berry added since sanitary sewer is available that is the reason we want to be subdivision so we can put another structure on the property. Mr. Simnitt asked what water district serves this area? Mr. Berry replied Rural Water District #4. Mr. Simnitt asked if there is a natural gas connection? Mr. Berry replied yes. Fred Sanders asked if there is good water pressure in the area? Mr. Berry replied yes.

Terry Simnitt asked if there is a separate document for annexation? David Thurbon replied yes and this item will not be sent on to City Council until is it signed.

No one spoke in opposition to the request.

**Exparte communications: none**

**Motion:**

Kimberly Scott moved approval as written by staff, seconded by Michelle Hoferer. **APPROVAL (7-0-0), subject to conditions in the staff report.**



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 18, 2006

+ Back Print

|                       |                                   |             |        |
|-----------------------|-----------------------------------|-------------|--------|
| DATE:                 | October 17, 2006                  |             |        |
| CONTACT PERSON:       | David Thurbon/Bill Fiander        | DOCUMENT #: | N/A    |
| SECOND PARTY/SUBJECT: | Urban Hills Subdivision<br>No. 18 | PROJECT #:  | P06/31 |
| 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.) (Deferred for two weeks from the meeting of October 17, 2006.)

(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](#)



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 46<sup>th</sup> 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 |
| <b>Pending Zoning Case:</b> None.                                                                                                                                                                                                                                                                                                                             |           |                     |                           |                                     |
| <b>Design:</b> 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 <sup>th</sup> 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 50<sup>th</sup> 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 50<sup>th</sup> Court. When the property to the south is platted, it would be recommended that NW Sioux Lane and NW 47<sup>th</sup> 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.

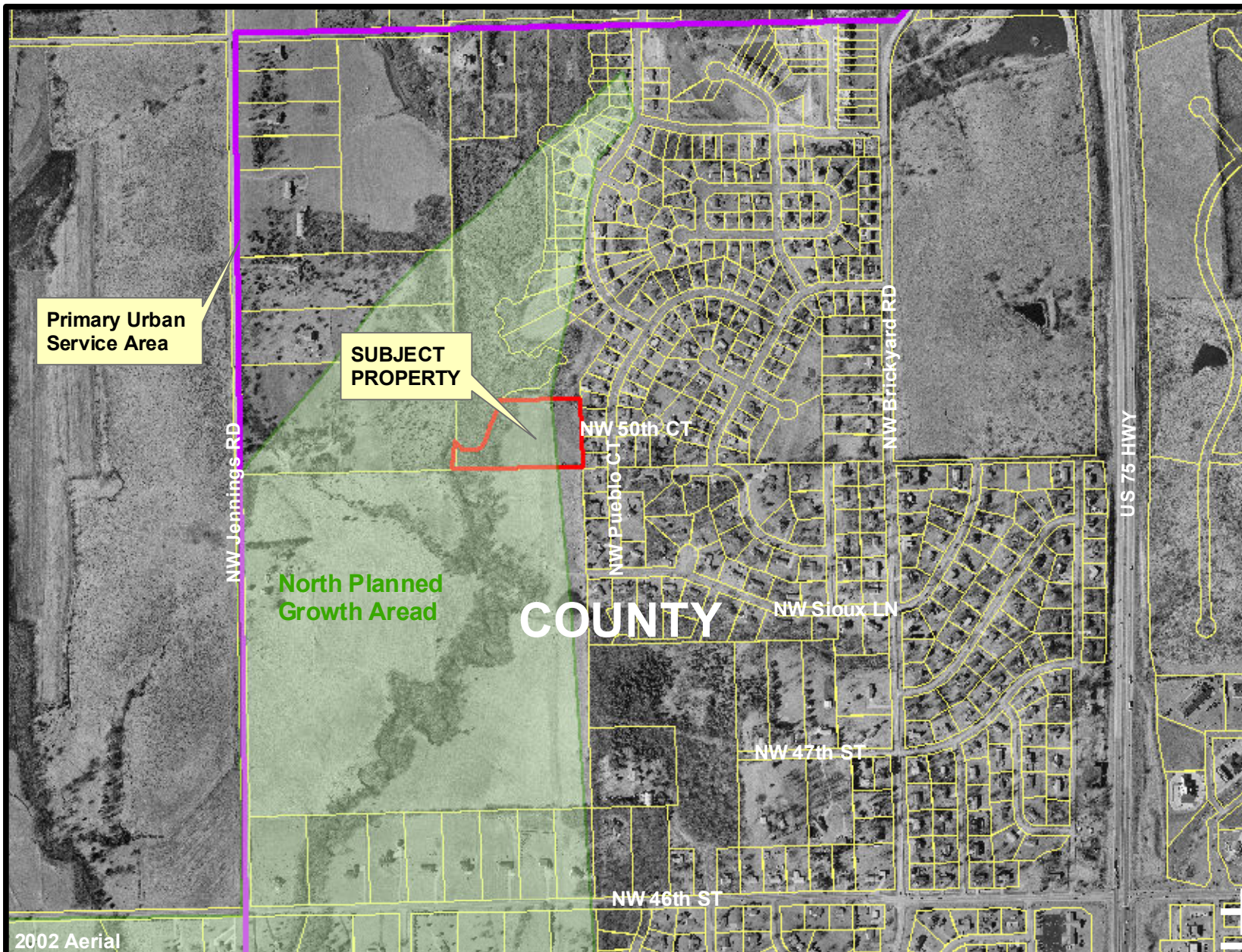
Based upon the above findings and analysis, the Planning Department recommends the preliminary and final plat phases of Urban Hills Subdivision No. 18 be **DISAPPROVED**.

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





## P06/31 Urban Hills Subdivision No. 18

September 18, 2006

To: Topeka Planning Commission  
214 East 8<sup>th</sup> St.  
City Council Chambers, 2<sup>nd</sup> 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



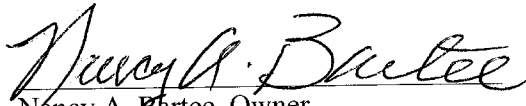
CONSENT TO ANNEXATION

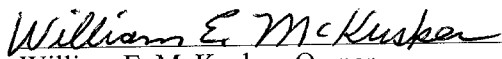
Attachment number 4  
Page 1 of 1

Now on this 12<sup>th</sup> 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

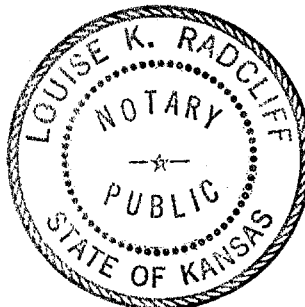
STATE OF KANSAS  
COUNTY OF SHAWNEE, SS.

BE IT REMEMBERED, That on this 12<sup>th</sup> 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 5  
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)

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 46<sup>th</sup> 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.**

# 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.

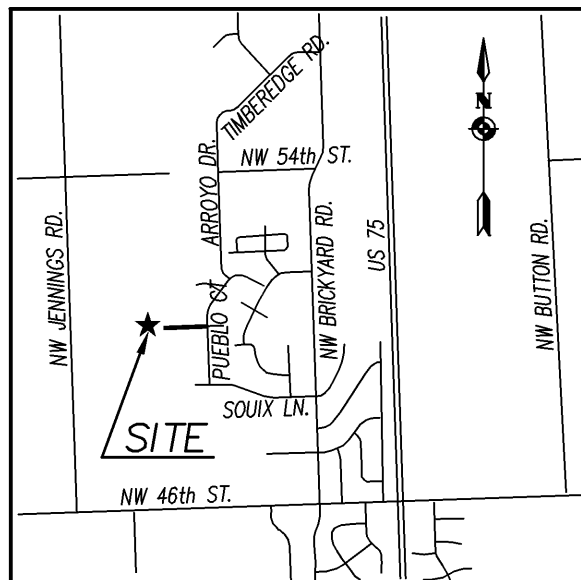
Chairman, Topeka Planning Commission

David F. Thurbon  
Planning Director



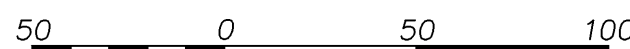
**Cook, Flatt & Strobel**  
ENGINEERS, P.A.  
2930 SW WOODSIDE DR. TOPEKA, KS 66614  
(785)272-4706 FAX (785)272-4736

Urban Hills Subd. No. 18  
06-599



VICINITY MAP

SCALE: 1"= 50'

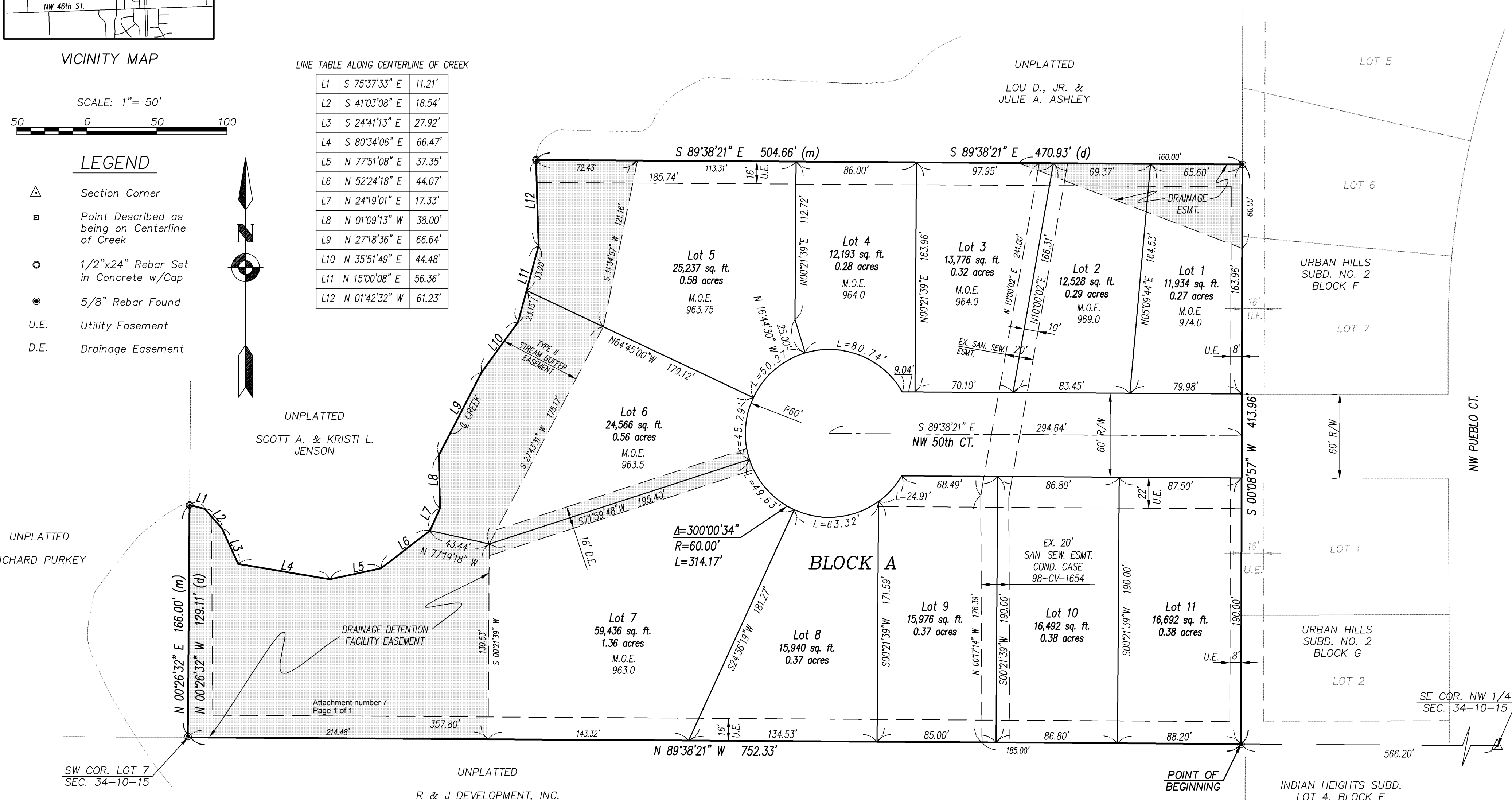


### LEGEND

- 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

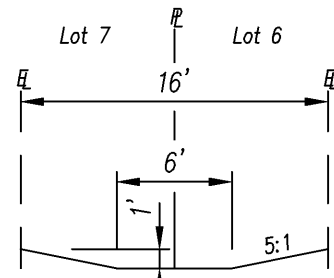
LINE TABLE ALONG CENTERLINE OF CREEK

|     |               |        |
|-----|---------------|--------|
| 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.

