



A Capital City Serving You...

www.topeka.org

City Council Agenda

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

November 28, 2006
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Bunten

Councilmembers

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

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

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

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

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

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

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PROCLAMATIONS:

2. ROLL CALL:

3. CONSENT AGENDA:

A. MINUTES of the regular meeting of November 21, 2006

B. APPLICATIONS:

4. UNFINISHED BUSINESS:

A. Contract Amendment - Rural Water District #8

 [ATTACHMENTS](#)

A COMMUNICATION authorizing the amendment to the contract between the City of Topeka and Rural Water District No. 8 for the sale of water and specifically authorizing City Manager Norton N. Bonaparte to execute the contract amendment. *(Removed from the Policy and Finance Committee "Without Recommendation" by a vote of 2-0-1 on November 6, 2006.) (Deferred from the meeting of November 21, 2006.)*

(The amendment would permit the District to continue to serve its current customers in the event the City annexes a portion of the land served by the District.)

B. Ordinance - Condemnation Proceedings - Topeka Boulevard Bridge Replacement Project No. 12053-03

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River. **Final Reading.** *(Council District No. 1) (Deferred from the meeting of November 21, 2006.)*

(This Ordinance will initiate condemnation proceedings to acquire property for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River.)

C. Resolution - Authorization for Street Imp. Project No. 60619-00

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$1,292,700 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60619-00 which provides for paving certain streets located in Horseshoe Bend Subdivision, as more specifically described herein. *(The Public Hearing was closed on October 10, 2006)*

(This resolution authorizes a street project located two blocks northwest of SE 45th Street and SE Adams Street in the Horseshoe Bend Subdivision.)

5. NEW BUSINESS:

A. A Public Improvement Petition, Project Budget and a Resolution for Project No. 60619-00

 [ATTACHMENTS](#)

A PUBLIC IMPROVEMENT PETITION, a **PROJECT BUDGET** in the amount of \$1,292,700 and a **RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 60619-00 which provides for paving of the Horseshoe Bend Subdivision, as more specifically described herein. *(Council District No. 4)*

(This Petition Project to be paid 97.5% by the Improvement District and 2.5% by General Obligation Bonds will pave streets in Horseshoe Bend Subdivision near S.E. 45th Street and S.E. Quincy Street.)

B. Condemnation Resolution for Project # 70196-02

 [ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Improvement Project No. 70196-02 which provides for the construction of SW MacVicar Avenue from SW 6th Street to the eastbound I-70 exit ramp. (Council District No. 1)

(The resolution authorizes the City Engineer to prepare a list of properties that may need to be acquired for Trafficway Improvement Project No. 70196-02)

C. Contract Amendment - Cingular Wireless

 [ATTACHMENTS](#)

A COMMUNICATION authorizing the City Manager to execute an amendment to the contract with Cingular Wireless PCS, L.L.C. to increase the size of leased premise to accommodate a diesel generator.

(The generator ensures continuity of operation of their existing antennae on the Montara water tower in the event of an electrical power failure. The amendment also provides additional lease space to Cingular in return for rent.)

D. Holliday Building Elevator Improvements

 [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$130,000 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13155-00, which provides for two (2) passenger elevators located at the Cyrus K. Holliday building at 620 SE Madison as more specifically described herein.

(This project provides for the demolition of the existing elevator operating system, which will be replaced with new micro-processing code compliant elevator controls and equipment. The two passenger cars will be upgraded, including meeting ADA provisions. The new controls will be non-proprietary and able to be maintained by any licensed elevator service company in the State of Kansas.)

6. FIRST READINGS:

A. Condemnation Ordinance for Project #70190-01

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka 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. First Reading. (Council District No. 3)

(The ordinance will initiate condemnation proceedings to acquire the property rights.)

B. Improvement Project #84344

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., authorizing Improvement Project No. 84344 which provides for the removal and replacement of concrete curb and gutter throughout the City of Topeka, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading.

(This project provides for the removal and replacement of damaged or deteriorated sections of concrete curb and gutter that are on the Transportation Division's curb replacement list. This project is in the 2006 Capital Budget in the amount of \$600,000.)

C. Ordinance - Establishing a Code of Ethics for elected and appointed officials and employees of the City of Topeka

 [ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmembers John Nave, Brett Blackburn and Lana Kennedy, sitting as the Economic and Community Development Committee, repealing City of Topeka Code § 2-494 and amending City of Topeka Code, §§ 2, Article IX and 2-486, 2-487, 2-488, 2-489, 2-490, 2-491, 2-492, and 2-493 establishing a Code of Ethics for elected and appointed officials and employees for the City of Topeka, and specifically repealing said original sections. First Reading.

D. Ordinance and Project Budget for Project #30239-01

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30239-01, which provides for a 10-foot wide trail project,

extending the Deer Creek Trail from SE 6th Street to SE 10th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading. (Council District No. 3)

(This project provides for a 10-feet wide trail project extending the Deer Creek Trail from SE 6th Street to SE 10th Street.)

E. Ordinance for Project No. 12060-01

 [ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 12060-01, which provides for the replacement of a bridge on SW 29th Street over South Branch Shunganunga Creek near Randolph Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing Ordinance No. 18627. First Reading. *(Council District No. 5)*

(This Ordinance amends the project budget for Bridge Project No. 12060-01, which replaces the functionally obsolete bridge on S.W. 29th Street over Shunganunga Creek near Randolph Street. The amendment increases the project budget from \$983,000 to \$1,447,000 to account for higher construction costs. The City's Share of costs increases \$68,000.)

7. MISCELLANEOUS:

-

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

-

9. PUBLIC COMMENT:

-

10. ADJOURNMENT:

-



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 14, 2006

+ Back Print

DATE:	November 14, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 14, 2006

 + Back  Print

DATE: November 14, 2006

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 14, 2006

+ Back Print

DATE:	November 14, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 14, 2006

 + Back  Print

DATE:	November 14, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 15, 2006

 + Back  Print

DATE:	November 14, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 14, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 22, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON: Don Rankin/Mike Teply **DOCUMENT #:**

SECOND PARTY/SUBJECT: Rural Water District #8 **PROJECT #:**

CATEGORY/SUBCATEGORY

CIP PROJECT: Yes

ACTION OF COUNCIL: Defer for one week. **JOURNAL #:**
08/01/06 Referred to the
Policy and Finance
Committee 08/08/09
Referred to the Policy and
Finance Com. 10/03/06
Deferred one week.
11/21/06

PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION authorizing the amendment to the contract between the City of Topeka and Rural Water District No. 8 for the sale of water and specifically authorizing City Manager Norton N. Bonaparte to execute the contract amendment. (Removed from the Policy and Finance Committee "Without Recommendation" by a vote of 2-0-1 on November 6, 2006.) (Deferred from the meeting of November 21, 2006.)

(The amendment would permit the District to continue to serve its current customers in the event the City annexes a portion of the land served by the District.)

POLICY ISSUE:

State Statutes (K.S.A. 12-527) allow the City to assume water service to customers annexed into the City even if the customer was previously served by a Rural Water District. This contract amendment allows the City's rights to be exercised in a logical manner to the benefit of the City and the District and their customers.

Water rates of customers annexed into the City and served the District will be higher than other inside City water rates but this precedence is established by inside City wastewater customers of the Sherwood Wastewater Treatment Plant.

STAFF RECOMMENDATION:

Staff recommends approval for the following reasons:

- Existing District water system can be kept intact and absorbed into the City's water system in a more logical manner.
- Improvements to the District's water system can be accomplished as needed for customers annexed to ensure inside City fire protection.
- Reduces opposition to annexation.

Item #7

BACKGROUND:

Annexations within a Rural Water District generally create negative and costly effects upon the District's water distribution system as well as cause the City to make expensive improvements to serve the new customers. In addition, the District may lose a substantial amount of their customer base and revenue without a significant reduction in costs. These negative effects naturally cause the District to oppose annexation by the City. This contract amendment allows the District the exclusive right to serve water within their boundaries for successive ten year periods until the City annexes a majority of their customers. If the City annexes a majority of the District's customers, the City can, at a 10 year period, assume all water service to customers annexed.

BUDGETARY IMPACT:

This action minimizes budgetary impacts to the water utility for annexation of areas within the District. Payment for District water assets per State Statutes and contract agreements will not have to be paid to the District upon annexation. Capital improvements to connect to the annexed areas will not have to be expended.

SOURCE OF FUNDING:

Water Utility Fund

ATTACHMENTS:

[Amendment to Contract](#)

[Map](#)

[Committee referral sheet](#)

[Committee referral sheet](#)

CITY OF TOPEKA CONTRACT NO. _____

AMENDMENT No. 2 TO CONTRACT WITH RURAL WATER
DISTRICT NO. 8 SHAWNEE COUNTY, KANSAS

THIS AMENDMENT to Contract No. 31696 is entered into this ____ day of _____, 2006, by and between the City of Topeka, Kansas, a duly organized Municipal Corporation hereinafter referred to as the "City" and Rural Water District No. 8, Shawnee County, Kansas hereinafter referred to as the "District."

WHEREAS the City of Topeka owns and operates a waterworks and water distribution system which produces an adequate supply of water by means, in part, of a filtration plant, which water has been approved by the Kansas Department of Health and Environment for domestic uses; and

WHEREAS, the District owns, operates, and maintains a water system, consisting of water mains and distribution lines within the District, which District is located outside the corporate limits of the City of Topeka and is shown on Exhibit A attached; and

WHEREAS, the City and the District are parties to the City of Topeka Contract No. 31696, dated February 8, 2002, as amended, which Contract remains in full force and affect. The term of that Contract is until February 8, 2022, subject to renewal or extension by agreement of the parties as provided in that Contract; and

WHEREAS, the parties further anticipate the possibility that the City may annex additional land located within the territory of the District and desire to create an environment which provides some assurance to both the City and the District about the

integrity of water service territories and the reasonable transfer of those service areas to the City if and when it becomes reasonable to do so. This Amendment is intended to address these goals.

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

1. Definitions.

The following words and phrases as used in this Contract shall have the meanings as follows:

“District Territory” shall mean the territory of the District as it existed on January 1, 2005. A map of the District Territory as defined herein is attached as Exhibit A.

“The Contract” shall mean the City of Topeka Contract No. 31696 between the City and the District dated February 8, 2002, as amended.

“Potential Annexed Area” shall mean that area shaded on the attached Exhibit A.

2. Water service to areas within the territory of the District following annexation by the City.

(a) In the event that the City annexes District Territory, the District shall provide water service to the annexed territory. Such service shall be in accordance with the by-laws, rules and regulations and policies of the District. The District has the facilities and capacity to provide water service throughout its territory in its present use. District policies generally require that owners of land pay for any improvements within a new subdivision and to pay for or contribute to certain improvements that may be required

outside of a new subdivision or water line extensions that may be needed to serve a particular property. The City shall grant the District an exclusive right, subject to the limitations contained herein, to provide water service to any area within the territory of the District which is annexed by the City.

(b) Notwithstanding the above, the exclusive right to provide water service in the event of annexation shall not include the portion of Exhibit A, labeled "Rockfire II." The parties anticipate and agree that if such area is annexed by the City, that the City shall have the right to provide water service to that area, to the exclusion of the District.

(c) No fees will be payable to the City pursuant to any such exclusive right to serve.

3. Exclusive right to serve; termination of exclusive right to serve.

For a period of ten (10) years following the date of this Contract, the District shall have the exclusive right to provide water service within the District Territory, and the City shall not provide or offer to provide water service to any land located within the District Territory, except as otherwise provided in 2.(b), above.

(a) This exclusive right to serve water to land located within the territory of the District may be terminated effective on the tenth anniversary of this Contract for the Potential Annexed Area, if each of the following conditions has been met:

- (1) Not less than ninety percent (90%) of all residential water services on land located within the Potential Annexed Area have been annexed by the City
- (2) The City has given the District written notice of its intent to exercise its option to terminate the District's exclusive right to provide service within the territory of the District not later than six (6) months prior to the tenth anniversary of this Contract; and
- (3) The City has satisfied one or more of those alternatives for protection of the District customers, paragraph 5.(a) through (d), below.

(b) If the City has not met the criteria for termination of the District's exclusive right to provide water service to the territory of the District as set out above, then the District's exclusive right to provide water service within the territory of the District shall be extended for an additional five (5) years, and for successive additional terms of five (5) years each thereafter throughout the term of this Contract until an election has been made and all criteria as provided in paragraph (a) subparagraphs (1)-(3), above are met by the City.

4. No duty to compensate.

Annexation of any portion of the shaded area on Exhibit A while the District retains the exclusive right to serve shall relieve the City from any duty to compensate the District per K.S.A. § 12-527 or Section 9 of the Contract.

5. Protection of District customers.

As assurance to the District that its water customers will not be unduly impacted as a result of a termination of the District's exclusive right to provide water service to the territory of the District, and for the City to be entitled to assume that right to provide water service to the Potential Annexed Area, and the termination of the District's right to provide service to that area, such action by the City shall be conditioned upon satisfying one or more of the following:

(a) The City shall acquire the remainder of the District Territory (that portion not shaded on Exhibit A). The parties acknowledge and agree that such acquisition is governed by K.S.A. (2005 Supp.) § 82a-649 and would require the approval of the governing body of the City, the Board of Directors of the District and the participating members of the District. In the event of acquisition of the District as provided in this subparagraph, no compensation shall be payable by the City to the District for annexation of District Territory pursuant to K.S.A. § 12-527 or paragraph 9 of the Contract.

(b) The City and the District contract for the City to provide operation and maintenance of the District and to provide a supply of water to the District upon terms and conditions agreeable to the City and the District. In

the event of such agreement for the City operation and maintenance of the District, no compensation shall be payable by the City to the District for annexation of District Territory pursuant to K.S.A. § 12-527 or paragraph 9 of the Contract.

(c) The remaining District shall consolidate the portion of the District outside the Potential Annexed Area with another Rural Water District.

(d) Payment to the District by the City for the annexed area of those amounts as provided in paragraph 9 of the Contract, adjusted for changes to the Consumer Price Index, Kansas City Region, between February, 2002 and the date of the City's election.

6. Release of land from the District.

The parties agree that upon effective exercise of the City's option to assume water service to the Potential Annexed Area and expiration or no renewal of any exclusive right to provide water service to that area, that by operation of law and this Contract that portion of the District's territory so annexed by the City will be automatically deleted from the territory of the District.

7. City Improvements to District facilities.

The parties acknowledge that the City may determine it necessary or desirable to improve or enhance District facilities located within annexed areas during the District's exclusive right to serve such areas and any such improvements shall be made at no cost to the District. The parties agree that in such event, the District shall grant the City, its engineers, agents, employees and contractors access to such facilities for the

purpose of evaluation and measurement, inspection, enhancements and/or improvements as reasonably determined necessary or advisable by the City. Plans and specifications for any such enhancements and/or improvements shall be subject to review and approval by the District, and once installed, shall be maintained by the District, at the expense of the District, as an integral part of the District's system. Provided, that title to any such enhancements and/or improvements shall belong to the City.

8. Term.

The term of the Contract as amended, shall be for twenty (20) years from the date of this Amendment.

9. Effect of Amendment.

This Amendment shall supplement the Contract, and shall supersede any terms contained in the Contract that are in conflict herewith. All other terms and conditions of the Contract not amended herein shall remain in full force and effect.

10. Miscellaneous.

The parties hereto agree that this Amendment, by mutual consent of the parties, may be amended by a document of equal formality. The parties further agree to consider any requests by the other party for an amendment and to negotiate the same in good faith. The Contract, as amended, shall bind the successors of the respective parties hereto to the same degree and extent to which the parties are themselves bound. This Contract is executed in duplicate, one (1) copy hereof for the City and one (1) copy hereof for the District.

