



City of Topeka City Council Agenda

City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org

December 13, 2016
6:00 PM

Mayor: Larry E. Wolgast Councilmembers

Karen A. Hiller	District No. 1	Brendan Jensen	District No. 6
Sandra Clear	District No. 2	Elaine Schwartz	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Coen	District No. 8
Tony Emerson	District No. 4	Richard Harmon	District No. 9
Michelle De La Isla	District No. 5		

Interim City Manager: Doug Gerber

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk at (785)368-3940 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) consecutive 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.

To make arrangements for special accommodations please call 785-368-3940. A 48-hour advance notice is preferred.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. MAYORAL PROCLAMATIONS:

"None scheduled at this time."

2. PRESENTATIONS:

"Snow and Ice Plan Removal Update"

3. ROLL CALL:

4. CONSENT AGENDA:

A. Board Appointment - Board of Plumbing Examiners

BOARD APPOINTMENT recommending the reappointment of Paul Miller to the Board of Plumbing Examiners for a term ending February 1, 2019. *(Council District No. 7)*

B. Workers Compensation Claim - Lee Trout

APPROVAL of a Workers' Compensation Settlement for Topeka Police Officer Lee Trout in the amount of \$14,256 for the permanent partial impairment of his left knee for injuries suffered on June 22, 2015.

C. MINUTES of the regular meeting of December 6, 2016

D. APPLICATIONS:

5. ACTION ITEMS:

A. Labor Agreement - Water Pollution Control - Amendment

APPROVAL of Amendment No. 1 to Contract No. 44723 which is the current labor agreement between the City of Topeka and employees of the Water Pollution Control division, as represented by the United Workers of Environmental Trades of Topeka.

(Approval would finalize wage increases for 2017.)

B. Resolution - Declaring City of Topeka Corporate Boundaries

A RESOLUTION introduced by Interim City Manager Doug Gerber, declaring the entire boundary of the City of Topeka and rescinding City of Topeka Resolution No. 8657.

(Approval would declare the city boundary as required by state law.)

C. Ordinance - 2016 Budget Amendment

AN APPROPRIATION ORDINANCE introduced by Interim City Manager Doug Gerber, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2016, and appropriating the amounts for the purpose as set forth therein.

(The Notice of Public Hearing was in the November 21, 2016, edition of the Topeka Metro Newspaper and the Public Hearing was held December 6, 2016. The amendment would increase the expenditure level of the 2016 Adopted Budget in the specified funds from \$41,312,719 to \$46,788,445, a \$5,475,726 increase.)

D. Ordinance - 2017 Downtown Business Improvement Fee Structure

AN ORDINANCE introduced by Interim City Manager Doug Gerber, amending City of Topeka Code Section 3.40.030, establishing a service fee levy for 2017 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

(Approval would authorize the continued imposition of business improvement service fees on businesses located within the Capital City Downtown Business Improvement District. Introduction of a new fee structure based on a tiered system is proposed.)

E. Real Estate Purchase Agreement - NW Topeka Boulevard and NW Curtis Street

APPROVAL of a Real Estate Purchase Agreement for the purchase of real property located at NW Topeka Boulevard and NW Curtis Streets, Topeka, Kansas.

(Approval would acquire property as part of the US Army Corps of Engineers (USACE) Topeka Flood Risk Management project and as part of the Great Overland Station and Riverfront Park project.)

F. Ordinance - Compensation - Mayor and Councilmembers

AN ORDINANCE introduced by Councilmember Elaine Schwartz, concerning compensation for the mayor and councilmembers, amending City of Topeka Code Section 2.15.010 and repealing original section.

Voting Requirement: This is a home rule ordinance for which the mayor has no vote.

(Approval would increase the amount of compensation received by the Mayor and each member of the Council beginning in fiscal year 2017 and provide for consideration every four years thereafter in conjunction with the normal budget process.)

6. NON-ACTION ITEMS:

A. Discussion - Policy and Finance Committee Report - Governing Body Rules, Record Fees and Council Training

DISCUSSION regarding recommendations from the Policy and Finance Committee relative to: (1) Governing Body Rules and Procedures; (2) Record Fees and (3) Council Training.

B. Discussion - Reserve Transfers

DISCUSSION regarding 2016 reserve transfers.

(Discussion is needed per the approved reserve policy which provides staff guidance on the use of reserves and establishes procedures for transferring reserves.)

C. Discussion - Project Budget Amendments

DISCUSSION related to project budget amendments.