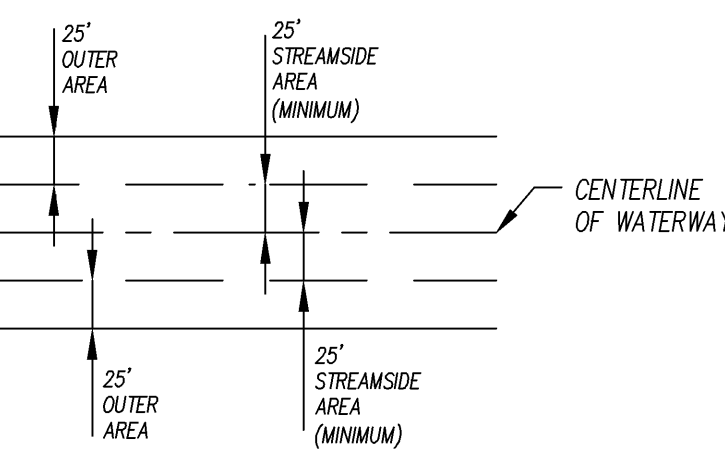
c.) PLEASE REFER TO SECTION 6 OF CITY OF TOPEKA CODE 66-151 FOR ALL PERTINANT MANAGEMENT GUIDELINES AND PROHIBITED PRACTICES AND ACTIVITIES WITHIN THE STREAM BUFFER AREAS.

### 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



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 17, 2006

+ Back Print

**DATE:** October 17, 2006  
**CONTACT PERSON:** Jim Langford  
**SECOND PARTY/SUBJECT:** HND  
**CATEGORY/SUBCATEGORY:** 006 Communication / 003 Requests  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**DOCUMENT #:**  
**PROJECT #:**  
**JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**A COMMUNICATION** from City Manager Norton N. Bonaparte, Jr., outlining and seeking approval of the funding recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council for the 2007 grant awards from the Special Alcohol Program Fund.

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

### POLICY ISSUE:

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

### STAFF RECOMMENDATION:

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

### BACKGROUND:

The Advisory Council has completed its annual review of proposals for funding from the Special Alcohol Program Fund. The recommendations for 2007 are contained in the attached memorandum. Kansas cities receive 70.0 percent of the revenue generated by the state liquor drink excise tax, which is 10.0 percent of the gross receipts for the sale of alcoholic liquor. The revenue is divided equally between the General Fund, the Parks and Recreation Fund, and the Special Alcohol Program Fund.

### BUDGETARY IMPACT:

The Advisory Council recommends grants totaling \$520,018. The recommendation is within the \$575,000 expenditure limitation for the fund.

### SOURCE OF FUNDING:

Special Alcohol Program Fund.

### ATTACHMENTS:

[Letter of Recommendations from Advisory Council](#)

Item #25





# Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council

501 SE Jefferson, Suite 30 ~ Topeka, KS 66607-1135  
Phone (785) 233-1365 Fax (785) 233-1905

October 3, 2006

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

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

The Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council has completed its 2007 recommendations for the allocation of monies from the City's Special Alcohol-Drug Programs (SADP) Fund. Our Funding Recommendations report accompanies this letter. As noted in the report, we recommend \$520,018 in expenditures to provide alcohol-drug abuse programs in the community.

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

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

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

Sincerely,

Donna Stevenson, Chair  
The Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council

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

Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council  
Sept 28, 2006

2007 Funding Recommendations  
Special Alcohol-Drug Programs Funds  
City of Topeka and Shawnee County

Grant Review Committee

Jim Olson, chair  
Steve Christenberry  
Ron Eisenbarth  
Larry Hinton

**Program Funding**  
**(Recurring)**

| <b><u>County</u></b>                            | <b><u>City of Topeka</u></b> | <b><u>Shawnee</u></b> |
|-------------------------------------------------|------------------------------|-----------------------|
| <b>Shawnee Regional Prevention and Recovery</b> |                              |                       |
| Community Prevention                            | \$ 96,385                    |                       |
| Youth Assessment                                | \$ 43,615                    | \$ 12,400             |
| <b>Topeka Youth Project</b>                     |                              |                       |
| Jobs for Young Adults                           | \$ 33,480                    |                       |
| <b>Valeo Recovery Center</b>                    |                              |                       |
| Soc Detox                                       | \$215,200                    | \$ 41,657             |
| Reintegration                                   | \$ 36,320                    | \$ 3,893              |
| <b>Subtotal</b>                                 | <b>\$425,000</b>             | <b>\$ 57,950</b>      |

**Capital Improvements and Community Education**  
**(Non-recurring unless funds are available)**

| <b><u>County</u></b>                            | <b><u>City of Topeka</u></b> | <b><u>Shawnee</u></b> |
|-------------------------------------------------|------------------------------|-----------------------|
| <b>Shawnee Regional Prevention and Recovery</b> |                              |                       |
| 2007 Media Campaign                             | \$ 25,000                    | \$ 25,000             |
| Capital Improvements                            | \$ 32,018                    |                       |
| <b>Valeo Recovery Center</b>                    |                              |                       |
| Capital Improvements                            | \$ 38,000                    |                       |
| <b>Subtotal</b>                                 | <b>\$ 95,018</b>             | <b>\$ 25,000</b>      |

**2007 Total Allocations** **\$520,018** **\$ 82,950**

## **Priorities**

### **City & County Special Alcohol-Drug Programs Funds - 2007**

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

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

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

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

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

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

**Attendance at the orientation on August 11, 2006 is mandatory for organizations seeking one-time alcohol-drug funds as described below.**

#### **One-time funds are available for:**

- One-time capital expenditures for eligible services/programs. This may include facility purchase, expansion, maintenance or repair, as well as purchase or maintenance of furnishings and equipment with an initial cost of more than \$500, used for purposes consistent with KSA 79-41a04.
- Acquisition/production and placement of print, radio and TV public service messages on:(a) what parents and the public can do to positively influence prevention, (b) the role and importance of early intervention in substance abuse and where to find help intervening, and; (c) how to find substance abuse treatment in Topeka-Shawnee County.





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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 5, 2006

+ Back Print

**DATE:** October 17, 2006  
**CONTACT PERSON:** Clark Duffy and Jeff Preisner  
**DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Annexation  
**PROJECT #:**  
**CATEGORY/SUBCATEGORY:** 020 Resolutions / 005 Miscellaneous  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**A RESOLUTION** introduced by Councilmembers Jeff Preisner and Clark Duffy concerning annexation by the City of Topeka and rescinding City of Topeka Resolution No. 7711.

*(Concerning the initiation of nonconsensual unilateral annexation.)*

### POLICY ISSUE:

Whether or not the City of Topeka shall rescind Resolution No. 7711 relating to the initiation of nonconsensual, unilateral annexation of property located in unincorporated Shawnee County prior to the April 2009 City elections.

### STAFF RECOMMENDATION:

### BACKGROUND:

This Resolution would rescind Resolution No. 7711, adopted and approved by the City Council on November 8, 2005, wherein the Council expressed its intent to not initiate nonconsensual, unilateral annexation of any property located in unincorporated Shawnee County until after the April 2009 City elections. Resolution No. 7711 further stated that any unilateral annexation that occurs after the April 2009 City elections will only proceed if the City of Topeka, as required by Kansas law, prepares a valid plan for the extension and providing of City services to the proposed area to be annexed.

### BUDGETARY IMPACT:

None.

### SOURCE OF FUNDING:

N/A

### ATTACHMENTS:

[Resolution](#)

Item #26



1 RESOLUTION NO. \_\_\_\_\_  
2

3 A RESOLUTION introduced by Councilmembers Jeff Preisner and Clark Duffy  
4 concerning annexation by the City of Topeka and rescinding City of  
5 Topeka Resolution No. 7711.  
6

7 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
8 TOPEKA, KANSAS, that as a result of the repeal of the enforcement of City of Topeka  
9 building codes outside of the city limits, as provided by City of Topeka Ordinance No.  
10 18702, City of Topeka Resolution No. 7711 concerning the initiation of nonconsensual,  
11 unilateral annexation is hereby rescinded.

12 ADOPTED and APPROVED by the City Council \_\_\_\_\_.

13 CITY OF TOPEKA, KANSAS  
14  
15  
16  
17

18 \_\_\_\_\_  
19 William W. Bunten, Mayor

20 ATTEST:  
21  
22  
23

24 \_\_\_\_\_  
25 Iris E. Walker, City Clerk



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 23, 2006

+ Back Print

**DATE:** October 17, 2006

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

**SECOND PARTY/SUBJECT:** Trafficway Improvement Project **PROJECT #:** 70190-01, Part B

**CATEGORY/SUBCATEGORY:** 020 Resolutions / 002 Condemnations

**CIP PROJECT:** Yes

**ACTION OF COUNCIL:** Approve the Condemnation Resolution as presented **JOURNAL #:**

**PAGE #:**

### DOCUMENT DESCRIPTION:

**A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Trafficway Improvement Project No. 70190-01, Part B, which provides for the reconstruction of East 6th Street to five lanes wide between Golden Avenue and Market Street. (Council District No. 3)

*(The resolution authorizes the City Engineer to prepare a list of properties that may need to be acquired for Trafficway Improvement Project No. 70190-01.)*

### POLICY ISSUE:

N/A

### STAFF RECOMMENDATION:

Staff recommends Council approve Condemnation Resolution.