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

CITY OF TOPEKA, KANSAS

Norton N. Bonaparte, Jr., City Manager

ATTEST:

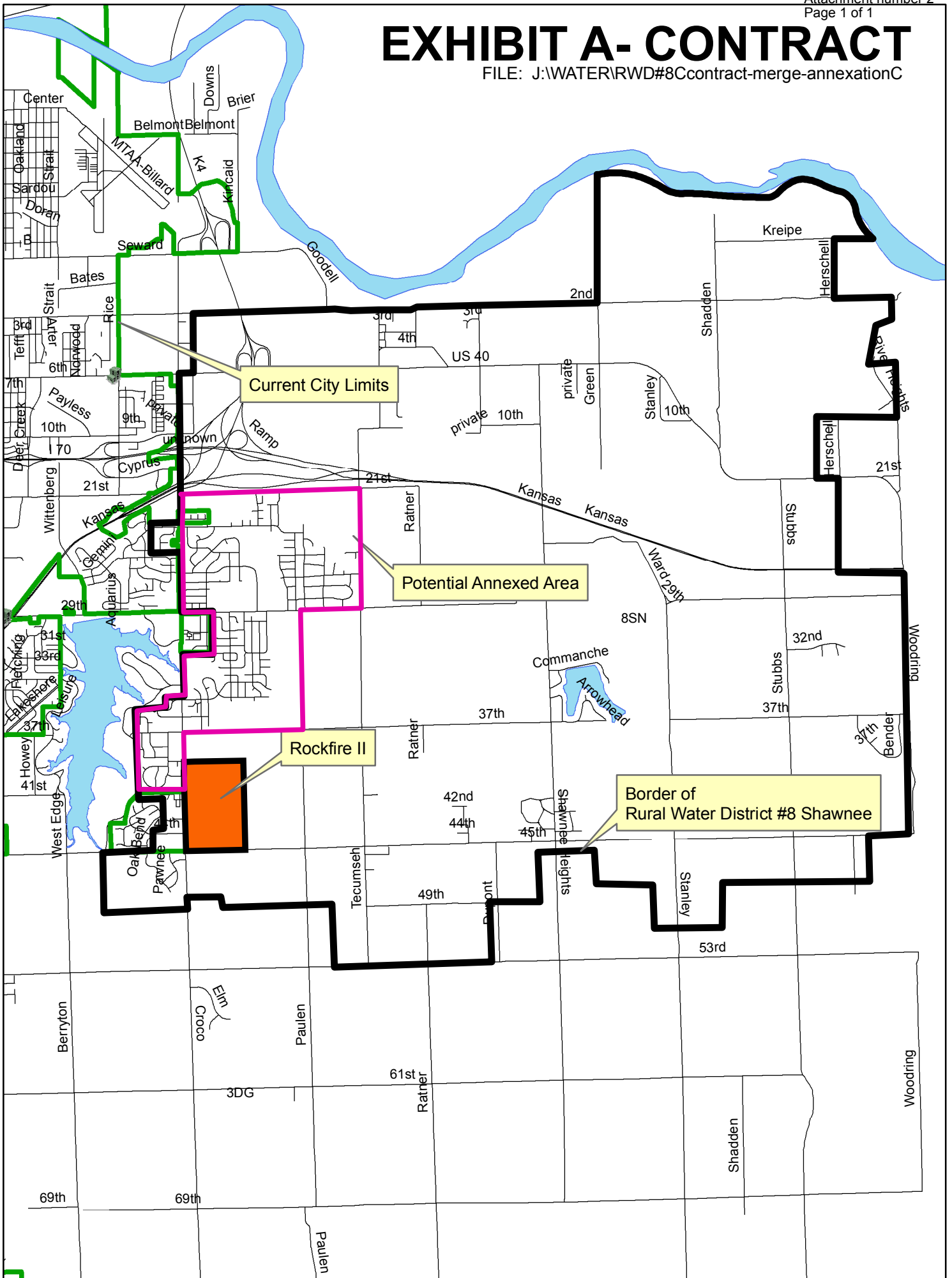
Iris E. Walker, City Clerk

RURAL WATER DISTRICT NO. 8
SHAWNEE COUNTY, KANSAS

David Rutkowski, Chairman

EXHIBIT A- CONTRACT

FILE: J:\WATER\RWD#8Contract-merge-annexationC



COMMITTEE REFERRAL SHEET COMMITTEE REPORT

**Name of
Committee:**

Policy and Finance

Title:

Contract amendment – Rural Water District # 8

**Date referred
from Council
meeting:**

August 8, 2006

**Date referred
from
Committee:**

September 11, 2006

**Committee
Action:**

Duffy moved that the item be sent out of Committee with no recommendation to the full Council. Motion passed 2-0 (Harmon absent). Guidance to staff to prepare a new contract with Committee amendments which are to be provided to RWD #8 Board Members for their consideration. Committee Members request that Council remand the issue back to the Policy and Finance Committee for further review.

Comments:

Amendments:

- 1) Approval of the contract amendment is conditioned upon the unilateral annexation of all contiguous, platted tracts of land located within the "Potential Annexed Area" and which also lie within the area subject to City of Topeka Contract No. 30746 (Sewer District No. 33). Land to be taken in one annexation action.
- 2) Limit to 200 the maximum number of new hookups in the area outside of the "Potential Annexed Area" as set out in Exhibit A.
- 3) Contract to include new Section 8 language: District's Opposition to future City Annexation.

**Members of
Committee:**

Chair Richard Harmon, Jeff Preisner, Clark Duffy

**Agenda Date
Requested:**

On or before 10/3/06

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

**Name of
Committee:**

Policy and Finance

Title:

Contract amendment – Rural Water District # 8

**Date referred
from Council
meeting:**

Remanded back October 3, 2006

**Date referred
from
Committee:**

November 6, 2006

**Committee
Action:**

Duffy moved to recommend do not approve to the full Council.

Harmon made a substitute motion to send the ordinance to the full Council as amended without recommendation. Motion passed 2-1 (Duffy voting no).

Comments:

Amendments:

- 1) Approval of the contract amendment is conditioned upon the unilateral annexation of all contiguous, platted tracts of land located within the "Potential Annexed Area" and which also lie within the area subject to City of Topeka Contract No. 30746 (Sewer District No. 33). Land to be taken in one annexation action.
- 2) Limit to 200 the maximum number of new hookups in the area outside of the "Potential Annexed Area" as set out in Exhibit A.
- 3) Contract to include new Section 8 language: District's Opposition to future City Annexation.

**Members of
Committee:**

Chair Richard Harmon, Jeff Preisner, Clark Duffy

**Agenda Date
Requested:**

On or before December 5, 2006



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 22, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON: Rusty Rakestraw **DOCUMENT #:**

SECOND PARTY/SUBJECT: Condemnation Ordinance **PROJECT #:** 12053-03

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 002 Condemnations

CIP PROJECT: Yes

ACTION OF COUNCIL: Deferred for one week/First reading. 11/21/06 **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River. **Final Reading.** (Council District No. 1) (Deferred from the meeting of November 21, 2006.)

(This Ordinance will initiate condemnation proceedings to acquire property for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve Condemnation Ordinance.

BACKGROUND:

KSA 26-201 states that the governing body shall by ordinance authorize and provide for the acquisition of the interests to be condemned and for what purpose the same is to be used. This ordinance sets out the individual parcels and specific interests to be acquired. Negotiations are still in progress with the property owners. If successful negotiations are completed, the respective parcel will be deleted from the proceedings.

BUDGETARY IMPACT:

To be determined by Condemnation appraisers.

SOURCE OF FUNDING:

Approved project budget - revenue bonds serviced from 1/2 cent county - wide sales tax; Federal Funds; and direct payment from 1/2 cent county - wide sales tax.

ATTACHMENTS:

Item #8

[Ordinance](#)

(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 City of Topeka Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River.

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. 12053-03, and for other public purposes, said lands being described as follows:

Parcel No. 1

Owner of Record: Dirt and Gravel, Inc.
c/o Edward F. Murray, Jr.
402 Bluemont Circle
Manhattan, KS 66502

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession:

1. Vacant Lot
2. Union Pacific Railroad
c/o Legal Department
1400 Douglas Street
Omaha, NE 68179
3. International Mining Corporation
c/o Pacific Holding Corporation
10900 Wilshire Blvd
Los Angeles, CA 90024

PROPERTY INTEREST TO BE ACQUIRED:

Easement Interest of Party in Possession Nos. 2 and 3:

Beginning at the intersection of the Grantor's former main line track and a line 848 feet Southerly of the North line of Section 13, Township 11 South, Range 15 East, as measured along said former main track centerline; thence Northerly along said centerline through Sections 13, 12, and 1, Township 11 South, Range 15 East; thence Northerly through Sections 35, 26, 23, 14, 11 and 2, Township 10 South, Range 15 East to the Termination at the North line of said Section 2, being the North line of Shawnee County, Kansas.

Being a part of those interests Grantor's predecessor Chicago, Kansas & Nebraska Railway and Chicago, Rock island and Pacific Railway acquired through instruments filed with the Shawnee County, Kansas Recorder at the following book and page:

<u>Book</u>	<u>Page</u>
128	17
123	264
123	329
131	142
123	229
131	141
123	216
128	577

Parcel No. 11

Owner of Record: Rachel E. Hays
1411 NW Taylor Street, Lot 1011
Topeka, KS 66608

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Vacant land

PROPERTY TO BE ACQUIRED:

Fee Simple:

Tract 1:

Lots 170 and 172 on Topeka Avenue, in Curtis Addition to the City of Topeka, Shawnee County, Kansas.

Tract 2:

Lot 174 on Topeka Avenue, in Curtis Addition to the City of Topeka, Shawnee County, Kansas.

Parcel No. 12

Owner of Record:

1. Larry Joe Burge
1632 SW Oakley
Topeka, KS 66604

and at

713 Beatrice Street
Benton, IL 62812
2. Jessie Munoz Cortez
Address Unknown
3. Jesse M. Cortez
Address Unknown
4. Maria Munoz Cortez
Address Unknown
5. Gloria Munoz Cortez
Address Unknown
6. Gloria Deghand
Address Unknown
7. Monica Munoz Cortez
Address Unknown

120 8. Ricardo Munoz Cortez
121 Address Unknown
122
123 9. Richardo Cortez a/k/a Ricardo Cortez
124 Address Unknown
125
126 Contract Purchaser: NONE
127
128 Lienholder of Record: 1. Shawnee County Treasurer (Real Estate Taxes)
129 Shawnee County Courthouse
130 200 SE 7th St.
131 Topeka, KS 66603
132
133 2. Bankers Trust Co. of CA, N.A.
134 c/o Deutsche Bank National Trust Co.
135 300 S Grand Ave
136 Las Angles, CA 90071
137
138 Party in Possession: Vacant land
139
140 PROPERTY TO BE ACQUIRED:
141
142 **Fee Simple:**
143
144 Lots 176, 178 and 180 on Topeka Avenue, in Curtis Addition to the City of Topeka,
145 Shawnee County, Kansas, along with a strip of land between said Lot 180 and the
146 South side of Railroad Street.
147
148 **Parcel No. 17**
149
150 Owner of Record: United States Postal Service Washington, D.C.
151 PO Box 249502
152 Omaha, NE 68124-9505
153
154 Contract Purchaser: NONE
155
156 Lienholder of Record: NONE
157
158 Party in Possession: Owner of record
159

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract of land in the Southeast Quarter of Section 30, Township 11 South, Range 16 East of the 6th Principal Meridian, Shawnee County, Kansas, described as follows: Beginning at the intersection of the North line of West First Street with the West line of West Harrison Street which is also the southeast corner of Shrake Subdivision No. 2; thence N 70°-52'-16" W (from plat of subdivision) along the North line of West First Street a distance of 49.0 feet to the true point of beginning; thence N 19°-02'-19" E a distance of 24.0 feet; thence N 70°-52'-16" W a distance of 20 feet; thence S 19°-02'-19" W a distance of 24.0 feet to the North line of West First Street; thence S 70°-52'-16" E along the North line of West First Street to the point of beginning.

The above-described property to be acquired contains 480 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

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.

191 PASSED and APPROVED by the City Council_____.

192

193

194

195

William W. Bunten, Mayor

196 ATTEST:

197

198

199

200 _____
Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 1, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON: Jeff Hunt **DOCUMENT #:**

SECOND PARTY/SUBJECT: Street Improvement **PROJECT #:** 60619-00

CATEGORY/SUBCATEGORY: 020 Resolutions / 004 Public Improvements

CIP PROJECT: No

ACTION OF COUNCIL: Closed the Public Hearing and Referred resolution/project budget Economic and Community Development 10/10/06 **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$1,292,700 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60619-00 which provides for paving certain streets located in Horseshoe Bend Subdivision, as more specifically described herein. *(The Public Hearing was closed on October 10, 2006)*

(This resolution authorizes a street project located two blocks northwest of SE 45th Street and SE Adams Street in the Horseshoe Bend Subdivision.)

POLICY ISSUE:

Whether to authorize a street project which will be paid for by special assessments to an improvement district in which not all property owners agreed to the project. Also 2.5% of the cost of the project will be apportioned to the City.

STAFF RECOMMENDATION:

Approve the resolution of advisability and authorization.

BACKGROUND:

Developer of subdivision is requesting the street improvement district project to allow construction of new homes.

Project is to pave SE Quincy Street, SE Horseshoe Bend Drive, SE Chisolm Road, SE 44th Street, and SE 43rd Terrace with pavement including concrete curb & gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

BUDGETARY IMPACT:

Project Budget: \$1,292,700.00

Improvement District - 97.5% = \$1,260,382.50
City of Topeka - 2.5% = 32,317.50

Item #9

SOURCE OF FUNDING:

100% General Obligation Bonds. Costs will be apportioned 97.5% to the Improvement District and 2.5% to the City of Topeka. The costs assessed to the Improvement District are to be paid on a unit basis (84 total units) for all parcels which are included in the improvement district as follows:

Tract No. 1 - 67 units
Tract No. 2 - 3 units
Tract No. 3 - 7 units
Tract No. 4 - 7 units

ATTACHMENTS:

[Project Budget](#)

[Vicinity Map](#)

[Resolution of Advisability and Authorization](#)

[11-6-06 Committee Sheet](#)

PROJECT BUDGET
Project No. 60619-00
Bartlett & West Project No. 2028.500

Horseshoe Bend Streets

LOCATION:

TRACT NO. 1

Lots 1 through 4, Block 'A'; Lots 1 through 11, Block 'B'; Lots 2 through 31, Block 'C'; Lots 1 through 22, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 2

The south 120 feet of Lot 1, Block 'C', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 3

A tract of land situated in Lot 5, Block 'C', Hilltop Subdivision No. 2 to the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 19, Township 12 South, Range 16 East, thence along the South line of said Quarter on a bearing of South 90 degrees 00 minutes 00 seconds East, a distance of 560.00 feet; thence on a bearing of North 00 degrees 00 minutes 00 seconds West, a distance of 40.00 feet; thence on a bearing of North 89 degrees 59 minutes 03 seconds East, a distance of 157.33 feet to the point of beginning, said point of beginning being a rebar and cap; thence on a bearing of North 00 degrees 06 minutes 39 seconds West, a distance of 738.03 feet to the North line of lot 5, Block 'C', said point being a rebar and cap; thence along the North line of said lot on a bearing of North 89 degrees 59 minutes 27 seconds East, a distance of 155.94 feet to the Northeast corner of Lot 5, said point being a found rebar; thence along the East line of said lot on a bearing of South 00 degrees 13 minutes 08 seconds East, a distance of 738.02 feet to the Southeast corner of Lot 5, Block 'C', said point being a found rebar; thence along the South line of said lot on a bearing of South 89 degrees 59 minutes 03 seconds West, a distance of 157.33 feet to the point of beginning.