(Approval would authorize additional funds for three separate projects as outlined in each separate project resolution.)

7. ANNOUNCEMENTS:

PRELIMINARY AGENDA

(The City Clerk will provide a brief summary of items on the next scheduled Council meeting agenda. Also during this time, the City Manager and Governing Body Members may offer comments regarding City business and announce upcoming events.)

8. PUBLIC COMMENT:

9. EXECUTIVE SESSION:

Executive Sessions are closed meetings held in accordance with the provisions of the Kansas Open Meetings Act.

(Executive sessions will be scheduled as needed and may include topics such as personnel matters, considerations of acquisition of property for public purposes, potential or pending litigation in which the city has an interest, employer-employee negotiations and any other matter provided for in K.S.A. 75-4319.)

10. ADJOURNMENT:



City of Topeka
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Council Chambers
214 SE 8th Street
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December 13, 2016

DATE:	December 13, 2016	
CONTACT PERSON:	Jacque Russell / Shannon Langston	DOCUMENT #:
SECOND PARTY/SUBJECT:	Lee Trout	PROJECT #:
CATEGORY/SUBCATEGORY	005 Claims / 006 Appeals	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a Workers' Compensation Settlement for Topeka Police Officer Lee Trout in the amount of \$14,256 for the permanent partial impairment of his left knee for injuries suffered on June 22, 2015.

POLICY ISSUE:

Tentative agreement of the \$14,256 Settlement is on a full and final compromise of all issues and claims.

STAFF RECOMMENDATION:

Staff recommends approval of the Workers' Compensation Settlement in the amount of \$14,256.

BACKGROUND:

Attorney-Client Privileged Information

BUDGETARY IMPACT:

If approved in the amount of \$14,256 it will be paid from the Risk Fund (Workers' Compensation).

SOURCE OF FUNDING:

Risk Fund



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DATE: December 13, 2016
CONTACT PERSON: Jacque Russell, Human Resources Director **DOCUMENT #:**
SECOND PARTY/SUBJECT: UWET of Topeka - Water Pollution Control **PROJECT #:**
CATEGORY/SUBCATEGORY 007 Contracts and Amendments / 020 Employee Agreements
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of Amendment No. 1 to Contract No. 44723 which is the current labor agreement between the City of Topeka and employees of the Water Pollution Control division, as represented by the United Workers of Environmental Trades of Topeka.

(Approval would finalize wage increases for 2017.)

POLICY ISSUE:

Pursuant to Topeka Municipal Code Section 2.25.020(a) approval of employee agreements between the city and a recognized employee organization is approved by the governing body and signed by the city manager.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the labor agreement amendment.

BACKGROUND:

The contract, approved by the Governing Body in 2015, allows for a pool of money to be used for 2017 wage increases after results of a joint comparability study were available. After review and recommendation by City management, the bargaining unit chose to apply the pool of money as a 2% increase to the pay matrix instead of to certain classifications identified in the market average.

BUDGETARY IMPACT:

In 2016, employees covered by the agreement received compensation beginning with the first pay period in January 2016 in accordance with corresponding wage schedules outlined in Section 6 of the agreement (attached). The 2015 pay matrix was adjusted by 1.5% increase.

In 2017, a pool of \$75,000 will be allocated for increases to the pay schedule. Effective the first pay period in January 2017, the pool will be applied as a 2% increase to the wage schedules.

SOURCE OF FUNDING:

Wastewater and Stormwater funds.

ATTACHMENTS:

Description

Contract Amendment

Financial Impact Memo

CITY OF TOPEKA CONTRACT NO. _____

AMENDMENT NO. 1 TO CITY OF TOPEKA CONTRACT NO. 44723

THIS AMENDMENT NO. 1 to City Of Topeka Contract No. 44723 is entered into this ____ day of _____, 2016, by and between the City of Topeka, a duly organized municipal corporation hereinafter referred to as "City" and the United Workers of Environmental Trades of Topeka, hereinafter referred to as "Union."

WHEREAS, the City and Union have previously entered into City of Topeka Contract No. 44723, hereinafter referred to as "the Contract" which governs terms and conditions of the employment relationship between the employer and the employees represented by Union; and

WHEREAS, the Contract provided for a pool of money to be designated to specific job classifications dependent upon results of a wage study; and

WHEREAS, the Union and City have agreed to distribute the pool evenly as a two percent (2%) increase across the board.

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

1. The existing language of Article 17, Section 1 of the Contract is hereby amended to read as follows:

Section 1. Wages.