### BACKGROUND:

Negotiations are in progress. 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:

General Obligation Bonds

### ATTACHMENTS:

[Resolution](#)

Item #27

(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 Trafficway Improvement Project No. 70190-01, Part B, which provides for the reconstruction of East 6<sup>th</sup> Street to five lanes wide between Golden Avenue and Market Street.

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 Trafficway Improvement Project No. 70190-01, Part B, which provides for the reconstruction of East 6<sup>th</sup> Street to five lanes wide between Golden Avenue and Market Street 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.

ADOPTED and APPROVED by 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

October 17, 2006

+ Back Print

**DATE:** October 17, 2006  
**CONTACT PERSON:** Linda Wood  
**SECOND PARTY/SUBJECT:** Weekly Expenditures  
Authorization, Week Ended  
October 15, 2006  
**CATEGORY/SUBCATEGORY** 014 Ordinances – Non-Codified / 005 Miscellaneous  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**DOCUMENT #:**  
**PROJECT #:**  
**JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period October 9, 2006, through October 15, 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 October 9, 2006, through October 15, 2006, in the amount of \$5,828,372.25.

### SOURCE OF FUNDING:

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

### ATTACHMENTS:

[Weekly Expenditure Ordinance, Week Ended October 15, 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 October 9, 2006, through October 15, 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 461 vendor checks written in this period     | \$3,337,933.81        |
|                   | Total vendor checks voided in this period (net)        | (4,266.48)            |
|                   | Total electronic transfers to vendors in this period   | 86,176.45             |
|                   | Total net payroll to employees this period             | 1,333,802.99          |
|                   | Total payroll related electronic transfers this period | <u>1,074,725.48</u>   |
|                   | Total for expenditures in this period                  | <u>\$5,828,372.25</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

October 25, 2006

+ Back Print

**DATE:** October 17, 2006  
**CONTACT PERSON:** Linda Wood  
**SECOND PARTY/SUBJECT:** Weekly Expenditures  
Authorization, Week Ended  
October 22, 2006  
**CATEGORY/SUBCATEGORY** 014 Ordinances – Non-Codified / 005 Miscellaneous  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**DOCUMENT #:**  
**PROJECT #:**  
**JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period October 16, 2006, through October 22, 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 October 16, 2006, through October 22, 2006, in the amount of \$635,876.15.

### SOURCE OF FUNDING:

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

### ATTACHMENTS:

[Weekly Expenditure Ordinance, Week Ended October 22, 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 October 16, 2006, through October 22, 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 54 vendor checks written in this period      | \$145,887.61         |
|                   | Total vendor checks voided in this period (net)        | (822.58)             |
|                   | Total electronic transfers to vendors in this period   | 490,811.12           |
|                   | Total net payroll to employees this period             | 0                    |
|                   | Total payroll related electronic transfers this period | <u>0</u>             |
|                   | Total for expenditures in this period                  | <u>\$ 635,876.15</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

October 11, 2006

+ Back Print

**DATE:** October 17, 2006

**CONTACT PERSON:** Kelly Viets / Joy Hoover **DOCUMENT #:**

**SECOND PARTY/SUBJECT:** Deer Creek Force Main Ordinance/Budget **PROJECT #:** 29032-02

**CATEGORY/SUBCATEGORY:** 004 Budgets or Appropriations / 004 Project Budget - Capital Project

**CIP PROJECT:** Yes

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

**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., authorizing improvement Project No. 29093-02 which provides for installation of a new force main from the Deer Creek Pump Station to the Oakland Wastewater Treatment Plant, as more specifically described herein. First Reading.

*(The project would install a new force main from the Deer Creek Pump Station along the west side of Billard Airport, to Fairchild Street and Poplar Avenue and continue across Billard Park to the Oakland Wastewater Treatment Plant.)*

### POLICY ISSUE:

Compliance with permitting requirements.

### STAFF RECOMMENDATION:

Approval of the budget.

### BACKGROUND:

The new Deer Creek Pump Station was designed to handle the existing and future flows. However, the existing force main is too small to carry the pumping capacity. There have been several wet weather overflows that will be alleviated by the increased capacity of the force main.

### BUDGETARY IMPACT:

Total cost of the project is \$3,745,000. If financed with State Revolving Funds, the project will increase the debt service for WPC by approximately \$137,000 semi-annually for 20 years.

### SOURCE OF FUNDING:

State Revolving Funds, WPC Operational funds, and any other legally available funds.

### ATTACHMENTS:

[Project Budget Sheet](#)

[Ordinance](#)

Item #30



**PROJECT BUDGET**  
**Project No. 29093-02**  
**Deer Creek Force Main**

**LOCATION:**

From the Deer Creek Pump Station along the west side of Billard Airport then down to Fairchild Street to Poplar Ave, then across Billard Park to the Oakland Plant.

**DESCRIPTION OF PROJECT:**

Install a new force main from the Deer Creek Pump Station to the Oakland Wastewater Treatment Plant. This force main will be 36" diameter and will replace an old 20" diameter force main.

**SOURCE OF FUNDS:**

State Revolving Funds and any other legally available funds

**COST ESTIMATE:**

|                                  | <b><u>Original</u></b> |
|----------------------------------|------------------------|
| Construction:                    | \$2,700,000.00         |
| Design:                          | \$250,000.00           |
| Engineering Fees:(During Const.) | \$220,000.00           |
| Project Service Fees:            | \$0.00                 |
| Administrative Fees:             | \$80,000.00            |
| Right-of Way Acquisition:        | \$20,000.00            |
| Contingency Amount:              | \$300,000.00           |
| Interim Interest                 | \$175,000.00           |
| <b>Total:</b>                    | <b>\$3,745,000.00</b>  |

**PUBLIC HEARING:**

**PROJECT AUTHORITY:**

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

Date: \_\_\_\_\_

**PROJECT ENGINEER:** Kelly Viets

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 29093-02 which provides for installation of a new force main from the Deer Creek Pump Station to the Oakland Wastewater Treatment Plant, as more specifically described herein.

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 that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

To install a new force main from the Deer Creek Pump Station to the Oakland Wastewater Treatment Plant. This force main will be 36 inches in diameter and will replace an old 20 inch diameter force main.

B. ESTIMATED PROJECT BUDGET COST:

\$3,745,000.00

C. SOURCE OF FUNDS:

Kansas Department of Health Funds, State Revolving Loan Funds or any other lawfully available funds.

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

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

October 16, 2006

+ Back Print

**DATE:** October 17, 2006  
**CONTACT PERSON:** Randy L. Speaker **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Bales, Blanche - Emerson, Earnest and Topeka City Homes, Inc. **PROJECT #:** 606270  
**CATEGORY/SUBCATEGORY** 014 Ordinances – Non-Codified / 002 Condemnations  
**CIP PROJECT:** Yes  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by Norton N. Bonaparte, Jr., City Manager authorizing the initiation of condemnation proceedings to acquire property for Improvement Project # 606270, for the second phase park expansion of the Betty Phillips Park formerly known as Hi-Crest Park. First Reading.

( An Engineering Division land survey of the subject property is attached. Subject property to be acquired is located at 3337 SE Girard, 3331 SE Girard and 3311 SE Irvingham.)

### POLICY ISSUE:

Should City Council take the final step to acquire the remaining parcels in the second phase of this park land expansion project number 606270?

### STAFF RECOMMENDATION:

The resolution to initiate condemnation action and authorize engineering to survey the land was passed on September 12, 2006. Staff recommends City Council adopt the Ordinance and authorize the project to move forward.

### BACKGROUND:

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

### BUDGETARY IMPACT:

Final costs will be determined after the Court appointed Appraisers file appraiser report with the District Court. To establish the property values, the three subject properties have been appraised for \$47,500 by Aul & Hatfield Appraisals, LC and reviewed by Alida M. Moore, Inc., appraiser.

### SOURCE OF FUNDING:

Item #31

CIP GO Bond funds allocated within the 2006 CIP as approved on May 16, 2006 for Project No. 606270.

**ATTACHMENTS:**

[Survey Plat Map of Subject Sites](#)

[Ordinance](#)

# PLAT OF SURVEY

06102

R=260.00'  
L=51.27'cm 51.23'p  
ch=N 37°02'47" W, 51.19'

Horizontal Scale: 1"=100'

R=389.85'cm 390'p  
L=76.88'  
ch=S 37°01'13" E, 76.75'

Attachment number 1  
Page 1 of 1

R=730.10'cm 730'p  
L=67.39'cm 67.46'p  
ch=S 39°22'19" W, 67.36'

R=600.00'  
L=55.38'cm 55.44'p  
ch=N 39°22'19" E, 55.36'

## LEGAL DESCRIPTION

Lots 16, 19, and 28, Block 3 in  
Highland Crest No. 2 Subdivision in the  
City of Topeka, Shawnee County, Kansas.

## LEGEND

|  |                                             |
|--|---------------------------------------------|
|  | Plotted Lot Line                            |
|  | Property Line                               |
|  | Found Iron Pin or Pipe                      |
|  | Set 5/8" Rebar with City of Topeka Eng. Cap |
|  | Plat                                        |
|  | Record Distance                             |
|  | Measured Distance                           |
|  | Calculated Measurement                      |

## MONUMENT LOCATION

|    |                                                                           |
|----|---------------------------------------------------------------------------|
| 1  | Set 5/8" Rebar with City of Topeka Eng. Cap                               |
| 2  | Set 5/8" Rebar with City of Topeka Eng. Cap                               |
| 3  | Set 5/8" Rebar with City of Topeka Eng. Cap                               |
| 4  | Found 1/2" Pin on NE Line & 0.58' NW of E Cor, Origin Unknown             |
| 5  | Found 1/2" ID Pipe, Original Monument in Highland Crest No. 2 Subdivision |
| 6  | Set 5/8" Rebar with City of Topeka Eng. Cap                               |
| 7  | Set 5/8" Rebar with City of Topeka Eng. Cap                               |
| 8  | Set 5/8" Rebar with City of Topeka Eng. Cap                               |
| 9  | Set 5/8" Rebar with City of Topeka Eng. Cap                               |
| 10 | Found 1/2" Pin 0.11' SE of E Cor, Origin Unknown                          |
| 11 | Found 1/2" Pin on SE Line & 0.22' SW of E Cor                             |
| 12 | Found 1/2" ID Pipe, Original Monument in Highland Crest No. 2 Subdivision |
| 13 | Found 1/2" ID Pipe, Original Monument in Highland Crest No. 2 Subdivision |
| 14 | Found 1/2" Pin 0.03' NE of NE Line & 0.14' NW of SE Line, Origin Unknown  |
| 15 | Found 1/2" Pin 0.29' SE of SE Line & 0.26' SW of SW Line, Origin Unknown  |
| 16 | Set 5/8" Rebar with City of Topeka Eng. Cap                               |
| 17 | Set 5/8" Rebar with City of Topeka Eng. Cap                               |
| 18 | Set 5/8" Rebar with City of Topeka Eng. Cap                               |
| 19 | Found 1/2" ID Pipe, Original Monument in Highland Crest No. 2 Subdivision |
| 20 | Found 1/2" Pin 0.20' SW of NE Line & 0.11' SE of NE Line, Origin Unknown  |

I hereby certify that the details shown on  
this plat are correct and represent the  
true findings of a survey of the above  
described property.