TRACT NO. 4

The west 160 feet of the following described tract of land:

A part of the West half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M. in Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said West half of the Southeast Quarter of Section 19; thence West along the South line of Section 19, 450.00 feet; thence North 778.00 feet; thence East 450.00 feet to the East line of said West Half of the Southeast Quarter of said Section 19; thence South to the place of beginning, EXCEPT the following tract: Beginning at a point on the South line of Section 19, Township 12 South, Range 16 East of the 6th P.M., and 450.00 feet West of the Southeast corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.

DESCRIPTION OF PROJECT:

To pave:

SE Horseshoe Bend Drive from SE 45th Street northerly to SE Chisolm Road and SE 44th Street from SE Horseshoe Bend Drive westerly approximately 400 feet and easterly to SE Chisolm Road and SE Chisolm Road northerly to SE Horseshoe Bend Drive with 29 foot wide pavement and to pave SE 43rd Terrace from SE Horseshoe Bend Drive westerly approximately 500 feet with 39 foot wide pavement including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

SOURCE OF FUNDS:

Assessment District

COST ESTIMATE:

	<u>City of Topeka (2.5%)</u>	<u>Other Funds (97.5%)</u>	<u>Total</u>
Construction:	\$22,500.00	\$877,500.00	\$900,000.00
Design	\$1,642.50	\$64,057.50	\$65,700.00
Geotechnical Report	\$75.00	\$2,925.00	\$3,000.00
Project Service Fees:			
<i>Construction Admin & Inspection</i>	\$1,800.00	\$70,200.00	\$72,000.00
<i>Construction Staking</i>	\$1,125.00	\$43,875.00	\$45,000.00
Administrative Fees:			
<i>Legal Dept. Admin.</i>	\$675.00	\$26,325.00	\$27,000.00
<i>Engineering Admin.</i>	\$450.00	\$17,550.00	\$18,000.00
Right-of-Way Acquisition:	\$1,575.00	\$61,425.00	\$63,000.00
Contingency Amount	\$675.00	\$26,325.00	\$27,000.00
Interim Interest	\$1,800.00	\$70,200.00	\$72,000.00
Total:	\$32,317.50	\$1,260,382.50	\$1,292,700.00

$$\frac{500 \text{ LF (39' St)}}{3900 \text{ LF (Total)}} \times 20\% = 2.5\%$$

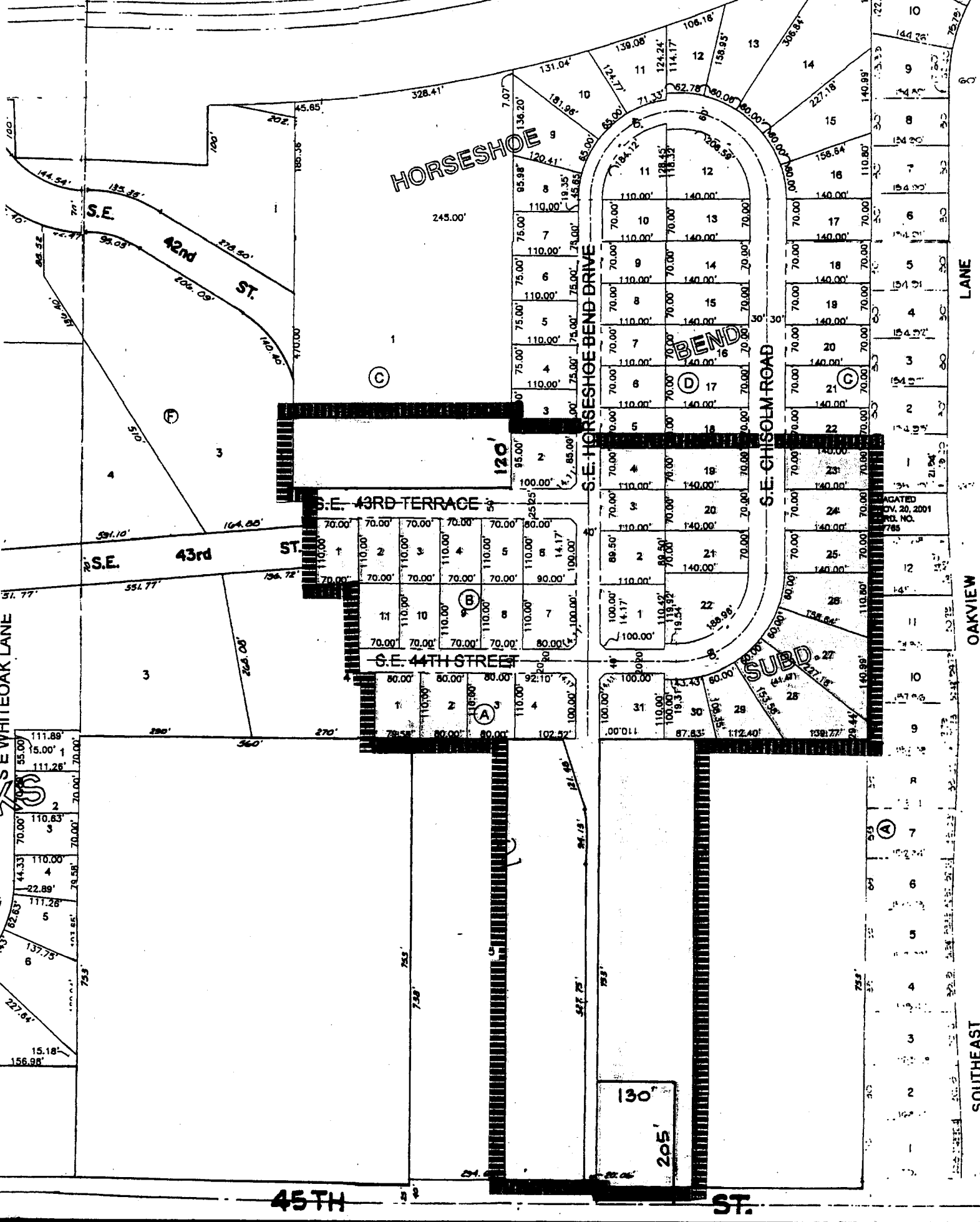
PUBLIC HEARING:

PROJECT AUTHORITY:

a. Statutes: KSA 12-6a Petition Project
b. Ord./Res. No.: _____
c. Improvement District: _____
d. City at Large: _____
e. Method of Assessment: Unit Basis

Date: _____

PROJECT ENGINEER:



HORSESHOE

BEND

SUBD.

OAKVIEW

SOUTHSEAST

S.E. 43RD TERRACE

S.E. 44TH STREET

S.E. HORSESHOE BEND DRIVE

S.E. CHISOLM ROAD

S.E. 42nd ST.

45TH

ST.

130'

205'

(C)

(B)

(A)

(D)

(A)

(F)

S.E. WHITE OAK LANE

LANE

(Published in the Topeka Metro News _____)

RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60619-00 which provides for paving certain streets located in Horseshoe Bend Subdivision, as more specifically described herein.

WHEREAS, Council of the City of Topeka, Kansas, did hold a public hearing on the advisability of the following: Street Improvement Project No. 60619-00 said public hearing was held on October 10, 2006, in the City Council Chambers of City Hall, 214 E. 8th Street, at 6:00 p.m., as required by K.S.A. 12-6a01, *et seq.*, as amended; and

WHEREAS, said public hearing was adjourned on the 10th day of October, 2006; and

WHEREAS, notice of said public hearing was duly published as required by K.S.A. 12-6a01, *et seq.*, as amended; and

WHEREAS, six (6) months have not elapsed since the final adjournment of said public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that it finds the following described improvement to be advisable and does hereby authorize and order said improvement to be made in accordance with its findings as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To pave:
SE Quincy Street from SE 45th Street northerly to SE Horseshoe Bend Drive, and SE Horseshoe Bend Drive from SE Quincy Street northerly to SE Chisolm Road, and SE Chisolm Road from SE Horseshoe Bend Drive southerly to SE 44th Street, and SE 44th Street from SE Horseshoe Bend Drive westerly approximately 400 feet, with 29 foot wide pavement and to pave SE 43rd Terrace from SE Horseshoe Bend Drive westerly approximately 500 feet with 39 foot wide pavement including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all

other contingencies needed to complete the project.

B. PROPOSED IMPROVEMENT DISTRICT:

TRACT NO. 1

Lots 1 through 4, Block 'A'; Lots 1 through 11, Block 'B'; Lots 2 through 31, Block 'C'; Lots 1 through 22, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 2

The south 120 feet of Lot 1, Block 'C', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 3

A tract of land situated in Lot 5, Block 'C', Hilltop Subdivision No. 2 to the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 19, Township 12 South, Range 16 East, thence along the South line of said Quarter on a bearing of South 90 degrees 00 minutes 00 seconds East, a distance of 560.00 feet; thence on a bearing of North 00 degrees 00 minutes 00 seconds West, a distance of 40.00 feet; thence on a bearing of North 89 degrees 59 minutes 03 seconds East, a distance of 157.33 feet to the point of beginning, said point of beginning being a rebar and cap; thence on a bearing of North 00 degrees 06 minutes 39 seconds West, a distance of 738.03 feet to the North line of lot 5, Block 'C', said point being a rebar and cap; thence along the North line of said lot on a bearing of North 89 degrees 59 minutes 27 seconds East, a distance of 155.94 feet to the Northeast corner of Lot 5, said point being a found rebar; thence along the East line of said lot on a bearing of South 00 degrees 13 minutes 08 seconds East, a distance of 738.02 feet to the Southeast corner of Lot 5, Block 'C', said point being a found rebar; thence along the South line of said lot on a bearing of South 89 degrees 59 minutes 03 seconds West, a distance of 157.33 feet to the point of beginning.

TRACT NO. 4

The west 160 feet of the following described tract of land:

A part of the West half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M. in Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said West half of the Southeast Quarter of Section 19; thence West along the South line of Section 19, 450.00 feet; thence North 778.00 feet; thence East 450.00 feet to the East line of said West Half of the Southeast Quarter of said Section 19; thence South to the place of beginning, EXCEPT the following tract: Beginning at a point on the South line of Section 19, Township 12 South, Range 16 East of the 6th P.M., and 450.00 feet West of the Southeast

corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.

C. ESTIMATED OR PROBABLE COST:

\$1,292,700.00

D. PROPOSED METHOD OF ASSESSMENT:

On a unit basis for all parcels which are included in the described improvement district as follows:

Tract No. 1: Block A, 4 units
Block B, 29 units
Block C, 22 units
Block D, Horseshoe Bend Subdivision
Tract No. 2: South 120 feet of Lot 1, Block C, Horseshoe Bend Subdivision
Tract No. 3: Tract of land situated in Lot 5, Block C
Tract No. 4: West 160 feet of a tract of land, more specifically described herein; and
Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, more specifically described herein.

E. APPORTIONMENT OF COSTS:

City of Topeka	32,317.50	2.5%
<u>Benefit District</u>	<u>\$1,260,382.50</u>	<u>97.5%</u>
Total	\$1,292,700.00	100%

The improvement shall not be commenced if within twenty (20) days after publication of this resolution, written protests signed by both fifty-one percent (51%) or more of the resident owners of record of property within the improvement district and the owners of record of more than one-half ($\frac{1}{2}$) of the total area of said district, are filed with the City Clerk.

This Resolution shall become effective upon one publication in the official city newspaper.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

COMMITTEE REFERRAL SHEET COMMITTEE REPORT

Name of Committee:	Economic and Community Development
Referred by City Council at Council meeting:	October 10, 2006
Date referred from Committee:	November 8, 2006
Title:	Project budget in the amount of \$1,292,700 and a Resolution authorizing Street Improvement Project No. 60619-00 which provides for paving certain streets located in Horseshoe Bend Subdivision
Committee Action:	Do Pass as agreed to by the developers
Vote:	2-0 in favor (Kennedy absent)
Comments:	None
Amendments:	See attached document
Members of Committee:	Chair John Nave, Brett Blackburn, Lana Kennedy
Agenda Date Requested:	November 21, 2006



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 15, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON: Jeff Hunt **DOCUMENT #:**

SECOND PARTY/SUBJECT: Street Improvement Project **PROJECT #:** 60619-00

CATEGORY/SUBCATEGORY 015 Petitions/001 Benefit District

CIP PROJECT: No

ACTION OF COUNCIL: Accept the Petition and approve the Project Budget and Resolution of Advisability as presented **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A PUBLIC IMPROVEMENT PETITION, a PROJECT BUDGET in the amount of \$1,292,700 and a RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 60619-00 which provides for paving of the Horseshoe Bend Subdivision, as more specifically described herein. (Council District No. 4)

(This Petition Project to be paid 97.5% by the Improvement District and 2.5% by General Obligation Bonds will pave streets in Horseshoe Bend Subdivision near S.E. 45th Street and S.E. Quincy Street.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Accept the Petition and approve the Project Budget and Resolution of Advisability and Authorization.

BACKGROUND:

The project will pave S.E. Quincy Street from S.E. 45th Street northerly to S.E. Horseshoe Bend Drive, and S.E. Horseshoe Bend Drive from S.E. Quincy Street northerly to S.E. Chisolm Road, and S.E. Chisolm Road from S.E. Horseshoe Bend Drive southerly to S.E. 44th Street, and S.E. 44th Street from S.E. Horseshoe Bend Drive westerly approximately 400 feet, with 29 foot wide pavement and to pave S.E. 43rd Terrace from S.E. Horseshoe Bend Drive westerly approximately 500 feet with 39 foot wide pavement including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

All property owners in the Improvement District have signed the Petition.

BUDGETARY IMPACT:

Project Budget: \$1,292,700.00

Item #10

On a unit basis for all parcels included in the Improvement District.

SOURCE OF FUNDING:

Improvement District - \$1,260,382.50 (97.5%)

City G.O. Bonds - \$ 32,317.50 (2.5% -- Park Area)

ATTACHMENTS:

[Project Budget](#)

[Map](#)

[Project Petition](#)

[Resolution](#)

PROJECT BUDGET
Project No. 60619-00
Bartlett & West Project No. 2028.500

Horseshoe Bend Streets

LOCATION:

TRACT NO. 1

Lots 1 through 4, Block 'A'; Lots 1 through 11, Block 'B'; Lots 2 through 31, Block 'C'; Lots 1 through 22, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 2

The south 120 feet of Lot 1, Block 'C', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 3

A tract of land situated in Lot 5, Block 'C', Hilltop Subdivision No. 2 to the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 19, Township 12 South, Range 16 East, thence along the South line of said Quarter on a bearing of South 90 degrees 00 minutes 00 seconds East, a distance of 560.00 feet; thence on a bearing of North 00 degrees 00 minutes 00 seconds West, a distance of 40.00 feet; thence on a bearing of North 89 degrees 59 minutes 03 seconds East, a distance of 157.33 feet to the point of beginning, said point of beginning being a rebar and cap; thence on a bearing of North 00 degrees 06 minutes 39 seconds West, a distance of 738.03 feet to the North line of lot 5, Block 'C', said point being a rebar and cap; thence along the North line of said lot on a bearing of North 89 degrees 59 minutes 27 seconds East, a distance of 155.94 feet to the Northeast corner of Lot 5, said point being a found rebar; thence along the East line of said lot on a bearing of South 00 degrees 13 minutes 08 seconds East, a distance of 738.02 feet to the Southeast corner of Lot 5, Block 'C', said point being a found rebar; thence along the South line of said lot on a bearing of South 89 degrees 59 minutes 03 seconds West, a distance of 157.33 feet to the point of beginning.