2016. Employees covered by this agreement shall be compensated beginning with the first pay period in January 2016 in accordance with the wage schedules in Section 6 of this Article titled "Wage Schedules." The 2015 pay matrix will be adjusted by a one and one-half percent (1.5%) increase.

2017. For the calendar year 2017, a pool of seventy-five thousand dollars (\$75,000.00) will be allocated for increases to the pay schedule. Effective the first pay period in January 2017, the pool will be applied as a two percent (2%) increase to the wage schedules.

2. Article 17, Section 6 of the Contract is hereby amended to include the following:

WATER POLLUTION CONTROL

Operators Pay Matrix
2017 HOURLY SCHEDULE, GRADES & RATES
2% Increase from 2016
 Effective First Full Pay Period of 2017 (01/02/2017)

Schedule	Grade	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
WPC1	P01	14.43	14.73	15.05	15.37	15.65	15.95	16.24	16.55	16.81	17.09	17.37	17.65	17.90	18.14	18.40	18.65	18.86	19.08	19.29	19.51
WPC1	P02	14.77	15.09	15.42	15.74	16.04	16.35	16.65	16.97	17.24	17.53	17.81	18.10	18.34	18.60	18.85	19.11	19.32	19.54	19.76	19.99
WPC1	P03	15.98	16.31	16.66	17.02	17.33	17.66	18.00	18.33	18.63	18.94	19.24	19.56	19.82	20.10	20.37	20.65	20.88	21.12	21.35	21.60
WPC1	P04	16.86	17.21	17.58	17.96	18.29	18.64	18.99	19.34	19.66	19.98	20.30	20.63	20.91	21.20	21.50	21.79	22.04	22.28	22.54	22.79
WPC1	P05	16.95	17.30	17.67	18.05	18.39	18.73	19.08	19.44	19.75	20.07	20.39	20.72	21.01	21.29	21.59	21.88	22.13	22.37	22.63	22.88
WPC1	P06	17.37	17.73	18.11	18.50	18.84	19.20	19.56	19.93	20.25	20.58	20.91	21.25	21.55	21.84	22.14	22.44	22.70	22.95	23.21	23.48
WPC1	P07	17.70	18.08	18.47	18.86	19.22	19.58	19.95	20.32	20.65	20.99	21.32	21.67	21.97	22.27	22.58	22.88	23.14	23.39	23.66	23.92
WPC1	P08	18.57	18.97	19.37	19.78	20.15	20.53	20.91	21.30	21.65	22.00	22.35	22.72	23.04	23.35	23.67	24.00	24.26	24.54	24.81	25.09
WPC1	P09	19.22	19.63	20.05	20.48	20.86	21.25	21.65	22.06	22.41	22.78	23.15	23.53	23.85	24.18	24.51	24.84	25.12	25.40	25.69	25.97
WPC2	P10	19.53	19.95	20.37	20.80	21.19	21.59	22.00	22.40	22.77	23.14	23.52	23.89	24.22	24.56	24.89	25.23	25.52	25.80	26.09	26.38
WPC2	P11	20.17	20.60	21.04	21.49	21.88	22.29	22.71	23.14	23.52	23.89	24.28	24.68	25.02	25.36	25.71	26.07	26.36	26.66	26.95	27.26
WPC2	P12	21.24	21.69	22.15	22.62	23.05	23.48	23.91	24.36	24.76	25.16	25.57	25.98	26.34	26.70	27.07	27.43	27.74	28.04	28.36	28.68

Leadworkers Pay Matrix
2017 HOURLY SCHEDULE, GRADES & RATES
2% Increase from 2016
 Effective First Full Pay Period of 2017 (01/02/2017)