Reviewed by Shawnee County Surveyor

\_\_\_\_\_, 20\_\_

**TOPEKA**  
*Public Works*  
ENGINEERING

620 SE MADISON BL. • 2nd Floor • TOPEKA, KS 66607  
Phone: (785) 368-3642 • Fax: (785) 368-3651

## PLAT OF SURVEY

06102

SHEET: 1 of 1

DRAWN BY: D. SPAAR

CITY QTR.: 1-10

FIELD BOOK: 158-48

SURVEY DATE: 10/8/06

SURVEYED BY: J. MAXON

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

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

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

Section 1. That it is hereby declared necessary to condemn and appropriate for the use of the City of Topeka certain lands within the City of Topeka for Improvement Project No. 606270, and for other public purposes, said lands being described as follows:

**Parcel No. 1**

Owner of Record: Earnest E. Emerson  
14715 T Road  
Mayetta, KS 66509

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Ricky Romar  
3311 SE Irvingham  
Topeka, KS 66606

PROPERTY TO BE ACQUIRED:

**Fee Simple:**

Lot 28, Block 3, Highland Crest No. 2 Subdivision in the City of Topeka, Shawnee County, Kansas.

Commonly known as 3311 SE Irvingham Street, Topeka, Kansas 66606.

**Parcel No. 2**

Owner of Record: Tom Lemon  
Topeka City Homes, Inc.  
1638 SW Clay  
Topeka, KS 66604

Contract Purchaser: NONE

Lienholder of Record: Commerce Bank and Trust  
3035 S Topeka Blvd  
Topeka, KS 66611

Party in Possession: VACANT

PROPERTY TO BE ACQUIRED:

**Fee Simple:**

Lot 19, Block 3, Highland Crest No. 2 Subdivision, an addition to the City of Topeka,  
Shawnee County, Kansas.

Commonly known as 3331 SE Irvingham Street, Topeka, Kansas 66606.

**Parcel No. 3**

Owner of Record: Blanche Bales  
725 SW Westchester  
Topeka, KS 66606

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: VACANT

PROPERTY TO BE ACQUIRED:

**Fee Simple:**

Lot 16, Block 3, Highland Crest No. 2 Subdivision in the City of Topeka, Shawnee  
County, Kansas.

Commonly known as 3337 SW Girard Street, Topeka, Kansas 66606.

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 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 17, 2006  
**CONTACT PERSON:** Pam Simecka / Joy Hoover **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Sewer Line Capping **PROJECT #:**  
**CATEGORY/SUBCATEGORY** 013 Ordinances - Codified / 026 Buildings and Building Regulations  
**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 § 26-523 and establishing § 26-524 regarding building and building regulations relating to demolition, and repealing said original section. First Reading.

*(The ordinance develops a policy that helps ensure sewer lines are capped during or shortly after a demolition job is complete without additional cost to the City. The \$500 cash deposit requirement will be refunded upon the filing of a certificate of inspection and compliance, issued by the Engineering Division.)*

### POLICY ISSUE:

Developing a policy that guarantees a sewer line will be capped during or shortly after a demolition job is done without additional cost to the City, by addressing the cash deposit requirement and the actions to be taken if the sewer line is not capped as required.

### STAFF RECOMMENDATION:

Approval of the ordinance.

### BACKGROUND:

With costs rising WPC has had more demolition contractors forfeiting their cash deposits on sewer caps. It is cheaper for the contractor to give up their \$500 deposit than to pay to have the sewer line capped. WPC and Developmental Services wanted to find a way to not further penalize the contractors who did do their capping and yet make those contractors who walk away be more accountable. That is why we chose not to increase the deposit amount but to pull the license of those contractors who don't cap their line until they reimburse WPC for any cost above the \$500 to cap the sewer line. On the second offense their license is held for 3 months, on the third offense it is held for a year. We have also included an appeal process if the contractor feels we are in error in pulling their license.

### BUDGETARY IMPACT:

Savings for WPC of approximately \$10,000 a year in unreimbursed work done on capping sewers.

### SOURCE OF FUNDING:

WPC Operation Funds

Item #32

**ATTACHMENTS:**

[Ordinance](#)

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 26-523 and establishing § 26-524 regarding building and building regulations relating to demolition, and repealing said original section.

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

Section 1. City of Topeka Code § 26-523, Deposit, is hereby amended to read as follows:

**Deposit.**

(a) Every ~~applicant~~ demolition contractor or owner applying for a demolition permit shall, as a part of the application, deposit with the department of public works the sum of Five Hundred Dollars (\$500.00), which ~~bond~~ deposit shall be cash, certified check or cashier's check payable to the city, the condition for the refund of such deposit being that the ~~applicant~~ demolition contractor or owner applying for such permit will guarantee that the sewer line is properly capped or plugged in accordance with the regulations of the city engineering division. If the private sewer is to be capped or plugged on a right-of-way or easement of the city, the capping or plugging shall be done by a licensed plumber whose name shall be furnished at the time of application for a demolition permit. Provided, however, an owner shall only be allowed to obtain a demolition permit for an accessory structure located on a lot on which the owner occupies a single family dwelling exclusively used for dwelling purposes.

(b) Upon the filing with the department of public works of a certificate of inspection and compliance issued by the engineering division, the city shall refund the deposit to such permit holder.

(c) If a sewer line is not properly capped or plugged within thirty (30) calendar days after the demolition of the structure is complete, the ~~city engineer may request forfeiture of the bond to the water pollution control division as provided in subsection (d).~~ Upon such request, the bond deposit shall be forfeited.

~~(d) All deposits forfeited in accordance with subsection (c) shall be transferred to the~~ The water pollution control division, ~~which department~~ will plug or cap the sewer line in an acceptable manner. The deposit shall be credited towards the actual cost to cap the sewer line incurred by the water pollution control division. The demolition contractor shall be responsible for reimbursing the water pollution control division for any costs which exceed the deposit. No portion of the deposit shall be refunded if the capping costs do not exceed the costs incurred by the water pollution control division.

Section 2. City of Topeka Code § 26-524, Reserved, is hereby amended by the addition of the following language:

**Penalty for non-compliance.**

Upon the failure to plug or cap a line, the demolition contractor will not be issued another demolition permit until the demolition contractor has reimbursed the water pollution control division for the actual expenses incurred by the city for capping the line plus an administrative fee in the amount of Fifty Dollars (\$50.00) to reimburse the City for its staff time and expenditures.

Section 3. Original City of Topeka Code § 26-523 is hereby specifically 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 City Council \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk



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www.topeka.org

## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 9, 2006

+ Back Print

DATE: October 17, 2006

CONTACT PERSON: David Thurbon/Bill Fiander DOCUMENT #: Z06/11

SECOND PARTY/SUBJECT: Love Enterprises L.L.C. PROJECT #: N/A

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

CIP PROJECT: No

ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

### DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located on the northeast corner of SE Klein Street and SE 4<sup>th</sup> Street in the City of Topeka, Kansas from “R-2” Single Family Dwelling District TO “X-2” Mixed Use District. First Reading. (Z06/11) (Council District No. 3)(The Planning Commission recommended approval by a vote of 8-0-0 at their October 16, 2006 public hearing.)(The Planning Department recommended that the request be approved.)

*(Approval would allow the property to be developed for a mix of light industrial, commercial, office, or residential uses.)*

### POLICY ISSUE:

As proposed, the request is consistent with the policies and principles of the East Topeka Neighborhood Revitalization Plan.

### STAFF RECOMMENDATION:

The Planning Commission recommended **APPROVAL** of the proposal by a vote of **8-0-0** in conjunction with a Conditional Use Permit (CU06/4) at their October 16, 2006 public hearing. The Planning Department recommended this request be **APPROVED** in conjunction with a Conditional Use Permit (CU06/4).

### BACKGROUND:

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

### BUDGETARY IMPACT:

N/A

Item #33

### SOURCE OF FUNDING:

N/A

**ATTACHMENTS:**

[Ordinance](#)

[Staff Report](#)

[Zoning Map](#)

[Aerial Photo](#)

[Rezoning Application](#)

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

[Planning Commission 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 northeast corner of SE Klein Street and SE 4<sup>th</sup> Street in the City of Topeka, Kansas from "R-2" Single Family Dwelling District **TO** "X-2" Mixed Use District. **(Z06/11) (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:

**Tract 1:**

**The east 27 feet of Lots 106 and 108 on Klein Avenue, in Cranes Addition to the City of Topeka, Shawnee County, Kansas.**

**Tract 2:**

**All of Lot 104, also Lot 106 and 108, except the east 27 feet on Klein Avenue, in Cranes Addition to the City of Topeka, Shawnee County, Kansas.**

from "R-2" Single Family Dwelling District **TO** "X-2" Mixed Use 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



October 16, 2006  
Agenda Item # F-1a

(REVISED)  
**ZONING REPORT**

**CITY OF TOPEKA PLANNING DEPARTMENT**

**CASE NO: Z06/11**

**by: Love Enterprises L.L.C.**

*The Planning Commission first heard this proposal on September 18, 2006 in conjunction with conditional use permit, CU06/4. At that time, the Planning Commission continued both these proposals to the October 16 public hearing for further review by City Development Services due to questions arising in regard to the City's regulations of parking lots surfacing standards versus storage lot surfacing standards.*

*The Development Services Department further reviewed the proposal and corresponded with the applicant regarding the paving requirement of the proposed parking lot. Development Services determined that this proposed use will be considered a parking lot, not a storage lot, because the construction equipment will be coming and going on and off the property on a daily basis when the applicant's business has construction projects. This daily use of the lot will not be considered a dead storage lot, as determined by City Development Services, and will be subject to full compliance with the City of Topeka Off-Street Parking Lot Surfacing Standards. Planning staff concurs with this determination and paving requirement. The applicant indicated he agrees to pave the parking lot according to a phasing plan that will be approved by Development Services. No storage of vehicles will be allowed on the lot until the entire parking area is completely paved.*

**PROPOSAL:** Zone change from "R-2" Single-Family Dwelling District **TO** "X-2" Mixed-Use District

**LOCATION:** Northeast corner of SE Klein and SE 4<sup>th</sup> Streets

**PARCEL ID NUMBER:** 1093202022014000

**PRESENT USE:** The property comprises an approximate 9,300 sq. ft. vacant parcel. (Lots 104, 106, and 108, Cranes Addition)

**PROPOSED USE:** Unenclosed, outdoor equipment and product storage parking lot in conjunction with the with the corresponding Conditional Use Permit proposal (CU06/4). The applicant has a building and contractors business and intends to park vehicles and machinery related to the business on the subject property. The applicant also owns the adjoining property to the east (zoned X-1) for use as an office and repair shop for his building and contractors business. No outdoor storage would be permitted on this adjacent property.