TRACT NO. 4

The west 160 feet of the following described tract of land:

A part of the West half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M. in Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said West half of the Southeast Quarter of Section 19; thence West along the South line of Section 19, 450.00 feet; thence North 778.00 feet; thence East 450.00 feet to the East line of said West Half of the Southeast Quarter of said Section 19; thence South to the place of beginning, EXCEPT the following tract: Beginning at a point on the South line of Section 19, Township 12 South, Range 16 East of the 6th P.M., and 450.00 feet West of the Southeast corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.

DESCRIPTION OF PROJECT:

To pave:

SE Horseshoe Bend Drive from SE 45th Street northerly to SE Chisolm Road and SE 44th Street from SE Horseshoe Bend Drive westerly approximately 400 feet and easterly to SE Chisolm Road and SE Chisolm Road northerly to SE Horseshoe Bend Drive with 29 foot wide pavement and to pave SE 43rd Terrace from SE Horseshoe Bend Drive westerly approximately 500 feet with 39 foot wide pavement including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

SOURCE OF FUNDS:

Assessment District

COST ESTIMATE:

	<u>City of Topeka (2.5%)</u>	<u>Other Funds (97.5%)</u>	<u>Total</u>
Construction:	\$22,500.00	\$877,500.00	\$900,000.00
Design	\$1,642.50	\$64,057.50	\$65,700.00
Geotechnical Report	\$75.00	\$2,925.00	\$3,000.00
Project Service Fees:			
<i>Construction Admin & Inspection</i>	\$1,800.00	\$70,200.00	\$72,000.00
<i>Construction Staking</i>	\$1,125.00	\$43,875.00	\$45,000.00
Administrative Fees:			
<i>Legal Dept. Admin.</i>	\$675.00	\$26,325.00	\$27,000.00
<i>Engineering Admin.</i>	\$450.00	\$17,550.00	\$18,000.00
Right-of Way Acquisition:	\$1,575.00	\$61,425.00	\$63,000.00
Contingency Amount	\$675.00	\$26,325.00	\$27,000.00
Interim Interest	\$1,800.00	\$70,200.00	\$72,000.00
Total:	\$32,317.50	\$1,260,382.50	\$1,292,700.00

$$\frac{500 \text{ LF (39' St)}}{3900 \text{ LF (Total)}} \times 20\% = 2.5\%$$

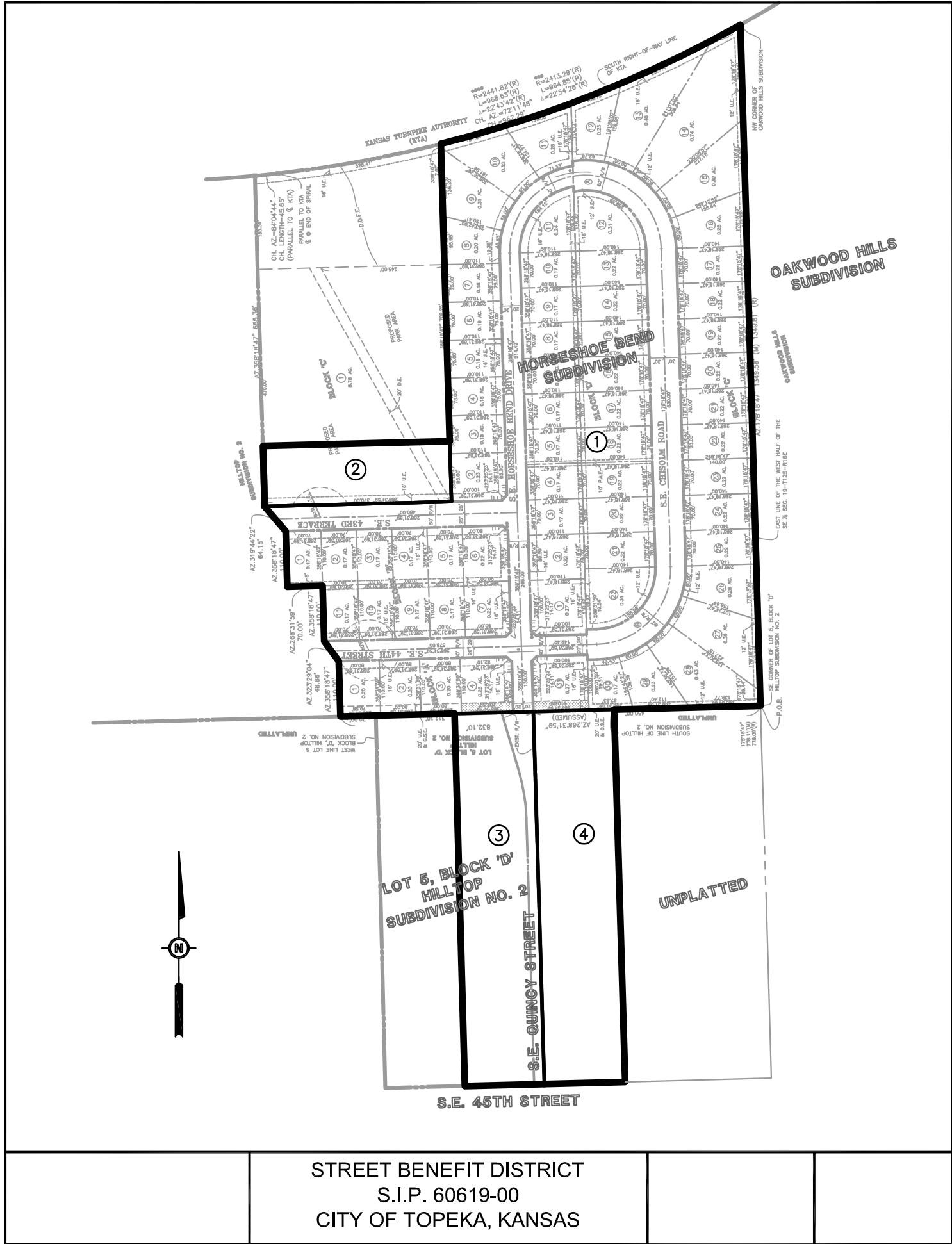
PUBLIC HEARING:

PROJECT AUTHORITY:

- a. Statutes: KSA 12-6a Petition Project
- b. Ord./Res. No.: _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: Unit Basis

Date: _____

PROJECT ENGINEER:



**HORSESHOE BEND SUBDIVISION
STREET
PUBLIC IMPROVEMENT PROJECT**

PETITION

**TO THE Mayor and Council Members
City of Topeka**

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

Street Improvement Project No. 60619-00

A. GENERAL NATURE OF IMPROVEMENT:

To pave:

SE Quincy Street from SE 45th Street northerly to SE Horseshoe Bend Drive, and SE Horseshoe Bend Drive from SE Quincy Street northerly to SE Chisolm Road, and SE Chisolm Road from SE Horseshoe Bend Drive southerly to SE 44th Street, and SE 44th Street from SE Horseshoe Bend Drive westerly approximately 400 feet, with 29 foot wide pavement and to pave SE 43rd Terrace from SE Horseshoe Bend Drive westerly approximately 500 feet with 39 foot wide pavement including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

B. PROPOSED IMPROVEMENT DISTRICT:

TRACT NO. 1

Lots 1 through 4, Block 'A'; Lots 1 through 11, Block 'B'; Lots 2 through 31, Block 'C'; Lots 1 through 22, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 2

The south 120 feet of Lot 1, Block 'C', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 3

A tract of land situated in Lot 5, Block 'C', Hilltop Subdivision No. 2 to the City of Topeka, Shawnee County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 19, Township 12 South, Range 16 East, thence along the South line of said Quarter on a bearing of South 90 degrees 00 minutes 00 seconds East, a distance of 560.00 feet; thence on a bearing of North 00 degrees 00 minutes 00 seconds West, a distance of 40.00 feet; thence on a bearing of North 89 degrees 59 minutes 03 seconds East, a distance of 157.33 feet to the point of beginning, said point of beginning being a rebar and cap; thence on a bearing of North 00 degrees 06 minutes 39 seconds West, a distance of 738.03 feet to the North line of lot 5, Block 'C', said point being a rebar and cap; thence along the North line of said lot on a bearing of North 89 degrees 59 minutes 27 seconds East, a distance of 155.94 feet to the Northeast corner of Lot 5, said point being a found rebar; thence along the East line of said lot on a bearing of South 00 degrees 13 minutes 08 seconds East, a distance of 738.02 feet to the Southeast corner of Lot 5, Block 'C', said point being a found rebar; thence along the South line of said lot on a bearing of South 89 degrees 59 minutes 03 seconds West, a distance of 157.33 feet to the point of beginning.

TRACT NO. 4

The west 160 feet of the following described tract of land:

A part of the West half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M. in Shawnee County, Kansas, described as follows:

Beginning at the Southeast corner of said West half of the Southeast Quarter of Section 19; thence West along the South line of Section 19, 450.00 feet; thence North 778.00 feet; thence East 450.00 feet to the East line of said West Half of the Southeast Quarter of said Section 19; thence South to the place of beginning, EXCEPT the following tract:

Beginning at a point on the South line of Section 19, Township 12 South, Range 16 East of the 6th P.M., and 450.00 feet West of the Southeast corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.

C. ESTIMATED OR PROBABLE COST:

\$1,292,700.00

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

D. METHOD OF ASSESSMENT:

On a unit basis (82 total units) for all parcels which are included in the described improvement district as follows:

Tract No. 1- 67 units

Tract No. 2 - 3 units

Tract No. 3 - 6 units

Tract No. 4 - 6 units

E. APPORTIONMENT OF COSTS:

Costs are to be paid 97.5 percent by the Improvement District as described above and 2.5 percent by the City.

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

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

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

Signature

Residence

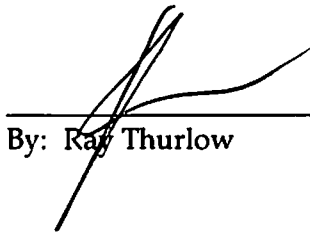
Date

Grand Oaks, L.L.C.

2257 SW Romar Road, Topeka, Kansas 66614

Property Owned

Lots 12 through 30, Block 'C'; Lots 12 through 22, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas


By: Ray Thurlow

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

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

11/15/06

Date

Bill Van Doren

Signature of Person Carrying Petition

Signature

Residence

Date

Fidelity Development, Inc. 100 E. English, Wichita, KS 67202

Property Owned

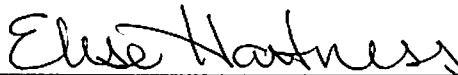
Lots 1 through 4, Block 'A'; Lots 1 through 11, Block 'B'; the south 120 feet of Lot 1 and Lots 2 through 11 and Lot 31, Block 'C'; and Lots 1 through 11, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas.


By: Clay Bastian, President

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

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

11-15-2006
Date


Signature of Person Carrying Petition

Signature

Residence

Date

Terry Hummer

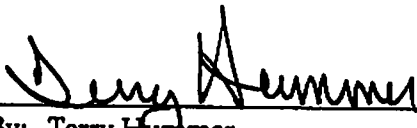
4431 NW Green Hills Road, Topeka, Kansas 66618

Property Owned

The west 160 feet of the following described tract of land:

A part of the West half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M. in Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said West half of the Southeast Quarter of Section 19; thence West along the South line of Section 19, 450.00 feet; thence North 778.00 feet; thence East 450.00 feet to the East line of said West Half of the Southeast Quarter of said Section 19; thence South to the place of beginning, EXCEPT the following tract: Beginning at a point on the South line of Section 19, Township 12 South, Range 16 East of the 6th P.M., and 450.00 feet West of the Southeast corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.


By: Terry Hummer

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

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

11/14/06
Date


Signature of Person Carrying Petition

SignatureResidenceDate

Edwin R. Jr. and Rebecca Sue
Linguist Trust

7232 SE Stanley Road, Berryton, Kansas 66409

Property Owned

A tract of land situated in Lot 5, Block 'C', Hilltop Subdivision No. 2 to the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 19, Township 12 South, Range 16 East, thence along the South line of said Quarter on a bearing of South 90 degrees 00 minutes 00 seconds East, a distance of 560.00 feet; thence on a bearing of North 00 degrees 00 minutes 00 seconds West, a distance of 40.00 feet; thence on a bearing of North 89 degrees 59 minutes 03 seconds East, a distance of 157.33 feet to the point of beginning, said point of beginning being a rebar and cap; thence on a bearing of North 00 degrees 06 minutes 39 seconds West, a distance of 738.03 feet to the North line of lot 5, Block 'C', said point being a rebar and cap; thence along the North line of said lot on a bearing of North 89 degrees 59 minutes 27 seconds East, a distance of 155.94 feet to the Northeast corner of Lot 5, said point being a found rebar; thence along the East line of said lot on a bearing of South 00 degrees 13 minutes 08 seconds East, a distance of 738.02 feet to the Southeast corner of Lot 5, Block 'C', said point being a found rebar; thence along the South line of said lot on a bearing of South 89 degrees 59 minutes 03 seconds West, a distance of 157.33 feet to the point of beginning.

The above described tract of land contains 2.654 acres, more or less, and is subject to all rights-of-way, easement, restrictions, and covenants of record, if any.

Edwin R. Linguist Jr.
By: TRUSTEE

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

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

11.9.06
Date

[Signature]
Signature of Person Carrying Petition

(Published in the Topeka Metro News _____)

RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 60619-00 which provides for paving of the Horseshoe Bend Subdivision, as more specifically described herein.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that it finds Improvement Project No. 60619-00, hereinafter described, to be advisable and does hereby authorize and order said improvement to be made in accordance with its findings as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To pave:

SE Quincy Street from SE 45th Street northerly to SE Horseshoe Bend Drive, and SE Horseshoe Bend Drive from SE Quincy Street northerly to SE Chisolm Road, and SE Chisolm Road from SE Horseshoe Bend Drive southerly to SE 44th Street, and SE 44th Street from SE Horseshoe Bend Drive westerly approximately 400 feet, with 29 foot wide pavement and to pave SE 43rd Terrace from SE Horseshoe Bend Drive westerly approximately 500 feet with 39 foot wide pavement including concrete curb and gutter, sidewalk ramps, storm drainage facilities, engineering, and all other contingencies needed to complete the project.

B. PROPOSED IMPROVEMENT DISTRICT:

TRACT NO. 1

Lots 1 through 4, Block 'A'; Lots 1 through 11, Block 'B'; Lots 2 through 31, Block 'C'; Lots 1 through 22, Block 'D', Horseshoe Bend Subdivision, Topeka, Kansas

TRACT NO. 2

The south 120 feet of Lot 1, Block 'C', Horseshoe Bend Subdivision,
Topeka, Kansas

TRACT NO. 3

A tract of land situated in Lot 5, Block 'C', Hilltop Subdivision No. 2 to the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 19, Township 12 South, Range 16 East, thence along the South line of said Quarter on a bearing of South 90 degrees 00 minutes 00 seconds East, a distance of 560.00 feet; thence on a bearing of North 00 degrees 00 minutes 00 seconds West, a distance of 40.00 feet; thence on a bearing of North 89 degrees 59 minutes 03 seconds East, a distance of 157.33 feet to the point of beginning, said point of beginning being a rebar and cap; thence on a bearing of North 00 degrees 06 minutes 39 seconds West, a distance of 738.03 feet to the North line of lot 5, Block 'C', said point being a rebar and cap; thence along the North line of said lot on a bearing of North 89 degrees 59 minutes 27 seconds East, a distance of 155.94 feet to the Northeast corner of Lot 5, said point being a found rebar; thence along the East line of said lot on a bearing of South 00 degrees 13 minutes 08 seconds East, a distance of 738.02 feet to the Southeast corner of Lot 5, Block 'C', said point being a found rebar; thence along the South line of said lot on a bearing of South 89 degrees 59 minutes 03 seconds West, a distance of 157.33 feet to the point of beginning.

TRACT NO. 4

The west 160 feet of the following described tract of land:

A part of the West half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M. in Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said West half of the Southeast Quarter of Section 19; thence West along the South line of Section 19, 450.00 feet; thence North 778.00 feet; thence East 450.00 feet to the East line of said West Half of the Southeast Quarter of said Section 19; thence South to the place of beginning, EXCEPT the following tract: Beginning at a point on the South line of Section 19, Township 12 South, Range 16 East of the 6th P.M., and 450.00 feet West of the Southeast corner of the West Half of the Southeast Quarter of said Section 19; thence North parallel to the East line of said West half, 205.00 feet; thence East parallel to the South line of said Section 19, 130.00 feet; thence South parallel to the East line of the West Half of the Southeast Quarter of said Section 19, 205.00 feet; thence West 130.00 feet to the point of beginning.

AND ALSO: Part of the West Half of the Southeast Quarter of Section 19, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the South line, 450.00 feet West of the Southeast corner of said West Half of

said Quarter Section; thence North parallel to the East line of said West Half, 205.00 feet; thence East parallel to said South line 130.00 feet; thence South parallel to said East line 205.00 feet; thence West 130.00 feet to the point of beginning.

C. ESTIMATED OR PROBABLE COST:

\$1,292,700.00

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

D. PROPOSED METHOD OF ASSESSMENT:

On a unit basis (82 total units) for all parcels which are included in the described improvement district as follows:

Tract No. 1-67 units
Tract No. 2- 3 units
Tract No. 3- 6 units
Tract No. 4- 6 units

E. APPORTIONMENT OF COSTS:

City of Topeka	\$ 32,317.50	2.50%
<u>Benefit District</u>	<u>\$1,260,382.50</u>	<u>97.50%</u>
Total	\$1,292,700.00	100.00%

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

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 8, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON: Rusty Rakestraw **DOCUMENT #:**

SECOND PARTY/SUBJECT: Trafficway Improvement **PROJECT #:** 70196-02

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 Improvement Project No. 70196-02 which provides for the construction of SW MacVicar Avenue from SW 6th Street to the eastbound I-70 exit ramp. (Council District No. 1)

(The resolution authorizes the City Engineer to prepare a list of properties that may need to be acquired for Trafficway Improvement Project No. 70196-02)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve Condemnation Resolution.

BACKGROUND:

Negotiations are in progress. If successful negotiations are completed, the respective parcels will not be included in the future condemnation ordinance.

BUDGETARY IMPACT:

To be determined by Condemnation appraisers.

SOURCE OF FUNDING:

1. City of Topeka General Obligation Bonds = \$1,994,606.00
2. Assessment District = \$1,994, 606.00
3. Federal Highway Act Service Transportation Funds = \$1,215,688.00
4. State Economic Development Funds = \$300,000.00

ATTACHMENTS:

[Resolution](#)

Item #11

(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 Improvement Project No. 70196-02 which provides for the construction of SW MacVicar Avenue from SW 6th Street to the eastbound I-70 exit ramp.

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 Improvement Project No. 70196-02 which provides for the construction of SW MacVicar Avenue from SW 6th Street to the eastbound I-70 exit ramp 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 her 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



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 18, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON: Don Rankin **DOCUMENT #:**

SECOND PARTY/SUBJECT: New Cingular Wireless **PROJECT #:**
PCS, LLC

CATEGORY/SUBCATEGORY 006 Communication / 003 Requests

CIP PROJECT: No

ACTION OF COUNCIL: Authorize City Manager to **JOURNAL #:**
sign contract amendment

PAGE #:

DOCUMENT DESCRIPTION:

A COMMUNICATION authorizing the City Manager to execute an amendment to the contract with Cingular Wireless PCS, L.L.C. to increase the size of leased premise to accommodate a diesel generator.

(The generator ensures continuity of operation of their existing antennae on the Montara water tower in the event of an electrical power failure. The amendment also provides additional lease space to Cingular in return for rent.)

POLICY ISSUE:

The additional annual rental payment indicated in this contract amendment results in a total annual rental payment of \$13,200.00. Since the contract exceeds \$10,000 Council approval is required.

STAFF RECOMMENDATION:

Approval of this contract amendment.

BACKGROUND:

The Water Division leases space on water towers to companies that operate antennae for communications purposes. In association with tower space, ground space may also be required by the company for equipment shelters and generators. The Water Division entered into Contract No. 23579 with Cingular in 1994. Amendment No. 1 to that contract, Contract No. 32230, increased the number of antennae installed on the tower. This document is Amendment No. 2.

BUDGETARY IMPACT:

Increases Water Division rental income by \$1,200.00 per year.

SOURCE OF FUNDING:

n/a.

ATTACHMENTS:

[Amendment No. 2 to Cingular Wireless Contract](#)

Item #12

CITY OF TOPEKA CONTRACT NO. _____

AMENDMENT NO. 2 TO CITY OF TOPEKA CONTRACT NO. 23579 WITH
NEW CINGULAR WIRELESS PCS, LLC

THIS AMENDMENT to City of Topeka Contract No. 23579 entered into this _____ day of _____, 20__, by and between the City of Topeka, a duly organized municipal corporation hereinafter referred to as "City," and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having its principal offices at 6100 Atlantic Boulevard, Norcross, Georgia 30071, as successor in interest to Topeka SMSA Limited Partnership, a Delaware limited liability company, hereinafter referred to as "Cingular."

WHEREAS, City and Cingular entered into Contract No. 23579, hereinafter referred to as "Agreement," whereby City leased to Cingular sufficient space on City's water tower to attach Cingular's antenna array and sufficient ground space adjacent to said water tower for Cingular's equipment shelter, and all appurtenances thereto, together with right-of-way for ingress and egress to and from said water tower and equipment building, for the purpose of constructing, operating, maintaining, and repairing facilities to provide commercial mobile radio services; and

WHEREAS, City and Cingular Contract No. 32230 which was an amendment to certain provisions of City of Topeka Contract No. 23579 herein after referred to as Amendment No. 1 to allow Cingular to place additional antennas on City's water tower and to modify Cingular's antenna array; and

WHEREAS, City and Cingular desire to further amend Agreement to permit Cingular to increase the size of the leased premises and to permit Cingular to add, modify and/or replace certain equipment in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911

communication services.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN the parties agree as follows:

1. City and Cingular agree to amend the Lease Agreement to increase the size of the leased premise to accommodate a diesel generator and corresponding apparatus to support the generator's use as depicted in and further described in **Exhibit 1 (Site Plan)** attached hereto and specifically incorporated herein.

2. In consideration of City granting Cingular an increased leased premise, Cingular shall pay City an additional annual rental payment of twelve hundred dollars and No/100 Dollars (\$1,200.00), thereby increasing the total annual rental payment to thirteen thousand and two hundred and No/100 Dollars (\$13,200.00). If construction of the generator begins after the next annual payment is received by City, the rent increase shall be prorated for that payment period based on the monthly rate of one hundred dollars and No/100 Dollars (\$100.00) per month.

3. Section 8.B. of Agreement is hereby modified as follows:

Comply with all applicable rules and regulations of the Federal Communications Commission, environmental regulations of the State of Kansas, and electrical codes of City and/or State. Under this Agreement, City assumes no responsibility for the licensing, operation and/or maintenance of Cingular's radio equipment, antennas, transmission lines or attachments. Cingular further agrees that all antennas shall be placed on the support provided at the top of the tank and shall be easily removed and accessible. All antennae will be earth grounded as per City code. Cingular agrees to maintain the lights, if

applicable, on the top of the tank and keep them in working order at all times at Cingular's expense.

4. Section 8 of Agreement is hereby amended to include Section 8.C. as follows:

Comply with all applicable environmental rules and regulations of the State of Kansas. Under this Agreement, City assumes no responsibility for the operation and/or maintenance of Cingular's diesel generator and corresponding apparatus.

5. Section 18 of Agreement is hereby deleted in its entirety and replaced with the following:

All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows:

As to Cingular: Cingular Wireless LLC
Attn: Network Real Estate Administration
6100 Atlantic Boulevard
Norcross, GA 30071
Re: Cell Site # KS4153
Cell Site Name: Forbes Field

With a copy to: Cingular Wireless LLC
Attn: Legal Department
15 E Midland Avenue
Paramus, NJ 07652
Re: Cell Site # KS4153
Cell Site Name: Forbes Field

As to City: City of Topeka Water Division
3245 NW Waterworks Drive
Topeka, KS 66606-1984
Attention: Eric L. Carman

Either party hereto may change the place for the giving of notice to it by thirty (30) days

prior written notice to the other as provided herein.

6. In the future, without the payment of additional rent and at a location mutually acceptable to City and Cingular, City agrees that Cingular, after giving notice by thirty (30) days prior written notice, may modify and/or replace existing equipment in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services. Cingular agrees that the addition of any equipment, antennae, or other appurtenances shall require a contract amendment reflecting an increased annual rental amount as negotiated by the parties.

7. In the event of any inconsistencies between the Agreement, Amendment No. 1, and this Amendment, the terms of this Amendment shall control. Except as expressly set forth in this Amendment, the Agreement and Amendment No. 1 otherwise are unmodified and remain in full force and effect. Each reference in the Agreement and Amendment No. 1 to itself shall be deemed also to refer to this Amendment.

8. All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement and Amendment No. 1.

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

CITY OF TOPEKA, KANSAS

Norton N. Bonaparte, Jr., City Manager

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE _____ BY _____

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

BE IT REMEMBERED, that on this _____ day of _____, 20__, before me, a Notary Public in and for the County and State aforesaid, personally appeared Norton N. Bonaparte, Jr., City Manager, and Iris E. Walker, City Clerk, to me personally known, being by me duly sworn, did say that they are the officers of the City of Topeka, the Municipality that executed the foregoing instrument, and that the seal affixed to the foregoing instrument is the seal of said Municipality, and that said instrument was signed, sealed and delivered in the name and on behalf of said Municipality and they acknowledge said instrument to be the free and voluntary act and deed of said Municipality.

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

Notary Public

My Commission Expires: _____

ACCEPTANCE

I, the undersigned, am duly authorized to contractually bind New Cingular Wireless PCS, LLC, 6100 Atlantic Boulevard, Norcross, Georgia 30071, to the terms, conditions and agreements as provided herein and do hereby accept and approve this contractual Agreement.

WITNESS OUR HANDS, this _____ day of _____, 20__.

NEW CINGULAR WIRELESS PCS, LLC

James G. Stockell
Manager, Real Estate MO/KS

ATTEST:

[name of individual attesting authorized signature, their title]

STATE OF MISSOURI)
) ss:
COUNTY OF ST. LOUIS)

BE IT REMEMBERED, that on this _____ day of _____, 2005, before me a Notary Public in and for the County and State aforesaid, personally appeared _____, to me personally known, being by me duly sworn, did say that he is the Real Estate and Construction Manager of Cingular Wireless, the LLC that executed the foregoing instrument, and that the seal affixed to the foregoing instrument is the seal of said LLC, and that said instrument was signed, sealed and delivered in the name and on behalf of said LLC and they acknowledge said instrument to be the free and voluntary act and deed of said LLC.

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

Notary Public

My Commission Expires: _____

Exhibit 1 "Page 1 of 2"

DESCRIPTION OF PARENT PARCEL

Land Situation in the County of Shawnee, State of Kansas

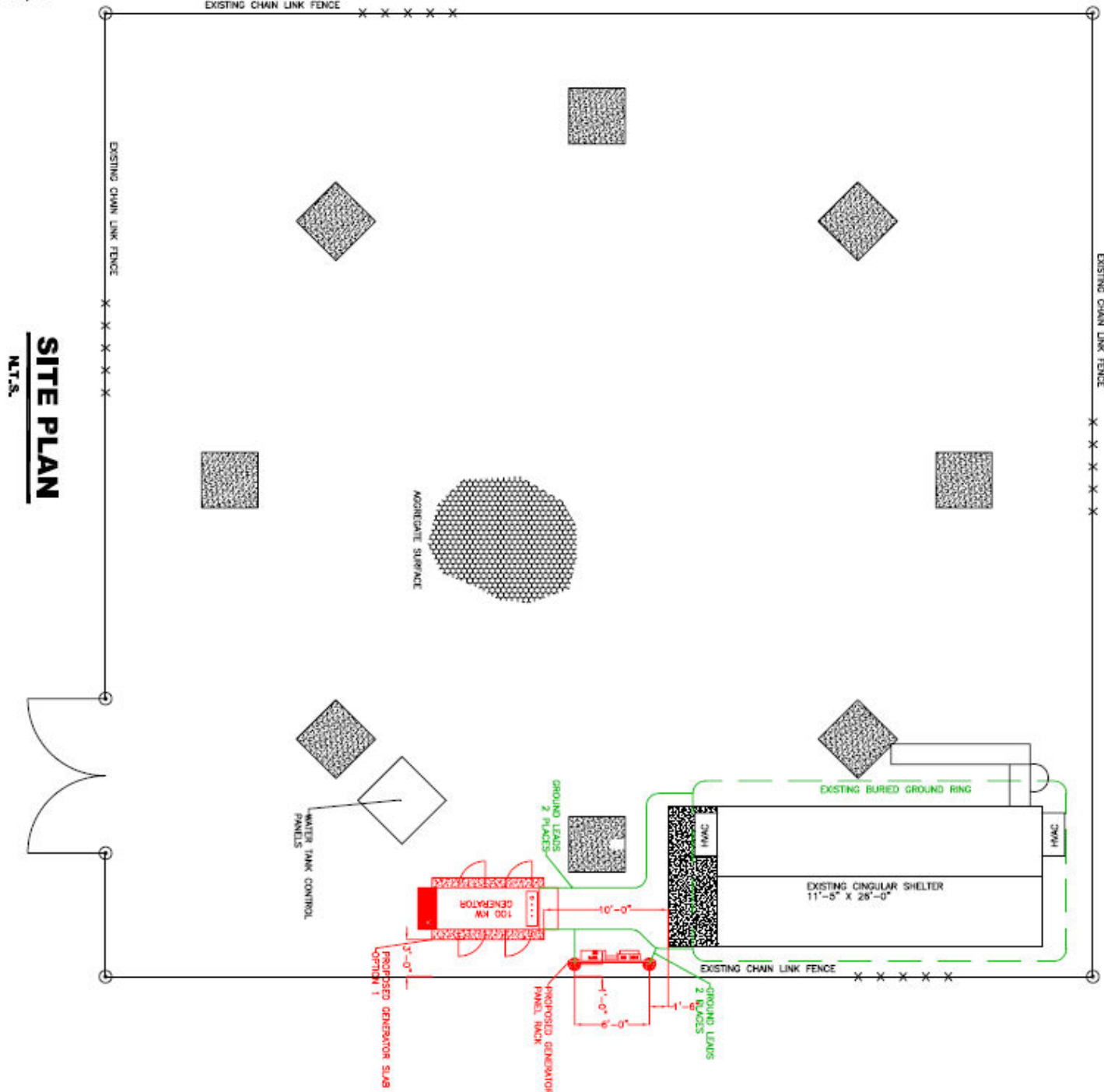
Being a parcel of land containing approximately 500 square feet along with an easement for ingress and egress suitable for vehicular traffic, all lying and being situated on that tract of land conveyed to The City of Topeka Water Division as described herein below:

Lot 7, Block B, Montara Subdivision, Shawnee County, Kansas, Section 12, Township 13 South, Range 15 East,

Address: 6900 Southwest Crestwood, Topeka Kansas

EXHIBIT 1 "Page 2 of 2"
DESCRIPTION OF LEASED PARCEL

OT 16/16





A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 13, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON: Mark Thiel **DOCUMENT #:**

SECOND PARTY/SUBJECT: **PROJECT #:** 13155-00

CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$130,000 and **A RESOLUTION** introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13155-00, which provides for two (2) passenger elevators located at the Cyrus K. Holliday building at 620 SE Madison as more specifically described herein.