**CHARACTER OF NEIGHBORHOOD:** Along SE 4<sup>th</sup> Street, west of SE Branner, the neighborhood is primarily comprised of light and heavy industrial uses on the south side of SE 4<sup>th</sup>. The intersection of SE Branner and SE 4<sup>th</sup> is primarily light industrial and commercial-type uses. The neighborhood to the north of SE 4<sup>th</sup> is single-family residential.

October 16, 2006  
Agenda Item # F-1a

**ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:**

|        | <b>ZONING CLASSIFICATION</b>          | <b>PRESENT LAND USE</b>                              |
|--------|---------------------------------------|------------------------------------------------------|
| North: | “R-2” Single-Family Dwelling District | Single-family residence                              |
| South: | “I-2” Heavy Industrial District       | Building/lumber supply<br>Recycling facility         |
| East:  | “X-1” Mixed Use District              | Office and service shop (owned by<br>this applicant) |
| West:  | “R-2” Single-Family Dwelling District | Vehicle surface parking lot                          |

**LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION:** The property has remained zoned “R-2” Single-Family Dwelling District since 2002 when it was downzoned from “C-4” Commercial District as part of implementation of the East Topeka Neighborhood Revitalization Plan. As far as records indicate, no structures have ever existed on the property.

**SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED:** The property was downzoned from “C-4” Commercial District to “R-2” Single-Family District in 2002 as part of the implementation efforts of the East Topeka Neighborhood Revitalization Plan to increase homeownership and provide for quality infill housing, as well as preserve the existing single-family residential blocks from further encroachment of higher intensity and/or incompatible land uses. Although, the subject property itself may still be suitable for a single-family residence, its location on a major collector (SE 4<sup>th</sup> St.), adjacent to light and heavy industrial uses, a vehicle surface parking lot, and a service/repair shop all make the property not as viable for a single-family residence. The X-2 District would allow the property to be developed consistent with the surrounding uses on the south, west, and east, but also provide for the opportunity to implement more extensive design standards that would assist in making the proposed use compatible with the single-family residence to the north.

**CONFORMANCE TO COMPREHENSIVE PLAN:** The East Topeka Neighborhood Revitalization Plan designates the area to the north of the intersection of 4<sup>th</sup> and Branner, along SE Branner, for Mixed Use- Neighborhood and Mixed Use- High Intensity land uses. The area northwest of the SE Branner and SE 4<sup>th</sup> intersection is designated for Single-Family- Urban Low Density land uses (zoned R-2), with the exception of the commercial property at the intersection of 4<sup>th</sup> and Branner that is designated for Mixed Use- Neighborhood (zoned X-1). The subject property lies directly to the west, across the alley, from the applicant’s other property and is designated for Single-Family- Urban Low Density. However, the land use map within the East Topeka Neighborhood Revitalization Plan is meant to provide general framework for the future development of the neighborhood and generally does not indicate land use suitability for each specific parcel. Because of the surrounding light industrial and commercial-type uses, the subject property may not be suitable for a single-family residence. The “X” District classification would allow the property to develop consistent with the uses to the south, east, and west. “X” District design guidelines would help to ensure the compatibility of the particular use with the single-family residence to the north. Performance standards stated in the “X” District regulations can help to decrease any potential

October 16, 2006  
Agenda Item # F-1a

negative impacts the proposed use may have on the residential property to the north. If certain performance standards are implemented adequately, the proposed use could potentially be consistent to the East Topeka Neighborhood Revitalization Plan.

**THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:** Removing the present R-2 restrictions could potentially have a detrimental effect on the single-family residence to the north of the subject property. However, the proposal has attempted to mitigate the potential detrimental effects with landscaping, buffering, fencing, and access from off the alley, all shown on the corresponding Conditional Use Permit proposal (CU06/4) site plan. Removal of the present restrictions should have no detrimental effect on the properties to the south, east, and west.

**THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:** The property lies within an area that has been downzoned to "R-2" Single-Family Dwelling District as part of implementation efforts of the East Topeka Neighborhood Revitalization Plan to assist in increasing homeownership opportunities and limiting the encroachment of higher intensity uses into single-family residential neighborhoods. Allowing the property to remain R-2 would still preserve these goals of the plan and restrict the higher intensity uses south of SE 4<sup>th</sup> St. The hardship imposed upon the landowner is the loss of revenue resulting from not being able to fully develop and use a property that has remained vacant as both single-family residential and commercial for some time.

**AVAILABILITY OF PUBLIC SERVICES:** All essential public utilities, services and facilities are presently available to this area. The subject property currently will not be served by public utilities.

**COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:** The "X-2" Mixed-Use District provides for certain performance standards to ensure compatibility with surrounding residential neighborhoods. "X" District performance standards in the zoning regulations relate to setbacks of structures/parking lots, rear yard access, screening of open storage, fencing, and landscape buffering. Key principles of the "X" District performance standards that relate to this proposal are:

- Open storage should be effectively screened from visible street frontages by fencing and/or landscaping/buffering.
- Parking lots should be setback and not dominate the frontage of image streets.
- Access should be taken from the rear lot or alley when able.
- Building setbacks should reflect and align with existing setbacks on the block or the facing block.

The proposal has been reviewed to further implement these performance standards, as shown on the corresponding CUP proposal and site plan for Love Enterprises (CU06/4).

Maximum Building Coverage: 75 percent- Compliant (No structures are proposed- the parking lot covers 75 percent of the lot.)

Setbacks: More flexibility regarding setbacks in the X-2 District allows for structures to align with existing structures on the block or facing block. Although, no existing structures are proposed on the

October 16, 2006  
Agenda Item # F-1a

subject property, the parking lot and surrounding privacy fence will be setback 15 ft. to conform with the existing single-family residences on the block and facing block and to enable the front yard to be landscaped similar to that of a residential property.

Platting: Platted as Lots 104, 106, and 108 on Klein, Cranes Addition

**CONCERNS OF STAFF AND REVIEWING AGENCIES:** This request was submitted to all applicable reviewing agency staff for consideration and comment. The City Traffic Engineer has indicated there are prospective, but not yet definite, plans for the construction of a roundabout at SE 4<sup>th</sup> and SE Branner. If the roundabout were to be constructed it would not affect this subject property, but it would affect the applicant's other property to the east across the alley. The City Traffic Engineer has stated it would be necessary for the City to acquire this property (with the Love Enterprises service/repair shop) for roundabout construction and access control. This would leave the subject property as an equipment storage parking lot with no adjoining use (i.e. office and service shop). The City Engineer looked at the proposal and determined a review for on-site drainage detention is not required because the site is less than 10,000 sq. ft. Drainage should be directed to the south and west toward the landscaped setback and buffer areas.

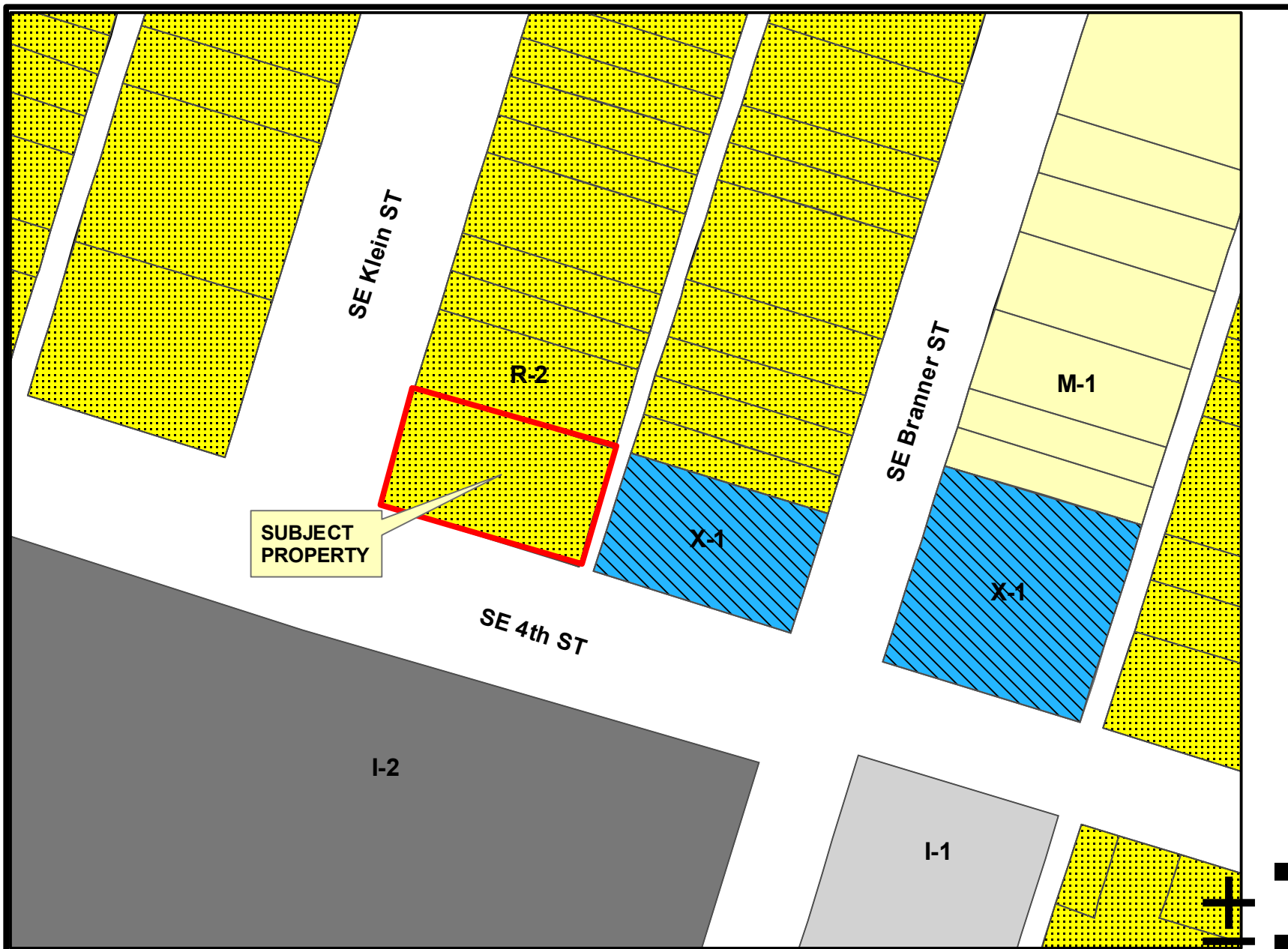
**ADDITIONAL FACTORS:**

1. Neighborhood Improvement Association: The East Topeka North NIA was notified of this proposal on May 11, 2006 and re-sent copies of the revised site plan for the corresponding CUP proposal on August 28, 2006. A letter from the NIA was received by the Planning Department via the applicant dated March 13, 2006. This letter indicates support of a rezoning of the applicant's other property at the northwest corner of 4<sup>th</sup> and Branner to "C-4" Commercial District. The NIA will meet again on September 6, 2006 to further discuss this changed proposed rezoning and re-vote on the revised proposal to the X-2, as well as the CUP. The NIA president did indicate that he does not foresee the NIA having any issues with the proposals and will inform the Planning Department of the outcome of the NIA's position on the rezoning and CUP after the NIA meets again. The NIA met on September 7 and reaffirmed their support for the proposal.
2. Capitol Area Plaza Authority: N/A
3. Flood Hazard Area: N/A
4. Airport Hazard Area: N/A
5. Historic Properties: N/A

**STAFF RECOMMENDATION:** Based upon the above conclusions and analysis, the planning staff recommends **APPROVAL** of this proposal in conjunction with the corresponding Conditional Use Permit proposal and site plan (CU06/4).