(This project provides for the demolition of the existing elevator operating system, which will be replaced with new micro-processing code compliant elevator controls and equipment. The two passenger cars will be upgraded, including meeting ADA provisions. The new controls will be non-proprietary and able to be maintained by any licensed elevator service company in the State of Kansas.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

Approve the project budget and resolution

BACKGROUND:

The elevators were inspected with no major deficiencies noted when the building was purchased by the city in 2005. However, after several months of continuous operations we began experiencing problems with the elevator operating system. Repairs costs began to escalate in large part due to the aging controllers and related battery operating system. The north elevator was experiencing a notable vibration as it reached the 3rd floor. Several passengers including council members have expressed concerns about the elevator. Replacement of the controller (estimated at nearly \$10,000) for the north elevator may correct the problem but the current elevator maintenance contractor cannot guarantee the results. Currently the north elevator has been shut down as other electrical problems will likely double the cost of the controller replacement. Thus we recommend total replacement of the controllers and operating system to included the battery system that contributed to the high cost of repairs to date.

BUDGETARY IMPACT:

\$130,000 from the General Fund Contingency.

Item #13

SOURCE OF FUNDING:

General Fund or any other lawfully available funds

ATTACHMENTS:

[Resolution](#)

[Project Budget](#)

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 13155-00, which provides for two (2) passenger elevators located at the Cyrus K. Holliday building at 620 SE Madison as more specifically described herein.

Section 1. That it is hereby deemed advisable and necessary that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

This project will provide for the demolition of existing elevator system and replace it with new micro processing code compliant elevator. The controls and equipment will be replaced as needed based on contractor's proposals for two (2) passenger elevators located at the Cyrus K. Holliday building at 620 SE Madison, Topeka, KS 66603. The new controls and equipment shall be non-proprietary and can be maintained by any elevator service company duly licensed by the state of Kansas.

B. ESTIMATED OR PROBABLE COST:

\$130,000.00

C. APPORTIONMENT OF COSTS:

General Funds or any other lawfully available funds.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

PROJECT BUDGET

LOCATION:

620 SE Madison, CKH Building

DESCRIPTION OF PROJECT:

This project is to provide a proposal for the demolition of existing system and replace it with new micro processing code compliant elevator controls and equipment as needed based on contractor's proposals for two (2) passenger elevators located at the CKH building, 620 SE Madison, Topeka, KS 66603. The new controls and equipment shall be non-proprietary and can be maintained by any duly licensed by the state of Kansas, elevator Service Company

SOURCE OF FUNDS:

General Funds or any other lawfully available funds

COST ESTIMATE:

	<u>City of Topeka</u>	<u>Other Funds</u>	<u>Total</u>
Construction:			\$130,000.00
Design:			\$0.00
Engineering Fees:			\$0.00
Project Service Fees:			\$0.00
<i>Construction Inspection (6%)</i>			\$0.00
<i>City of Topeka Admin. (2%)</i>			\$0.00
<i>Capital Planning Fund Reim.</i>			\$0.00
<i>Right-of Way Preparation: (2%)</i>			\$0.00
Administrative Fees:			\$0.00
<i>Assessment District: (5%)</i>			\$0.00
Right-of Way Acquisition:			\$0.00
Contingency Amount: <u>3%</u>			\$0.00
Interim Interest <u>5%</u>			\$0.00
Total:			\$130,000.00

PUBLIC HEARING:

PROJECT AUTHORITY:

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

PROJECT ENGINEER:

Mark Thiel (368-1635)



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 6, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON: Rusty Rakestraw **DOCUMENT #:**

SECOND PARTY/SUBJECT: Trafficway Improvement **PROJECT #:** 70190-01

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 002 Condemnations

CIP PROJECT: Yes

ACTION OF COUNCIL: Approve the
Condemnation Ordinance
as presented **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka 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. **First Reading.** (Council District No. 3)

(The ordinance will initiate condemnation proceedings to acquire the property rights.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve Condemnation Ordinance.

BACKGROUND:

KSA 26-201 states that the governing body shall by ordinance authorize and provide for the acquisition of the interests to be condemned and for what purpose the same is to be used. The ordinance sets out the individual parcels and specific interests to be acquired.

Negotiations are in progress to acquire the property interests for the construction of the project. If successful negotiations are completed, the respective parcel will be deleted from the proceedings.

BUDGETARY IMPACT:

To be determined by Condemnation appraisers.

SOURCE OF FUNDING:

General Obligation Bonds

Item #14

ATTACHMENTS:

(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 City of Topeka 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.

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 Trafficway Improvement Project No. 70190-01, Part B, and for other public purposes, said lands being described as follows:

Parcel No. 5

Owner of Record: Thomas R. Zeltner
2401 SE 6th Avenue
Topeka, KS 66607

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Fee Simple:

Lots numbered 28, 30, 32, 34, and 36 and the West five (5) feet of Lot 38 on Tenth Avenue, East, in Bedwell's Subdivision in the City of Topeka, Shawnee County, Kansas.

AND

The East Twenty (20) feet of Lot Thirty-eight (38), and all of Lots Forty (40), Forty-two (42), and Forty-four (44), on Tenth Avenue in Bedwell's Subdivision to the City of Topeka, Kansas, being situated upon a part of the Southwest Quarter of the Southwest Quarter of Section Thirty-three (33), Township Eleven South (11S), of Range Sixteen East (16E) of the 6th P.M., in Shawnee County, Kansas.

AND

Beginning at the Southwest corner of the East Half of the Southwest Quarter of Section Thirty-three (33), Township Eleven (11), Range Sixteen East (16E) of the 6th P.M., in Shawnee County, Kansas; thence due North to the center line of Sixth Avenue East one hundred and thirty feet more or less; thence in a Southeasterly direction along the center line of said Sixth Avenue East to the center of Tenth Avenue East; thence West along the center line of Tenth Avenue East to the place of beginning, in East Fairview Addition to the City of Topeka, according to the recorded plat thereof.

Parcel No. 6

Owner of Record: Patrick DeLapp
PO Box 1292
Topeka, KS 66601

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Vacant rental residence

PROPERTY TO BE ACQUIRED:

Fee Simple:

The South half of Lots 24 and 26, East Tenth Street, Bedwell's Subdivision in the City of Topeka, Shawnee County, Kansas.

Parcel No. 11

Owner of Record: James B. Ditzler
2127 SW Prairie Rd
Topeka, KS 66614

Contract Purchaser: NONE

Lienholder of Record: Social and Rehabilitation Services
Legal Division
Docking State Office Building
915 SW Harrison
Topeka, KS 66612

Party in Possession: Vacant rental residence

PROPERTY TO BE ACQUIRED:

Fee Simple:

All of Lots 16 and 18, except the South 96 feet thereof, on Tenth Avenue in Bedwell's Subdivision to the City of Topeka, Shawnee County, Kansas.

Parcel No. 12

Owner of Record: Calvin L. Millard
2201 SE 6th Avenue
Topeka, KS 66607

Contract Purchaser: NONE

Lienholder of Record: 1. Shawnee County Treasurer (Real Estate Taxes)
200 SE 7th Street
Topeka, KS 66603
2. City of Topeka
215 SE 7th Street
Topeka, KS 66603

Party in Possession: 1. Owner of Record
2. The Texas Company
fka Texaco, Inc.
nka Chevron Corporation
Corporate Office:
6001 Bollinger Canyon
San Ramon, CA 94583

PROPERTY TO BE ACQUIRED:

Temporary Easement:

Portions of Lots 8, 10, 12 and 14 on East Tenth Avenue, in Bedwell's Subdivision in the City of Topeka, Shawnee County, Kansas, described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M.; thence on an assumed bearing of North 88°26'21" East, on the South line of said Southwest Quarter, 854.10 feet; thence North 01°33'39" West, 30.54 feet to the Southwest corner of Lot 8; thence North 00°11'01" East, on the West line of Lot 8, 6.96 feet to the point of beginning; thence easterly on a line which is 37.50 feet north of the South line of said Southwest Quarter, 28.63 feet; thence easterly on a curve concave northwesterly, having a radius measure of 212.50 feet and an arc length of 72.93 feet, the chord of which bears North 78°36'24" East, 72.58 feet to a point on the East line of Lot 14; thence North 67°39'30" West, 16.21 feet; thence South 77°10'02" West, 20.37 feet; thence South 63°45'17" West, 16.74 feet to a point on the West line of Lot 12; thence North 89°12'42" West, 24.93 feet to a point on the West line of Lot 10; thence North 76°01'36" West, 11.26 feet; thence South 88°29'29" West, 14.00 feet to a point on the West line of Lot 8; thence South 00°11'01" West on the West line of Lot 8, 12.04 feet to the point of beginning.

The above-described property to be acquired contains 951 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

Portions of Lots 8, 10, 12 and 14 on East Tenth Avenue, in Bedwell's Subdivision in the City of Topeka, Shawnee County, Kansas, described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M.; thence on an assumed bearing of North 88°26'21" East, on the South line of said Southwest Quarter, 854.10 feet; thence North 01°33'39" West, 30.54 feet to the Southwest corner of Lot 8, being the point of beginning; thence North 00°11'01" East, on the West line of Lot 8, 6.96 feet; thence easterly on a line which is 37.50 feet north of the South line of said Southwest Quarter, 28.63 feet; thence easterly on a curve concave northwesterly, having a radius measure of 212.50 feet and an arc length of 72.93 feet, the chord of which bears North 78°36'24" East, 72.58 feet to a point on the East line of Lot 14;

thence South 00°04'12" West on the East line of Lot 14, 19.45 feet; thence South 88°29'29" West on the South lines of Lots 14, 12, 10 and 8, 99.80 feet to the point of beginning.

The above-described property to be acquired contains 989 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 17

Owner of Record: Maria M. Mier and Remigio Mier
2124 SE 6th Avenue
Topeka, KS 66607

Contract Purchaser: Manuel A. Domingos, Jr.
549 SE Davies Street
Topeka, KS 66607

Lienholder of Record: NONE

Party in Possession: Vacant residence

PROPERTY TO BE ACQUIRED:

Temporary Easement:

A tract in the Southwest Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of Lot 2 on Sixth Avenue East in Roseworn Addition; thence on an assumed bearing of North 00°35'14" West on the West line of said Lot 2, 2.50 feet to the point of beginning; thence North 73°03'40" West, parallel with the North line of Sixth Avenue East, 52.8 feet; thence North 00°35'14" West, parallel with the West line of said Lot 2, 6.00 feet; thence South 77°17'21" East, 51.74 feet to a point on the West line of said Lot 2; thence South 00°35'14" East on the West line of said Lot 2, 10.00 feet to the point of beginning.

The above-described property to be acquired contains 403 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

A tract in the Southwest Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southwest corner of Lot 2 on Sixth Avenue East in Roseworn Addition; thence on an assumed bearing of North 73°03'40" West, on the North line of Sixth Avenue East, 52.8 feet; thence North 00°35'14" West, parallel with the West line of said Lot 2, 2.50 feet; thence South 73°03'40" East, parallel with the North line of Sixth Avenue East, 52.8 feet to a point on the West line of said Lot 2; thence South 00°35'14" East on the West line of said Lot 2, 2.50 feet to the point of beginning.

The above-described property to be acquired contains 126 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the Council of the City of Topeka, Kansas shall present a written application to the District Court of Shawnee County, Kansas, for the appointment of appraisers to make the appraisal and assessment required by law when land is taken for public purposes, and said City Attorney shall do all things necessary for the condemnation of said land completing the appropriation of the same for public purposes.

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

PASSED and APPROVED by the City Council_____.

William W. Buntin, Mayor

ATTEST:

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 9, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON: Michael Pfender **DOCUMENT #:**

SECOND PARTY/SUBJECT: Concrete Curb and Gutter Replacement **PROJECT #:** 84344

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 004 Public Improvements

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., authorizing Improvement Project No. 84344 which provides for the removal and replacement of concrete curb and gutter throughout the City of Topeka, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading.

(This project provides for the removal and replacement of damaged or deteriorated sections of concrete curb and gutter that are on the Transportation Division's curb replacement list. This project is in the 2006 Capital Budget in the amount of \$600,000.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Adopt Project Budget and approve Ordinance as presented.

BACKGROUND:

The Transportation Operations Division of the Public Works Department currently replaces 3,000 to 5,000 feet of concrete curb and gutter annually using funds from its annual operating budget. Citizens call the division with curb and gutter locations that need to be placed on the Curb Replacement List and repair work is performed in the order received. The CIP funds will reduce the number of locations and shorten the waiting time for replacement of identified sections of curb and gutter.

BUDGETARY IMPACT:

Project Budget = \$600,000.00 (paid by City of Topeka)

SOURCE OF FUNDING:

General Obligation Bonds or any other lawfully available funds.

ATTACHMENTS:

[Project Budget-84344](#)

[Project Debt Service Calculator -84344](#)

[Ordinance](#)

PROJECT BUDGET**Project No. 84344****Project Description****LOCATION:**

Locations shall be throughout the city.

DESCRIPTION OF PROJECT:

This project provides for the removal and replacement of damaged or deteriorated sections of concrete curb and gutter that are on the Transportation Operations Division's Curb Replacement List. This project is funded in the 2006 Capital Budget.

SOURCE OF FUNDS:

\$600,000 from the 2006 Capital Budget - G.O. Bonded Projects for Neighborhoods/Citywide - Citywide Neighborhood Infrastructure

<u>COST ESTIMATE:</u>	<u>City of Topeka</u>	<u>Other Funding Source</u>	<u>Total</u>
Construction:	\$500,000.00	\$0.00	\$500,000.00
Design:	\$0.00	\$0.00	\$0.00
Construction Service Fees:			
<i>Construction Admin/Inspection</i>	\$0.00	\$0.00	\$0.00
<i>Construction Staking</i>	\$0.00	\$0.00	\$0.00
Administrative Fees:			
<i>Engineering Admin. Fees (2%)</i>	\$0.00	\$0.00	\$0.00
<i>Legal Admin. Fees (Assessment Only)(3%)</i>	\$0.00	\$0.00	\$0.00
Cost of Revenue Bond Issuance	\$0.00	\$0.00	\$0.00
<i>Debt Reserve Fund (10%)</i>	\$0.00	\$0.00	\$0.00
<i>Cost of Issuance (2%)</i>	\$0.00	\$0.00	\$0.00
Right-of Way Acquisition:	\$0.00	\$0.00	\$0.00
Contingency Amount:	\$60,224.00	\$0.00	\$60,224.00
Temporary Note	\$39,776.00	\$0.00	\$39,776.00
Total:	\$600,000.00	\$0.00	\$600,000.00

PUBLIC HEARING:

N/A

PROJECT AUTHORITY:

- a. Statutes: _____
- b. Capital Budget Year.: 2006
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

PROJECT ENGINEER:Kent D. Anschutz

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>\$560,224</u>
Plus Temp Note Interest (unless included in Principal)	<u>\$28,011</u>
Subtotal	\$588,235
Plus Cost of Issuance	<u>\$11,765</u>
Total	\$600,000

Annual Debt Service	\$49,171
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$983,428
---	-----------

Difference Project Cost and Total Debt Service	\$423,204
--	-----------

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>\$187,935,099</u>
Plus Project	\$188,535,099

* 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

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 84344, which provides for the removal and replacement of concrete curb and gutter throughout the City of Topeka, 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 provides for the removal and replacement of damaged or deteriorated sections of concrete curb and gutter that are on the Transportation Operations Division's Curb Replacement List.

B. TOTAL PROJECT BUDGET COST:

\$600,000.00

C. SOURCE OF FUNDS:

General Obligation Bonds 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 _____.

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 14, 2006

+ Back Print

DATE:	November 14, 2006	
CONTACT PERSON:	John Nave, Brett Blackburn, Lana Kennedy	DOCUMENT #:
SECOND PARTY/SUBJECT:	Code of Ethics	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmembers John Nave, Brett Blackburn and Lana Kennedy, sitting as the Economic and Community Development Committee, repealing City of Topeka Code § 2-494 and amending City of Topeka Code, §§ 2, Article IX and 2-486, 2-487, 2-488, 2-489, 2-490, 2-491, 2-492, and 2-493 establishing a Code of Ethics for elected and appointed officials and employees for the City of Topeka, and specifically repealing said original sections. First Reading.

POLICY ISSUE:

Whether or not the City Council should adopt a Code of Ethics for elected and appointed officials and employees for the City of Topeka.

STAFF RECOMMENDATION:

BACKGROUND:

This Ordinance establishes a comprehensive Code of Ethics for all elected and appointed officials and employees for the City of Topeka.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

NA

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmembers John Nave, Brett Blackburn and Lana Kennedy, sitting as the Economic and Community Development Committee, repealing City of Topeka Code § 2-494 and amending City of Topeka Code, §§ 2, Article IX and 2-486, 2-487, 2-488, 2-489, 2-490, 2-491, 2-492, and 2-493 establishing a Code of Ethics for elected and appointed officials and employees for the City of Topeka, and specifically repealing said original sections.

WHEREAS, the Council of the City of Topeka passed Resolution No. 7473 which established a Code of Ethics for the City of Topeka, its elected officials and its employees; and

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

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

WHEREAS, the Council believes that all employees and all elected and appointed officials of the City of Topeka should be bound by a specific Code of Ethics.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that all employees and all elected and appointed officials shall be required to receive a copy of this Ordinance and certify that they will conform to these ethics rules in performing their elected or appointed positions.

Section 1. City of Topeka Code, Article IX, Prohibited Acts and Practices, is hereby amended to read as follows:

~~PROHIBITED ACTS AND PRACTICES~~

CODE OF ETHICS.

Section 2. City of Topeka Code § 2-486, Employee reporting; notification of elected official, department head or supervisor, is hereby amended to read as follows:

~~**Employee reporting; notification of elected official, department head or supervisor.**~~

~~No elected official, department head or supervisor of any city department shall:~~

~~(1) Prohibit any employee of the department from reporting to any person, agency or organization any violation of state or federal laws or rules and regulations or city ordinances or rules and regulations; or~~

~~(2) Require any such employee to give notice to an elected official, department head or supervisor prior to making such report.~~

Purpose.

(a) It is the policy of the City to uphold, promote, and demand the highest standards of ethics from all of its employees and elected or appointed officials. Elected or appointed officials and employees shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their City position or powers for improper personal gain.

(b) It is the intention of the city council that this Code of Ethics is liberally construed to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest, or any other violation of this Code of Ethics. In construing this chapter, employees should be guided by common sense and

practicality. This Code of Ethics is supplemental to state law, K.S.A. 75-4301 *et seq.*, as
may be amended.

Section 3. City of Topeka Code § 2-487, Exceptions, is hereby amended to read
as follows:

~~Exceptions.~~

~~This section shall not be construed as:~~

~~(1) Prohibiting an elected official, department head or supervisor from requiring
that an employee inform the elected official, department head or supervisor about requests
from the city council for information or the substance of such information to be
communicated to the council by such employee on behalf of the department;~~

~~(2) Permitting an employee to leave the employee's assigned work areas during
normal work hours without following applicable rules and regulations and policies pertaining
to leaves, unless the employee is requested by a member of the city council to appear
before the council;~~

~~(3) Authorizing an employee to represent the employee's personal opinions as
the opinions of the city department; or~~

~~(4) Prohibiting disciplinary action of an employee who discloses information
which:~~

~~a. The employee knows to be false or which the employee discloses with
reckless disregard for its truth or falsity;~~

~~b. The employee knows to be exempt from required disclosure under the
open records act; or~~

~~c. Is confidential under any other provision of law.~~

Definitions.

The following words and phrases as used in this Article, unless the context clearly indicates otherwise, shall have the following meanings:

“Business” means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

“City officer or employee” means every individual elected, appointed, hired, or otherwise selected to an office or position with the City, or any of its boards, commissions or authorities, whether such individual is paid or unpaid.

“Compensation” means payment in any form for real or personal property or services of any kind.

“Gift” means a voluntary transfer of real or personal property of any kind without consideration of equal or greater value or the voluntary rendition of services of any kind without consideration of equal or greater value specifically including but not limited to any favor, reward, discount or gratuity.

“Immediate family” shall have the meaning set forth in the City’s personnel code, as may be amended.

“Person” means any individual or corporation, business, or other entity, however constituted, organized, or designated.

“Substantial Interest” shall mean the ownership in a business, receipt of compensation or other goods or services without compensation, receipt of commission, or holding a position of an officer, director or other similar senior position in a business as defined under K.S.A. 75-4301a and any amendments thereto.

Section 4. City of Topeka Code § 2-488, Making or participating in certain contracts prohibited, is hereby amended to read as follows:

~~Making or participating in certain contracts prohibited.~~

~~The following contractual arrangements are prohibited, except as specifically provided in this division:~~

(a) ~~No elected official or city employee, in such capacity, shall make or participate in the making of a contract with any person or business which employs the elected official or employee or any business in which the elected official or employee has a substantial interest.~~

(b) ~~No person or business shall enter into any contract where any elected official or employee, acting in such capacity, is a signatory to or a participant in the making of the contract and such official or employee is employed by the person or business or has a substantial interest in the business.~~

(c) ~~No city employee, on behalf of the city, shall make or participate in the making of a contract with another city employee for the purpose of allowing such employee to sell or vend commodities, services, or equipment, or construction to the city.~~

(d) ~~An elected official or employee does not make or participate in the making of a contract if the elected official or employee abstains from any action in regard to the contract.~~

Prohibited conduct.

The following shall constitute violations of this Code of Ethics:

(a) **General Prohibition Against Conflicts of Interest.** In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of

conflict of interest or impropriety, no current City officer or employee should be involved in any activity that might be seen as conflicting with the conduct of official City business or as adverse to the interests of the City. Even the appearance of the conduct prohibited in this Code of Ethics alone may be sufficient to constitute a violation of this Code of Ethics.

(b) **Respect for City Officers or Employers.** No City officer or employee in a public meeting, at a public forum or in the public media shall treat another City officer or employee with disrespect or a lack of dignity or courtesy. Further, no City officer or employee will engage in false or defamatory speech or remarks concerning another City officer or employee, or treat another City officer or employee in an unreasonable, abusive or unlawful discriminatory manner.

(c) **Beneficial Interests in Contracts Prohibited.** No City officer or employee shall participate in his or her capacity as a City officer or employee in the making of a contract in which he or she has a substantial interest or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City.

(d) **Beneficial Influence in Contract Selection Prohibited.** No City officer or employee shall influence the City's selection of, or its conduct of business with, a corporation, person, or firm having or proposing to do business with the City if the City officer or employee has a substantial interest in or with the corporation, person, or firm.

(e) **Representation of Private Person at City Proceeding Prohibited.** No City officer or employee shall appear on behalf of a private person, other than himself or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City

or a City officer in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City.

(f) **Employment of Relatives.** No immediate family member of a City officer or employee shall be hired, promoted or transferred to or within a department when, as a result, an employee would be directly or indirectly supervising a member of ~~their~~ his or her immediate family, and/or working in the same unit with a member of ~~their~~ his or her immediate family. Further, no immediate family of a City councilmember may be employed by the City during that councilmember's term of office.

(g) **Beneficial Interest in Legislation Prohibited.** No City officer or employee, in appearing before the city council or when giving an official opinion before the city council, shall have a substantial interest in any legislation coming before the city council and participate in discussion with or give an official opinion to the city council. Provided, however, this section shall not prohibit elected officials, city manager or the head of any department from presenting, discussing or voting upon legislation approving the City's annual budget which contains the salaries of the elected officials or said employees.

(h) **Disclosure of Confidential Information Prohibited.** No City officer or employee shall disclose or use any confidential, privileged, or proprietary information gained by reason of his or her official position for a purpose which is for other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

(i) **Impermissible Disclosure of Information After Leaving City Service.** No former officer or employee shall disclose or use any privileged, confidential, or proprietary information gained because of his or her City employment.

(j) **Improper Use of Position Prohibited.** No City officer or employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain, or profits of any other persons.

(k) **Improper Use of City Personnel Prohibited.** No City officer or employee shall employ or use any person under the officer's or employee's official control or direction for the personal benefit, gain, or profit of the officer or employee, or another.

(l) **Improper Use of City Property Prohibited.** No City officer or employee shall use City-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business, and for such purposes and under such conditions as are approved by the city manager.

(m) **Acceptance of Compensation or Gifts Prohibited.** No City officer or employee may, directly or indirectly, give or receive, or agree to give or receive, from any person, business, for profit or not-for-profit groups which receive funding from the City or any person or business which directly or indirectly contracts to provide goods or services to the City, any compensation or gift for a matter connected with or related to the officer's or employee's services with the City, except this prohibition shall not apply to:

(1) Attendance of a City officer or employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the officer or employee as a City representative is appropriate;

(2) An award publicly presented in recognition of public service; or

(3) Any single gift valued at Fifty Dollars (\$50.00) or less, or an aggregate of Fifty Dollars (\$50.00) or less, in a calendar year, or such other amount which cannot reasonably be presumed to influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction. Provided, however, no elected official, city manager, head of any department, or any other employee who exercises discretion or influence in awarding a contract for services or the purchase of goods shall accept a gift of any value from any person or business which may contract with or vend to the City.

(4) A discount for the purchase of goods or services provided the vendor offers, advertises or otherwise makes the discount available to all City employees.

(5) Campaign contributions made in accordance with Kansas law.

(n) Employment Restriction During and/or After Leaving City Service.

(1) A City officer or employee shall not be employed at the same time as he or she is employed by the City or within one (1) year of terminating employment with the City by:

a. Any business entity regulated by or subject to the authority of that official or employee, or regulated by or subject to the authority of the City agency with which such person is affiliated; or

b. Any business entity, which is negotiating or has entered a contract to do business with a City agency with which the City officer or employee is affiliated.

This prohibition does not apply to a City officer or employee who is appointed pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to it.

(2) A former City officer or employee, shall not assist or represent a party other than the City in a case, contract, claim, charge, or controversy or other specific matter involving the City if that matter is one in which the City officer or employee personally and significantly participated as a City officer or employee.

(3) A City officer or employee shall not assist or represent a party for contingent compensation in any matter before or involving any City agency other than in a judicial or quasi-judicial proceeding.

(4) A former City officer or employee, unless the former employee's last annual salary did not exceed Twenty-Five Thousand Dollars (\$25,000.00) shall not sell or attempt to sell supplies, services, or construction to City for one (1) year following the date employment ceased. The term "sell" as used herein means signing a bid, proposal, or contract; negotiating a contract; contacting any City officer or employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate

consummation of a sale although the actual contract therefore is
subsequently negotiated by another person; provided, however, that this
section is not intended to preclude a former City officer or employee from
accepting employment with private industry solely because the former City
officer or employee's new employer is a contractor with the City, nor shall a
former City officer or employee be precluded from serving as a consultant to
the City subject to the requirement set forth in subsection 5 below.

(5) Whenever a City officer or employee wishes to contract with a former
City officer or employee for expert or consultant services within one (1) year
of the latter's leaving City service, the contract shall only be entered into with
approval of the city manager and city attorney and notice of such action is
given to the City council.

6) **Exceptions.** The prohibitions of subsection (n)(1) shall not apply to a
former officer or employee acting on behalf of a governmental agency,
unless such assistance or representation is adverse to the interest of the
City.

(7) a. When any department deems it necessary and advisable for
the city to enter into a contract with a current employee, the
department director shall submit to the city manager the
substance of the contract, including the proposed parties,
subject matter, and proposed price or amount. The director
shall also state the reasons for the necessity and advisability of
entering into the contract with the particular employee.

b. No contract between the city and a City officer or employee shall be entered into unless and until the contract is approved by the city manager and city attorney and notice of such action is given to the council.

Section 5. City of Topeka Code § 2-489, Accepting gratuities prohibited, is hereby amended to read as follows:

Accepting gratuities prohibited.

~~All city employees are expressly prohibited from accepting directly or indirectly from any person or business to which any purchase order or contract is or might be awarded any rebate, gift, money or anything of value whatsoever except where given for the use and benefit of the city.~~

Statement of substantial interest.

(a) Elected Officials. All elected officials shall on or before April 30 of every year complete and submit to the City clerk a statement of substantial interest on forms provided by the Kansas Governmental Ethics Commission.

(b) Appointed Officials. All officials appointed to a City board, commission or authority shall on or before April 30 of every year complete and submit to the City clerk a statement of substantial interest on a form provided by the City clerk. The intentional failure to file the statement or the intentional filing of a false statement may be grounds for removal of the appointed official from the board, commission or authority.

(c) Prohibition. No elected or appointed official shall participate in any action, decision or contract with a person, business or entity in which the elected or appointed

official has a substantial interest. Violation of this subsection by an appointed official may
be grounds for removal for cause of the appointed official.

Section 6. City of Topeka Code § 2-490, Restrictions on former employees;
former duties, is hereby amended to read as follows:

Restrictions on former employees; former duties.

~~Regarding matters which include: (a) judicial or other proceeding, application,
request for ruling, or other determination, (b) contract, (c) claim, (d) charge or controversy:~~

~~(1) It is a violation of this Code for any former employee knowingly to act as a
principal, or as an agent for anyone other than the city in connection with the above
described matters in which the employee participated personally and substantially through
investigation, or otherwise while employed by the city; provided that the city is a party or
has a direct and substantial interest;~~

~~(2) It is a violation of this Code for any former employee, within one year after
completion of the former employee's official responsibility, knowingly to act as a principal,
or as an agent for anyone other than the city in connection with the above described
matters which arose during the employment of the former employee which were within the
official responsibility of the former employee; provided that the city is a party or has a direct
or substantial interest in the matter.~~

Retaliation for reporting violation.

(a) No elected official, department head or supervisor of any City employee
shall:

(1) Prohibit any employee of the department from reporting to any person, agency or organization any violation of state or federal laws or rules and regulations or City ordinances or rules and regulations; or

(2) Require any such employee to give notice to an elected official, department head or supervisor prior to making such report.

(b) This section shall not be construed as:

(1) Prohibiting an elected official, department head or supervisor from requiring that an employee inform the elected official, department head or supervisor about requests from the city council for information or the substance of such information to be communicated to the city council by such employee on behalf of the department;

(2) Permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a member of the city council to appear before the city council;

(3) Authorizing an employee to represent the employee's personal opinions as the opinions of the City department; or

(4) Prohibiting disciplinary action of an employee who discloses information which:

a. The employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity;

b. The employee knows to be exempt from required disclosure under the open records act; or

c. Is confidential under any other provision of law.