Prepared by:  
Annie Driver, Planner I

**October 16, 2006**  
**Agenda Item # F-1a**



**Z06/11 by: Love Enterprises L.L.C.**



**Z06/11 by: Love Enterprises L.L.C.**



**Application Form**  
**Re-Zoning or Conditional Use Permit**  
City of Topeka Planning Department  
620 SE Madison, 3rd Floor  
Topeka, KS 66607  
Phone 785-368-3728 Fax 785-368-2535

**Applicant Information**

Property Owner(s): Love Enterprises Inc.

Street Address: 333 SE Branner

City: Topeka State: KS Zip: 66607 E-mail: Loveconsta

Business phone: 785/235-0479 Home phone: 785/232-1191 Fax: 785/235-0414  
aol.com

Authorized Owner Representative (if any): John Love

Street Address: 828 SE Golden

City: Topeka State: KS Zip: 66607 E-mail: Loveconsta

Business phone: 785/235-0479 Home phone: 785/232-1191 Fax: 785/235-0414  
aol.com

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

Attorney Jonathan B. Phelps, of PHELPS-CHARTERED

Street Address: 1414 S. Topeka Blvd.-P.O. Box 1886

City: Topeka State: KS Zip: 66601-1886 E-mail: jon.phelps@

Business phone: 785/233-4162 Home phone: 785/234-3955 Fax: 785/233-0766  
phelpschartered.com

**Authorization**

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

Owner 1 Name: John Love

Owner 1 Signature: [Signature] Date: 2/24/06

Owner 2: \_\_\_\_\_

Owner 2 Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## Requested Action and Site Information

Address of Property to be Re-Zoned (or if vacant, describe general location):

NE corner of Klein + 4th

Legal Description of Property: lot(s) \_\_\_\_\_ block \_\_\_\_\_ subdivision \_\_\_\_\_

(if unplatted, attach metes and bounds description) (See legal description at Real

Property Tax &amp; Special Assessment Status Form page herein).

Total Area (acres/square feet): 0.375

Type of Application:

1. Re-zoning from: R-2 to: X2 with CUP

2. Conditional Use Permit proposed use:

Unenclosed outdoor storage  
Parking Construction Equipment on Lot

Existing Use (# of dwelling units, square feet, etc.):

vacant lot

How long has the existing use been on the property?

40+ years

Proposed Use (# of dwelling units, square feet, etc.):

Parking Construction Equipment on Lot.

Was a Pre-Application Meeting or Zoning Inquiry completed with Staff? Yes If Yes, when? 2/10/06

## FOR OFFICE USE ONLY

Date submitted: 3/3/06

Date notice sent: 5/26/06

Application no.: 206/11

Date advertised: 5/26/06

Filing fee: 0 Receipt no.: filed w/CUP

Date of hearing: 6/19/06

Quarter 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 ☒Airport Hazard Area: Yes \_\_\_\_\_ No ☒Local Historic Resource: Yes \_\_\_\_\_ No ☒Neighborhood Association: Yes ☒ No \_\_\_\_\_Name of N.I.A./N.A.: East Topeka North  
NIFA

## 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?**

Equipment parking on lot is not permitted because in c.1992 property was downzoned from C-4 to ~~C-4~~ R-2.

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

None. For 40+ years same type business operated there; properties to southeast, south and west all similar business operations.

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

Unknown.

## 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:

6 inch on Branner; 8 inch on 4th St.

- b. Does the current system have adequate capacity? If not, are improvements anticipated?

Yes.

- c. If other than City of Topeka, identify water district provider: n/a

### 2. Sanitary Sewer

- a. Location and size of sewer main serving site:

8 inch in alley way west of address

- b. Does the current system have adequate capacity? If not, are improvements anticipated?

Yes.

- c. If other than City of Topeka, identify sewer district provider: n/a

### 3. Storm Drainage

- a. How will storm water run-off be handled on site?

Sheet flow.

- b. Does the current storm sewer system have adequate capacity for proposed use?

Yes.

### 4. Traffic Circulation

- a. Does the site have public street frontage access? What is the pavement width of any adjoining public streets?

Yes. On Branner side it is 45 feet. On 4th side it is 40 feet.

- b. What are the site's existing or proposed access points?

1 on Branner street; 1 on 4th street; access via alley. No change anticipated.

- c. Will any street improvements or traffic control improvements be required?

No.

DRAFT

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

**Love Enterprises, Incorporated Development** - Annie Driver summarized the staff report for both the zoning and conditional use cases. Minutes below are for both cases as well.

**Proponents:**

John Love, Love Enterprises, spoke in favor of the proposals. He said he had a few concerns regarding the staff report. He said he wants to know why there are certain requirements on this property compared to others in the city. He said he can understand the buffer/screening and he agrees to that stipulation. He said while purchasing the property he called the zoning office and the appraisers office. He said he was told the zoning was different than what is on the report before the Commission. He said he was told the zoning was heavy commercial. He asked why he was given incorrect information. He said he was given an application for rezoning. He said he drew up the plans that are required with the application and the application was rejected because the drawings needed to be done by a licensed engineer. I hired the engineer and we have all the requirements covered except the one related to paving the area for equipment storage. He said he can't afford the paving. He said the Brown vs. Board of Education building doesn't have paved parking and he is required to pave his lot for construction equipment storage? It will cost around \$20,000 just for asphalt. He said he hires high school students after they graduate. He asked how can you expect this area to grow with all the requirements and cost for development. He asked why Love Enterprises is different from any other contractors in the city? Why should I have to pave the lot to store equipment? The property use to be zoned C-4, why was it changed? Mark Boyd asked if X-2 allows him to do what he wants and why does the lot have to be paved? Mr. Fiander replied the property is currently zoned R-2 which doesn't allow unenclosed outdoor storage. He added the previous zoning of "C-4" doesn't allow unenclosed outdoor storage either. It is allowed in "X-2" District. This property goes into a neighborhood. It is a transition area. The paving is a requirement determined by Development Services. It is defined as a parking lot not outdoor storage due to the number of vehicles being stored there. These are normal requirements for parking lot and would be required with or without the CUP. Ralph Skoog asked if the requirements are different for a storage yard compared to a parking lot? Mr. Fiander replied there are two different standards for storage yard vs. parking lot. The commission can not change something that is required under the building/zoning code. A suggestion is going back to Development Services to see if this condition can be changed. Mr. Love asked why other businesses in the area are allowed to not pave their lots? Mr. Fiander replied there are differences in residential compared to commercial parking. It is on a case by case basis. Mr. Love said he would like this to be looked into. I don't want to pave a lot to park a skid loader and a dump truck. Mr. Sanders asked if Mr. Love could afford to pave this lot? Mr. Love replied no. The lot will remain vacant if this is a requirement. Mr. Sanders asked if industrial zoning would allow Mr. Love to operate without paving the lot? Mr. Fiander replied Development Services doesn't look at the zoning, they look at the use. Mr. Sanders said this is a storage lot. The property is surrounded on three sides by industrial zoning and residential on the other side. Industrial areas are very desirable and useful. East Topeka has the highest poverty level of the city. A plan to help stimulate new business in the area is what they asked for. Topeka is an incubator for small business. This man is a small business and can't afford to pave this lot. He will also have to pay storm water fees if he paves it. We need to help him to get this lot without paving to help his business thrive. Mr. Boyd asked Mr. Love if this proposal is time sensitive and if it would hurt if the proposal was continued another month? Mr. Love replied no. Mr. Boyd added he feels this seems overly restrictive for the requested use.

Rachelle Vega Retana, 311 SE Klein, said she wasn't against the proposal but had a few questions. She asked where run off would drain to? She said there is an older home adjacent to the property and many of the homes in the area have had problems with their basements flooding. She asked about lighting and security of the lot. Ms. Vega-Retana also asked what would come of the lot when it is no longer in use? She said she is for this proposal because it would better the neighborhood.

Mr. Boyd said this property wasn't required to have a drainage report. Mrs. Driver said that is correct because it is less than 10,000 square feet.

**MOTION:**

Ralph Skoog moved to continue both proposals for 30 days so the applicant, Planning staff and Development Services could meet to work this problem out. He said there is no reason to discuss the matter further until a better plan is before us. Fred Sanders seconded.

Mr. Boyd asked Mr. Love about lighting for the lot. Mr. Love said the corner and alley would be lighted.

Mr. Boyd said there should be a way to make this proposal work. Mr. Skoog said if Mr. Love is required to pave the lot the proposal will not go forward. He said Development Services needs to be contacted to work out an alternative plan.

Michelle Hoferer asked staff to check into the difference if the property is zoned I-1 or X-2.

Howard Blackmon said he doesn't understand why this applicant wasn't worked with in the first place to make this work. It is talked about a roundabout in this area. Why is that necessary? Mr. Boyd said it is stated in the staff report if the roundabout is approved they may need to acquire some of Mr. Love's property to put it in. Mr. Blackmon asked can a representative from development services come to the planning commission meetings. Mr. Boyd said lets give them a month to work this out. Mr. Fiander said a specific date needs to be set. The next planning commission meeting is October 16<sup>th</sup>. Mr. Skoog said to add it to the motion.

**RESTATED MOTION:**

Ralph Skoog moved to continue both proposals to the October 16<sup>th</sup> Planning Commission meeting so the applicant, Planning staff and Development Services could meet to work this problem out. He said there is no reason to discuss the matter further until a better plan is before us. Fred Sanders seconded. **CONTINUED to the October 16, 2006 Planning Commission meeting. (8-0-0)**

- a. **Z06/11 by Love Enterprises, Incorporated** requesting to amend the District Zoning Classification from "R-2" Single Family Dwelling District **TO** "X-2" Mixed Use District on property located on the northeast corner of SE Klein Street and SE 4<sup>th</sup> Street. **(Driver)**
- b. **CU06/4 by Love Enterprises, Incorporated** requesting a Conditional Use Permit to allow unenclosed, outdoor equipment/product storage on property currently zoned "R-2" Single Family Dwelling District, which the applicant is seeking to rezone to "X-2" Mixed Use District and located on the northeast corner of SE Klein Street and SE 4<sup>th</sup> Street. **(Driver)**

DRAFT

**Minutes of the  
Of the  
Topeka Planning Commission  
October 16, 2006**

**Love Enterprises, Incorporated Development** – Annie Driver summarized the staff report for both the Zoning and Conditional Use Permit.