Section 7. City of Topeka Code § 2-491, Restriction of former employees in selling to the city, is hereby amended to read as follows:

Restriction of former employees in selling to the city.

~~A former employee is prohibited from selling or attempting to sell commodities, services, equipment, or construction to the city for one year following the date of the employee's termination of employment.~~

~~(1) "Sell" means signing a bid, proposal, or contract, negotiating a contract, contacting any employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefore is subsequently negotiated by another person; provided, however, that this section not intended to prevent a former employee from accepting employment with private industry solely because the former employee's new employer is a contractor doing business with the city, nor shall a former employee be prevented from serving as a consultant to the city.~~

Complaint process.

(a) A complaint that this Code of Ethics has been violated may be filed with any one of the following officers, or his or her designee(s):

(1) city manager;

(2) deputy mayor;

(3) city attorney; or

(4) human resources director.

(b) No person shall knowingly file a false complaint or report of a violation of this Code of Ethics.

(c) Any individual receiving a complaint that this Code of Ethics has been violated by an employee has an obligation to promptly forward the complaint, in writing, to the city manager. The city manager shall promptly designate an individual to conduct an investigation of the complaint. If the complaint alleges that the city manager or an elected or appointed official violated this Code of Ethics, then the individual receiving the complaint has an obligation to promptly forward the complaint, in writing, to the city council, who shall as a body conduct an investigation.

(d) (1) For allegations of ethical violations by an employee, the individual designated to conduct the investigation shall complete the investigation and prepare written findings and conclusions and provide them to the city manager within sixty (60) days of the date the complaint was received by the city manager.

(2) For allegations of ethical violations by the city manager or elected or appointed officials, the city council shall within sixty (60) days of receipt of the complaint, investigate and prepare written findings and conclusions which shall be provided to all councilmembers except those against whom an allegation has been made.

(e) Investigation and disposition of alleged ethical violations of this Code of Ethics by City employees shall be in accordance with the City's personnel code and collective bargaining agreements as applicable.

(f) Investigation and disposition of alleged ethical violations of this Code of Ethics by the city manager and elected or appointed officials shall be conducted by the city council.

(1) Upon conclusion of the investigation by the city council it shall within ten (10) days prepare a written recommendation for disposition of the complaint. A copy of the written recommendation shall be forwarded by certified mail and a copy by 1st class mail to the party complained against. The recommended disposition shall not be imposed by the city council until the time for a formal hearing pursuant to subsection (f)(2) has lapsed and no such hearing is required.

(2) The party complained against may within ten (10) business days following the date of service of the written recommendation, request a formal hearing before the city council. The party requesting the hearing may present his or her case to the city council and may present such evidence and witnesses as necessary. Upon conclusion of the hearing, the city council shall by majority vote decide the disposition of the matter.

Section 8. City of Topeka Code § 2-492, Exception to prohibitions, is hereby amended to read as follows:

~~Exception to prohibitions.~~

(a) ~~A city employee may make small purchases with personal funds which specifically benefit the city and for which the employee may subsequently be reimbursed.~~

(b) ~~When any department deems it necessary and advisable for the city to enter into a contract with an employee, the department director shall submit to the city manager~~

the substance of the contract, including the proposed parties, subject matter, and proposed price or amount. The director shall also state the reasons for the necessity and advisability of entering into the contract with the particular employee.

(c) No contract between the city and an employee of the city shall be entered into unless and until the contract is approved by the city manager and city attorney and notice of such action is given to the council.

Penalties for noncompliance.

(a) Any elected or appointed official or employee found, by a preponderance of the evidence, to have violated any provision of this Code of Ethics may be subject to any combination of the following penalties:

(1) Private admonition or public censure for elected or appointed officials.

(2) Removal of the person from the board, commission or authority for appointed officials.

(3) Discipline, up to and including termination for employees.

Section 9. City of Topeka Code § 2-493, Disclaimer of liability, is hereby amended to read as follows:

Disclaimer of liability.

Any purported contract made in contravention of or without full compliance with the provisions of this division shall be illegal and void and the city shall incur no liability for the performance of such a purported contract.

Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter.

Section 10. That City of Topeka Code § 2-494, Penalty for violation of division, is specifically repealed.

~~Penalty for violation of division.~~

~~It shall be unlawful for any elected official or city employee to knowingly and willfully violate any of the provisions of this division. An elected official who violates this section shall forfeit the office. Any employee who violates; his section shall be subject to discharge.~~

Section 11. That City of Topeka Code, §§ 2, Article IX and 2-486, 2-487, 2-488, 2-489, 2-490, 2-491, 2-492, 2-493 and 2-494 are hereby specifically repealed.

Section 12. 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 _____.

CITY OF TOPEKA, KANSAS

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 7, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON: Jeff Hunt **DOCUMENT #:**

SECOND PARTY/SUBJECT: Park Improvement **PROJECT #:** 30239-01

CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 004 Public Improvements

CIP PROJECT: Yes

ACTION OF COUNCIL: Approve Project Budget and Adopt ordinance as presented **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30239-01, which provides for a 10-foot wide trail project, extending the Deer Creek Trail from SE 6th Street to SE 10th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. First Reading. (Council District No. 3)

(This project provides for a 10-feet wide trail project extending the Deer Creek Trail from SE 6th Street to SE 10th Street.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Approve Project Budget and Adopt Ordinance as presented.

BACKGROUND:

The City of Topeka was successful in obtaining a Transportation Grant from the Kansas Department of Transportation. This grant will cover 80% of the participating costs for this project. This project will construct a 10-foot wide trail project, extending the Deer Creek Trail from SE 6th Street to SE 10th street. The project will follow Deer Creek around the new Reeser's Plant to SE Deer Creek Parkway and then follow SE Deer Creek Parkway to SE 10th Street. The project will also include retaining walls, at grade street crossings, grading, landscaping, and related appurtenances needed for a complete project.

BUDGETARY IMPACT:

Project Budget in the amount of \$519,200.00

SOURCE OF FUNDING:

Funding Source #1 - Kansas Department of Transportation
TE-21 Grant = \$399,200.00

Item #17

Funding Source #2 - City of Topeka
General Obligation Bonds totaling = \$120,000.00
Total Debt Service = \$210,650

ATTACHMENTS:

[Project Budget](#)

[Debt Service](#)

[Vicinity Map](#)

[Ordinance](#)

PROJECT BUDGET

Project No. 30239 Phase 01

LOCATION

This project will begin at the SE 6th Street bridge over the Deer Creek and progress to the south to SE 10th Street and Deer Creek Parkway.

DESCRIPTION OF PROJECT:

This project will construct a 10-foot wide trail project, extending the Deer Creek Trail from SE 6th Street to SE 10th Street. The project will follow the Deer Creek around the new Reeser's Plant to SE Deer Creek Parkway and then follow SE Deer Creek Parkway to SE 10th Street. The project will also include retaining walls, at grade street crossing, grading, landscaping, and related appurtenances needed for a complete project.

SOURCE OF FUNDS:

Funding Source No. 1- KDOT - Transportation Enhancement Grant - \$399,200

Funding Source No. 2-City of Topeka General Obligation Bonds - \$100,000.00 - Year 2005
City of Topeka General Obligation Bonds - \$ 20,000.00 - Year 2003

<u>COST ESTIMATE:</u>	<u>FUNDING SOURCE 1</u>	<u>FUNDING SOURCE 2</u>	<u>FUNDING SOURCE 3</u>
Construction:	\$355,200.00	\$88,800.00	
Design:	\$0.00	\$20,200.00	
Engineering Fees:	\$8,000.00	\$2,000.00	
Project Service Fees:	\$12,000.00	\$3,000.00	
Administrative Fees:	\$0.00	\$0.00	
Right-of Way Acquisition:	\$0.00	\$0.00	
Contingency Amount:	\$24,000.00	\$6,000.00	
Interest	\$0.00	\$0.00	
Total:	\$399,200.00	\$120,000.00	

PUBLIC HEARING:

PROJECT AUTHORITY:

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

PROJECT ENGINEER: Jeff Hunt

GO Bond Cost of Project

PROJECT: Shunga Creek Multipurpose Trail 30239-01

Interest rate	5.25%
Number of Years	20

Cost of Issuance	2.00%
Temp Note interest	5.000%

Principal (project cost)	<u>\$120,000</u>
Plus Temp Note Interest (unless included in Principal)	<u>\$6,000</u>
Subtotal	\$126,000
Plus Cost of Issuance	<u>\$2,520</u>
Total	\$128,520

Annual Debt Service	\$10,533
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$210,650
---	-----------

Difference Project Cost and Total Debt Service	\$90,650
--	----------

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	\$12,749,372
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	<u>\$10,339,580</u>
Total Indebtedness	<u>\$192,281,321</u>
Plus Project	\$192,409,841

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

Deer Creek Trail Grant Request



(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No.30239-01, which provides for a 10-foot wide trail project, extending the Deer Creek Trail from SE 6th Street to SE 10th Street, 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 the construction of a 10-foot wide trail project, extending the Deer Creek Trail from SE 6th Street to SE 10th Street. The project will follow the Deer Creek around the new Reeser's Plant to SE Deer Creek Parkway and then follow SE Deer Creek Parkway to SE 10th Street. The project will also include retaining walls, at grade street crossing, grading, landscaping, and related appurtenances needed for a complete project.

B. TOTAL PROJECT BUDGET COST:

\$519,200.00

C. SOURCE OF FUNDS:

KDOT, Transportation Enhancement Grant	\$399,200.00
General Obligation Bonds	<u>\$120,000.00</u>
TOTAL:	\$519,200.00

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 _____.

40

41

42 ATTEST: _____ William W. Bunten, Mayor

43

44

45 _____
Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 15, 2006

+ Back Print

DATE: November 14, 2006

CONTACT PERSON: Bernie Cosby **DOCUMENT #:**

SECOND PARTY/SUBJECT: Bridge Project **PROJECT #:** 12060-01

CATEGORY/SUBCATEGORY: 014 Ordinances – Non-Codified / 004 Public Improvements

CIP PROJECT: Yes

ACTION OF COUNCIL: Adopt the Ordinance as presented. **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 12060-01, which provides for the replacement of a bridge on SW 29th Street over South Branch Shunganunga Creek near Randolph Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing Ordinance No. 18627. First Reading. (Council District No. 5)

(This Ordinance amends the project budget for Bridge Project No. 12060-01, which replaces the functionally obsolete bridge on S.W. 29th Street over Shunganunga Creek near Randolph Street. The amendment increases the project budget from \$983,000 to \$1,447,000 to account for higher construction costs. The City's Share of costs increases \$68,000.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Adopt the Ordinance as presented.

BACKGROUND:

A project budget for \$983,000 was approved by Council on 4/25/06 for the construction phase of this project to replace the bridge on S.W. 29th Street over South Branch Shunganunga Creek near Randolph Street. Construction costs have increased substantially this year and at the KDOT bid letting on 10/18/06, the low bid was considerably higher than the earlier estimate thus requiring the amendment to the project budget.

The existing bridge structure is 65 years old with a widening that is 43 years old. The main structure is a galvanized steel arch, which is rusting and cannot be repaired or re-coated without costs that would be prohibitive. The new structure will also open the channel to allow for the extension of the existing Shunga Trail.

BUDGETARY IMPACT:

Project Budget increases to \$1,447,000 from \$983,000

Item #18

(City's Share increases from \$271,000 to \$339,000 or \$68,000)

SOURCE OF FUNDING:

\$339,00.00 -- City's General Obligation Bonds or any other lawfully available funds

\$1,108,000.00 -- KDOT Federal Funds

ATTACHMENTS:

[Revised Project Budget](#)

[Debt Service 12060-01](#)

[Ordinance](#)

REVISED PROJECT BUDGET
Project No. 12060-01
Construction Budget
SW 29th Street over S. Branch Shunga

LOCATION:

SW 29th Street over S. Branch Shunga. Project is located at SW 29th Street near Randolph.

DESCRIPTION OF PROJECT:

After the KDOT letting of this project, a revised budget will be required for construction. The awarded bid is higher than original construction estimates, and will increase the City's responsibility by \$68,000.00. This project was adopted in the 2005-2006 Capital Improvement Budget. The revised budget will be \$1,447,000.00 (80% Federal Funds / 20% City Share for Project Construction) . The revised City obligation of \$339,000.00 for this construction budget will be financed with General Obligation Bonds.

The existing structure is 65 years old with a widening that is 43 years old. The main structural system is a galvanized steel arch which is rusting and cannot be re-coated without costs that would be prohibitive. New structure will also open channel to allow for the extension of the existing Shunga Trail.

This budget will allow for construction of the project.

SOURCE OF FUNDS:

General Obligation Bonds: \$339,000.00.

	Revised Const. Budget City of Topeka	Federal Funds	Total
<u>COST ESTIMATE:</u>			
Construction:	\$236,000.00	\$944,000.00	\$1,180,000.00
Design (Consultant):	\$25,000.00	\$0.00	\$25,000.00
Construction Service Fees:			
<i>Construction Inspection</i>	\$23,000.00	\$93,000.00	\$116,000.00
Administrative Fees:			
<i>Engineering Admin.</i>	\$12,200.00	\$28,000.00	\$40,200.00
Right-of Way Acquisition:	\$12,000.00	\$0.00	\$12,000.00
Contingency Amount:	\$10,800.00	\$43,000.00	\$53,800.00
Temporary Notes:	\$20,000.00	\$0.00	\$20,000.00
Total:	\$339,000.00	\$1,108,000.00	\$1,447,000.00

PUBLIC HEARING:

PROJECT AUTHORITY:

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

Date: _____

PROJECT ENGINEER: Bernie Cosby

GO Bond Cost of Project

PROJECT:

Interest rate	5.25%
Number of Years	20

Cost of Issuance	0.00%
Temp Note interest	5.000%

Principal (project cost)	<u>\$319,000</u>
Plus Temp Note Interest (unless included in Principal)	<u>\$19,938</u>
Subtotal	\$338,938
Plus Cost of Issuance	<u>\$0</u>
Total	\$338,938

Annual Debt Service	\$27,777
Annual Debt Service as Percent of Total	8.2%

Total Debt Service (principal and interest)	\$555,534
---	-----------

Difference Project Cost and Total Debt Service	\$236,534
--	-----------

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>\$187,935,099</u>
Plus Project	\$188,274,037

* 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

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 12060-01, which provides for the replacement of a bridge on SW 29th Street over South Branch Shunganunga Creek near Randolph Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing Ordinance No. 18627.

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 is for the replacement of a functionally obsolete bridge on SW 29th Street over South Branch Shunganunga Creek near Randolph Street. The existing structure is 65 years old with a widening that is 43 years old. The main structural system is a galvanized steel arch, which is rusting and cannot be repaired or re-coated without costs that would be prohibitive. The new structure will also open the channel to allow for the extension of the existing Shunga Trail.

B. TOTAL PROJECT BUDGET COST:

\$1,447,000.00

C. SOURCE OF FUNDS:

General Obligation Bonds or any other lawfully available funds-\$339,000.00
KDOT Federal Funds including STP Funds \$1,108,000.00

TOTAL \$1,447,000.00

Section 2. That City of Topeka Ordinance No. 18627 is hereby specifically repealed.

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

PASSED and APPROVED by the City Council_____.

CITY OF TOPEKA, KANSAS

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 14, 2006

 + Back  Print

DATE: November 14, 2006

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 14, 2006

 + Back  Print

DATE:	November 14, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 14, 2006

+ Back Print

DATE:	November 14, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



A Capital City Serving You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

November 21, 2006

 + Back  Print

DATE:	November 14, 2006	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available