**Z06/11 by Love Enterprises, Incorporated** requesting to amend the District Zoning Classification from “R-2” Single Family Dwelling District **TO** “X-2” Mixed Use District on property located on the northeast corner of SE Klein Street and SE 4<sup>th</sup> Street. **(Driver)**

**CU06/4 by Love Enterprises, Incorporated** requesting a Conditional Use Permit to allow unenclosed, outdoor equipment/product storage on property currently zoned “R-2” Single Family Dwelling District, which the applicant is seeking to rezone to “X-2” Mixed Use District and located on the northeast corner of SE Klein Street and SE 4<sup>th</sup> Street. **(Driver)**

**Proponents:**

Jonathon Phelps, attorney for Mr. Love, spoke in favor of the proposal. He stated he and Mr. Love were available for questions. Fred Sanders asked if the applicant agrees with the staff recommendation and all conditions contained in the staff report? You agree to asphalt the lot? John Love replied yes if given the time to do this. It is very expensive and it will need to be completed in phases. He stated 1<sup>st</sup> we will remove trees, then the lighting and then start the lot in phases. Ralph Skoog asked if development services will allow him to utilize the lot during these phases? Mr. Love said there is no other choice. He said he hasn't discussed it with them but he will in the near future. There will be equipment on the site prior to the parking lot being paved. Mr. Love asked if there was some kind of timeframe in which he must complete the paving? Bill Fiander stated he wasn't aware of a timeframe as long as you are moving towards the final product, it won't be a problem. Mark Boyd stated you are able to use the lot as long as you are progressing towards asphaltting the lot. Mr. Fiander said that is correct as long as he is going through the process to comply with the code and it is approved by City Council. Mr. Fiander stated we understand there is construction lag time. You will need to talk to the zoning inspector and let her know how much time you need. Mr. Sanders said it's hard to understand this is a parking lot. Does he have to follow all parking lot specifications regarding, lines, spacing, etc. Mr. Fiander replied no as you can see by the site plan there isn't any type of striping. Mr. Sanders asked if the public will park on this lot? Mr. Love replied no. Mr. Sanders asked if Mr. Love had gone through the process for lighting? Mr. Love replied no. Mr. Sanders asked if Mr. Love will be allowed to store construction equipment on the lot prior to paving? Mr. Fiander replied no only the equipment for paving the lot. Howard Blackmon asked who is in charge in development services? Mr. Fiander replied Miriam Berke. Terry Simnitt stated with winter on the way the lot won't be laid until next year and he needs to move his equipment from his current location. Mr. Love said he will have to move it to this location. Mr. Fiander stated this is administrative issue that can be taken care of between staff and the applicant. Mr. Fiander added the zoning inspector will work with Mr. Love on a timeframe and what to do with the equipment until the lot is paved. Mr. Simnitt asked if Mr. Love will be able to utilize the lot once the weather sets because he won't be able to develop the lot in the middle of winter. Mr. Fiander stated he will have to defer to the zoning inspector to work out the details. Mr. Simnitt stated all surrounding properties are zoned industrial. It is good you are working with him. Mr. Blackmon asked if this parcel has always been zoned R-1? Mrs. Driver replied it was C-4 but down-zoned with the neighborhood plan. Mr. Blackmon asked if the zoning was still C-4 would he have to pave the lot? Mr. Fiander replied the zoning doesn't dictate the standards for parking lots. Mr. Sanders asked if I-1 zoning would be more appropriate for this parcel? He added there is I-2 zoning to the south, north, 2 blocks to west and C-4 to the east. This area would develop out more as industrial and commercial. David Thurbon stated this application has not been analyzed for industrial zoning. This lot is too small to zone I-1, it must have 10,000 sq feet. He said the code states paved, if required. Mr. Skoog stated no matter the zoning we can't change the standards for a parking lot and this has been determined to be a parking lot. Although we understand parking lots are to park cars not construction equipment. Mark Boyd said he has a hard time saying this is a parking lot and asked if there is an appeal process for this? Is there a set of criteria to make this a parking lot? Is this something that can be discussed with the city council regarding this matter? Mr. Thurbon stated this is a building code requirement. He stated the applicant could go to the Development Services Director, to her boss and then the City Manager. Mr. Sanders asked if Mr. Love parks cars on the lot? Mr. Love replied he parks trucks, back ho, bull dozer and other construction equipment. He said the bull dozer will destroy the pavement. Mr. Blackmon asked if Mr. Thurbon is saying this can be appealed to a department head, department director or the city manager? Mr. Thurbon replied yes. Mr. Thurbon suggested adding language to the ordinance to state the lot will be paved, “if required”. Mr. Phelps asked the code wording be reflected in the

minutes "...paved if required..." Mr. Sanders asked if anything over 6000lb could be on a parking lot? Mr. Thurbon replied the conditional use permit allows him to do that upon approval.

Ralph Skoog moved to approve item F-1a and b changing note #2 on the conditional use permit stating we question if hard surfacing should be required and if so it will be to city standards, seconded by Howard Blackmon.

Mr. Sanders requested a definition of a parking lot and storage lot in writing for future cases.

Ms. Hoferer stated this is an industrial area and it is not right to require paving for heavy equipment storage.

Mr. Sanders stated the parking lot for the Brown vs. Board building is not paved. Even the drainage for the building is gravel.

No one spoke in opposition to the proposal.

Exparte communications: NONE

Restated motion:

Ralph Skoog moved to approve item F-1a as written by staff and F-1b changing note #2 on the conditional use permit adding paving, if required, will be to city standards, seconded by Howard Blackmon. **APPROVAL. (8-0-0)**



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 23, 2006

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**DATE:** October 17, 2006

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

**SECOND PARTY/SUBJECT:** Trafficway Improvement **PROJECT #:** 70142-03, Part B

**CATEGORY/SUBCATEGORY:** 014 Ordinances – Non-Codified / 004 Public Improvements

**CIP PROJECT:** Yes

**ACTION OF COUNCIL:** Approve the Project Budget and adopt the Ordinance as presented **JOURNAL #:**

**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing improvement Project No. 70142-03, Part B, which provides for the widening of California Avenue more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading. (Council District No. 4)**

*(This project will widen S.E. California Avenue from S.E. 28<sup>th</sup> Street to S.E. 33<sup>rd</sup> Street along with new pavement, sidewalks, storm sewers and all other incidentals necessary for a complete project.)*

### POLICY ISSUE:

N/A

### STAFF RECOMMENDATION:

Approve the Project Budget and adopt the Ordinance as presented.

### BACKGROUND:

This project was adopted in the 2006-2007 Capital Improvement Budget. The adopted CIB amount for years 2006 and 2007 is \$2,052,100 to be funded by General Obligation Bonds. A design budget of \$200,000 has already been approved by Council on June 14, 2005. This budget for Construction and Remaining Items includes \$2,052,100 funded by General Obligation Bonds, \$1,075,000 by KDOT STP funds and \$150,000 from the Combined Water, Wastewater and Stormwater Utility Operating Funds for a total of \$3,277,100. The funding requested by General Obligation Bonds is an increase of \$200,000 over the CIB amount.

This project will widen the roadway on S.E. California Avenue between S.E. 28<sup>th</sup> Street and S.E. 33<sup>rd</sup> Street. In 2005 when the design budget was approved, Council gave the direction to study both a three lane and five lane configuration for the new roadway. The recommendation from staff is to widen the existing pavement between S.E. 28<sup>th</sup> Street and S.E. 29<sup>th</sup> Street to five lanes, to construct five lanes of new pavement between S.E. 29<sup>th</sup> Street and S.E. 30<sup>th</sup> Street, and to construct three lanes of new pavement between S.E. 30<sup>th</sup> Street and S.E. 33<sup>rd</sup> Street. This design will provide 34 lanes of pavement within the commercial area between S.E. 28<sup>th</sup> Street and S.E. 30<sup>th</sup> Street and three lanes of pavement to the south within the residential area. With three lanes of pavement south of S.E. 30<sup>th</sup> Street, the Kansas Turnpike bridge near



S.E. 33<sup>rd</sup> Street will not need to be replaced. The three lane configuration will allow for low traffic volume growth through the California Avenue corridor.

**BUDGETARY IMPACT:**

|                                                                         |             |
|-------------------------------------------------------------------------|-------------|
| TOTAL PROJECT BUDGET                                                    | \$3,277,100 |
| General Obligation Bonds --                                             | \$2,052,100 |
| KDOT STP Funds --                                                       | \$1,075,000 |
| Combined Water, Wastewater,<br>Stormwater Utility Operating<br>Funds -- | \$150,000   |

The Total Debt Service for \$2,052,100 spread over 20 years is \$3,363,492.

**SOURCE OF FUNDING:**

General Obligation Bonds, KDOT STP Funds, and Combined Water, Wastewater, Stormwater Utility Operating Funds

**ATTACHMENTS:**

[Project Budget](#)

[Map](#)

[Ordinance](#)

[Debt Service Sheet](#)

**PROJECT BUDGET****Project No. 70142-03, Part B -- Construction and Remaining Project Costs  
S.E. California Avenue -- S.E. 29th Street to S.E. 33rd Street****LOCATION:**

S.E. California Avenue from S.E. 28th Street to  
S.E. 33rd Street

**DESCRIPTION OF PROJECT:**

This project will widen S.E. California Avenue to 5 lanes between S.E. 28th Street and S.E. 30th Street and then 3 lanes between S.E. 30th Street and S.E. 33rd Street.

The project is included in the City's 2007 Capital Improvement Program and the City/State 5-Year Construction Plan.

**SOURCE OF FUNDS:**

General Obligation Bonds and Any Other Lawfully Available Funds, KDOT STP Funds, Comb. Water, Wastewater and Stormwater Utility Operating

| <b><u>COST ESTIMATE:</u></b>              | <b>Gen. Obligation Bonds</b> | <b>KDOT STP Funds</b> | <b>Utility Funds</b> | <b>Total</b>          |
|-------------------------------------------|------------------------------|-----------------------|----------------------|-----------------------|
| Construction:                             | \$1,100,000.00               | \$800,000.00          | \$0.00               | \$1,900,000.00        |
| Design:                                   | \$30,000.00                  | \$0.00                | \$0.00               | \$30,000.00           |
| Construction Service Fees:                |                              |                       |                      |                       |
| <i>Construction Admin/Inspection</i>      | \$120,000.00                 | \$108,000.00          | \$0.00               | \$228,000.00          |
| <i>Construction Staking</i>               | \$30,000.00                  | \$27,000.00           | \$0.00               | \$57,000.00           |
| Administrative Fees:                      |                              |                       |                      |                       |
| <i>Engineering Admin. Fees (2%)</i>       | \$38,000.00                  | \$0.00                | \$0.00               | \$38,000.00           |
| <i>Engineering Admin. Fees, KDOT (3%)</i> | \$0.00                       | \$57,000.00           | \$0.00               | \$57,000.00           |
| <i>Cost of Revenue Bond Issuance</i>      | \$0.00                       | \$0.00                | \$0.00               | \$0.00                |
| <i>Debt Reserve Fund (10%)</i>            | \$0.00                       | \$0.00                | \$0.00               | \$0.00                |
| Waterline Relocation                      | \$300,000.00                 | \$0.00                | \$150,000.00         | \$450,000.00          |
| Right-of Way Acquisition:                 | \$185,000.00                 | \$0.00                | \$0.00               | \$185,000.00          |
| Contingency Amount:                       | \$109,100.00                 | \$83,000.00           | \$0.00               | \$192,100.00          |
| Temporary Note Interest                   | \$140,000.00                 | \$0.00                | \$0.00               | \$140,000.00          |
| <b>Total:</b>                             | <b>\$2,052,100.00</b>        | <b>\$1,075,000.00</b> | <b>\$150,000.00</b>  | <b>\$3,277,100.00</b> |

**PUBLIC HEARING:****PROJECT AUTHORITY:**

- a. Statutes: \_\_\_\_\_  
b. Capital Budget Year.: \_\_\_\_\_  
c. Improvement District: \_\_\_\_\_  
d. City at Large: \_\_\_\_\_  
e. Method of Assessment: \_\_\_\_\_

**PROJECT ENGINEER:**      Shawn P. Bruns





**CITY OF TOPEKA, KS**

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**California Ave from  
28th St to 33rd St**



1 inch equals 500 feet



(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No.70142-03, Part B, which provides for the widening of California Avenue 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 widening of Southeast California Avenue to five (5) lanes between Southeast 28<sup>th</sup> Street and Southeast 30<sup>th</sup> Street and then three (3) lanes between Southeast 30<sup>th</sup> Street and Southeast 33<sup>rd</sup> Street. The project will provide for new pavement, sidewalks, storm sewers and all other incidentals necessary for a complete project.

B. ESTIMATED OR PROBABLE COST:

\$3,277,100.00

C. SOURCE OF FUNDS:

|                                                                      |                     |
|----------------------------------------------------------------------|---------------------|
| General Obligation Bonds                                             | \$2,052,100.00      |
| KDOT STP Funds                                                       | \$1,075,000.00      |
| Combined Water, Wastewater and<br>Stormwater Utility Operating Funds | <u>\$150,000.00</u> |
| TOTAL                                                                | \$3,277,100.00      |

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

39 PASSED and APPROVED by the City Council \_\_\_\_\_.

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42 ATTEST: \_\_\_\_\_ William W. Bunten, Mayor

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45 \_\_\_\_\_  
Iris E. Walker, City Clerk

## GO Bond Cost of Project

## PROJECT:

|                 |       |
|-----------------|-------|
| Interest rate   | 5.25% |
| Number of Years | 20    |

|                    |        |
|--------------------|--------|
| Cost of Issuance   | 2.00%  |
| Temp Note interest | 5.000% |

|                                                        |                    |
|--------------------------------------------------------|--------------------|
| Principal (project cost)                               | <u>\$1,912,100</u> |
| Plus Temp Note Interest (unless included in Principal) | <u>\$140,004</u>   |
| Subtotal                                               | \$2,052,104        |
| Plus Cost of Issuance                                  | <u>\$0</u>         |
| <b>Total</b>                                           | <b>\$2,052,104</b> |

|                                         |                  |
|-----------------------------------------|------------------|
| Annual Debt Service                     | <b>\$168,175</b> |
| Annual Debt Service as Percent of Total | 8.2%             |

|                                             |             |
|---------------------------------------------|-------------|
| Total Debt Service (principal and interest) | \$3,363,492 |
|---------------------------------------------|-------------|

|                                                |             |
|------------------------------------------------|-------------|
| Difference Project Cost and Total Debt Service | \$1,451,392 |
|------------------------------------------------|-------------|

|                                                                                         |                             |
|-----------------------------------------------------------------------------------------|-----------------------------|
| GO Bonded Indebtedness as of August 2006*                                               | \$144,395,000               |
| 2005-A Temporary Notes that Finance Future GO Bond projects                             | \$20,487,369                |
| Approved, not Included in GO Bond Issue or Temporary Notes--City Projects               | \$13,273,902                |
| Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects | <u>\$9,778,828</u>          |
| Total Indebtedness                                                                      | <u><u>\$187,935,099</u></u> |
| Plus Project                                                                            | \$189,987,203               |

|                                                             |                    |
|-------------------------------------------------------------|--------------------|
| * Breakdown of GO Bonded Indebtedness as of July 2006       |                    |
| 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                                   | \$10,405,000       |
| Heartland Park Development                                  | \$5,070,000        |
| College Hill TIF                                            | <u>\$5,840,000</u> |
| Total                                                       | \$154,490,000      |



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 3, 2006

+ Back Print

**DATE:** October 17, 2006  
**CONTACT PERSON:** Pam Simecka / Joy Hoover **DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Tax Lien for Unpaid Sewer Service Charges **PROJECT #:**  
**CATEGORY/SUBCATEGORY:** 014 Ordinances – Non-Codified / 008 Special Assessments  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

### DOCUMENT DESCRIPTION:

**AN ORDINANCE** introduced by City Manager, Norton N. Bonaparte, Jr., instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-631k. First Reading.

*(The ordinance would create a tax lien for unpaid or delinquent sewer charges on certain properties in the amount of \$3,129.04.)*

### POLICY ISSUE:

This ordinance does not affect any City of Topeka policy.

### STAFF RECOMMENDATION:

Staff recommends Council approve this request.

### BACKGROUND:

An ordinance to create a tax lien for unpaid sewer charges for certain properties in Shawnee County, Kansas, where the property owner has not paid the sewer service charges. This is the only means we have of collecting these delinquent accounts. We have used this method of collecting past due rural wastewater charges for the past several years.

### BUDGETARY IMPACT:

Collection of unpaid sewer accounts in the amount of \$3,129.04.

### SOURCE OF FUNDING:

N/A

### ATTACHMENTS:

[Ordinance](#)

Item #35

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-631k.

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

Section 1. That there be and is hereby instituted a real estate lien upon the following described lots and pieces of ground in Shawnee County, Kansas, pursuant to K.S.A. 12-631k:

| Property ID Number | Property Owner of Record       | Address                    | Amount     |
|--------------------|--------------------------------|----------------------------|------------|
| 1311103002009000   | Ernest S. & Lisa A. Longstaff  | 3820 SE Howard Dr.         | \$529.54   |
| 0910204005010000   | Delora K. Watson               | 4101 NW Dondee Ln.         | \$434.82   |
| 1311103005002000   | Charles J. Geist <i>et al.</i> | 2523 SE Blair Dr.          | \$349.08   |
| 0910203006007000   | Crady D. & Jennifer L. Royer   | 3909 NW Fielding Terr.     | \$261.85   |
| 0910204005007030   | Judy R. Kilts                  | 4223 NW Union Dr.          | \$363.75   |
| 0273502010040000   | Teresa A. Salts                | 5213 NW Sterling Chase Dr. | \$1,190.00 |

Section 2. The City Clerk shall certify a copy of this Ordinance and deliver the same to the County Clerk of Shawnee County, Kansas, who shall place the several amounts mentioned in Section 1 of this Ordinance upon the tax rolls of said County to be collected as one (1) tax in the same manner as other taxes and assessments are collected.

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



24 PASSED AND APPROVED by the City Council \_\_\_\_\_, 2006.

25 CITY OF TOPEKA, KANSAS

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\_\_\_\_\_  
William W. Bunten, Mayor

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31 ATTEST:

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34 \_\_\_\_\_  
Iris E. Walker, City Clerk



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 17, 2006

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|                       |                  |             |
|-----------------------|------------------|-------------|
| DATE:                 | October 17, 2006 | DOCUMENT #: |
| CONTACT PERSON:       |                  | PROJECT #:  |
| SECOND PARTY/SUBJECT: |                  |             |
| CATEGORY/SUBCATEGORY  |                  |             |
| CIP PROJECT:          | No               |             |
| ACTION OF COUNCIL:    |                  | JOURNAL #:  |
|                       |                  | PAGE #:     |

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### DOCUMENT DESCRIPTION:

### POLICY ISSUE:

### STAFF RECOMMENDATION:

### BACKGROUND:

### BUDGETARY IMPACT:

### SOURCE OF FUNDING:

### ATTACHMENTS:

No Attachments Available



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 17, 2006

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|                       |                  |             |
|-----------------------|------------------|-------------|
| DATE:                 | October 17, 2006 | DOCUMENT #: |
| CONTACT PERSON:       |                  | PROJECT #:  |
| SECOND PARTY/SUBJECT: |                  |             |
| CATEGORY/SUBCATEGORY  |                  |             |
| CIP PROJECT:          | No               |             |
| ACTION OF COUNCIL:    |                  | JOURNAL #:  |
|                       |                  | PAGE #:     |

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**DOCUMENT DESCRIPTION:**

**POLICY ISSUE:**

**STAFF RECOMMENDATION:**

**BACKGROUND:**

**BUDGETARY IMPACT:**

**SOURCE OF FUNDING:**

**ATTACHMENTS:**

No Attachments Available



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 17, 2006

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|                       |                  |             |
|-----------------------|------------------|-------------|
| DATE:                 | October 17, 2006 | DOCUMENT #: |
| CONTACT PERSON:       |                  | PROJECT #:  |
| SECOND PARTY/SUBJECT: |                  |             |
| CATEGORY/SUBCATEGORY  |                  |             |
| CIP PROJECT:          | No               |             |
| ACTION OF COUNCIL:    |                  | JOURNAL #:  |
|                       |                  | PAGE #:     |

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### DOCUMENT DESCRIPTION:

### POLICY ISSUE:

### STAFF RECOMMENDATION:

### BACKGROUND:

### BUDGETARY IMPACT:

### SOURCE OF FUNDING:

### ATTACHMENTS:

No Attachments Available



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 17, 2006

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|                       |                  |             |
|-----------------------|------------------|-------------|
| DATE:                 | October 17, 2006 | DOCUMENT #: |
| CONTACT PERSON:       |                  | PROJECT #:  |
| SECOND PARTY/SUBJECT: |                  |             |
| CATEGORY/SUBCATEGORY  |                  |             |
| CIP PROJECT:          | No               |             |
| ACTION OF COUNCIL:    |                  | JOURNAL #:  |
|                       |                  | PAGE #:     |

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### DOCUMENT DESCRIPTION:

### POLICY ISSUE:

### STAFF RECOMMENDATION:

### BACKGROUND:

### BUDGETARY IMPACT:

### SOURCE OF FUNDING:

### ATTACHMENTS:

No Attachments Available



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## Council Action Form

Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603

October 17, 2006

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

|                       |                  |             |
|-----------------------|------------------|-------------|
| DATE:                 | October 17, 2006 | DOCUMENT #: |
| CONTACT PERSON:       |                  | PROJECT #:  |
| SECOND PARTY/SUBJECT: |                  |             |
| CATEGORY/SUBCATEGORY  |                  |             |
| CIP PROJECT:          | No               |             |
| ACTION OF COUNCIL:    |                  | JOURNAL #:  |
|                       |                  | PAGE #:     |

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**DOCUMENT DESCRIPTION:**

**POLICY ISSUE:**

**STAFF RECOMMENDATION:**

**BACKGROUND:**

**BUDGETARY IMPACT:**

**SOURCE OF FUNDING:**

**ATTACHMENTS:**

No Attachments Available