Schedule	Grade	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
WPC1	P01	15.43	15.73	16.05	16.37	16.65	16.95	17.24	17.55	17.81	18.09	18.37	18.65	18.90	19.14	19.40	19.65	19.86	20.08	20.29	20.51
WPC1	P02	15.77	16.09	16.42	16.74	17.04	17.35	17.65	17.97	18.24	18.53	18.81	19.10	19.34	19.60	19.85	20.11	20.32	20.54	20.76	20.99
WPC1	P03	16.98	17.31	17.66	18.02	18.33	18.66	19.00	19.33	19.63	19.94	20.24	20.56	20.82	21.10	21.37	21.65	21.88	22.12	22.35	22.60
WPC1	P04	17.86	18.21	18.58	18.96	19.29	19.64	19.99	20.34	20.66	20.98	21.30	21.63	21.91	22.20	22.50	22.79	23.04	23.28	23.54	23.79
WPC1	P05	17.95	18.30	18.67	19.05	19.39	19.73	20.08	20.44	20.75	21.07	21.39	21.72	22.01	22.29	22.59	22.88	23.13	23.37	23.63	23.88
WPC1	P06	18.37	18.73	19.11	19.50	19.84	20.20	20.56	20.93	21.25	21.58	21.91	22.25	22.55	22.84	23.14	23.44	23.70	23.95	24.21	24.48
WPC1	P07	18.70	19.08	19.47	19.86	20.22	20.58	20.95	21.32	21.65	21.99	22.32	22.67	22.97	23.27	23.58	23.88	24.14	24.39	24.66	24.92
WPC1	P08	19.57	19.97	20.37	20.78	21.15	21.53	21.91	22.30	22.65	23.00	23.35	23.72	24.04	24.35	24.67	25.00	25.26	25.54	25.81	26.09
WPC1	P09	20.22	20.63	21.05	21.48	21.86	22.25	22.65	23.06	23.41	23.78	24.15	24.53	24.85	25.18	25.51	25.84	26.12	26.40	26.69	26.97
WPC2	P10	20.53	20.95	21.37	21.80	22.19	22.59	23.00	23.40	23.77	24.14	24.52	24.89	25.22	25.56	25.89	26.23	26.52	26.80	27.09	27.38
WPC2	P11	21.17	21.60	22.04	22.49	22.88	23.29	23.71	24.14	24.52	24.89	25.28	25.68	26.02	26.36	26.71	27.07	27.36	27.66	27.95	28.26
WPC2	P12	22.24	22.69	23.15	23.62	24.05	24.48	24.91	25.36	25.76	26.16	26.57	26.98	27.34	27.70	28.07	28.43	28.74	29.04	29.36	29.68

3. All other terms and conditions of City of Topeka Contract No. 44723, as amended, not specifically stricken or amended herein, shall remain in full force and effect.

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

CITY OF TOPEKA, KANSAS

Douglas Gerber, Interim City Manager

ATTEST:

Brenda Younger, City Clerk

APPROVED AS TO FORM AND LEGALITY

DATE _____ BY _____

UNITED WORKERS OF ENVIRONMENTAL
TRADES OF TOPEKA

Dustin Coles, President



MEMORANDUM

Administrative and Financial Services Office

To: Honorable Mayor Larry Wolgast
Members of the Topeka City Council
Jim Colson, City Manager

From: Brandon Kauffman, Director of Finance

Date: December 6, 2016

Subject: Fiscal Effects of Proposed UWET Agreement

Pursuant to KSA 75-4331, the chief financial officer of the City is required to provide to the governing body an analysis of the fiscal effects on the City of proposed agreements between the City and recognized employee organizations. As part of this analysis, we are required to identify the potential impact on the City's aggregate tax levy and its operating expense limitations.

This bargaining unit is concentrated in one department, the Public Works Department, and in two funds, the Stormwater and Wastewater Funds. Revenues for this fund are derived thru user fees.

The proposed agreement includes an allowance for individuals meeting the appropriate parameters, an overall "Meets Expectations" or better, to receive a one-step pay matrix increase. For FY16, there was a 1.50% increase to the pay matrixes in 2016. The original agreement also called for a \$75,000 pool of funds in 2017 to address certain classifications which have been identified as being significantly below the average of comparable positions. This analysis was completed in the Fall of 2016, and the City and Union were not able to agree on distribution of the pool of funds. The tentative agreement was to grant a 2% across the board, which equals \$39,771 less than the authority given.

2016-2017 Wage Agreement Estimates				
	2015	2016	2017 (Original)	2017 (Revised)
Wages	2,822,357	2,897,209	3,017,474	2,952,482
Benefits	742,173	756,856	752,463	777,684
Total	\$3,564,530	\$3,654,065	\$3,769,937	\$3,730,166
<i>Difference from Original Approved Amount</i>				<i>-\$39,771</i>

I have reviewed the economic terms of the AFSCME agreement pending before the City Council and have compared its costs to the recommended budget for Fiscal Year 2017. Based upon this review of the agreement, we believe that the FY17 proposed budget has sufficient resources to accommodate the agreement as presented.

Please let me know if there are questions or concerns about this analysis.



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DATE: December 13, 2016
CONTACT PERSON: Doug Gerber **DOCUMENT #:**
SECOND PARTY/SUBJECT: City Corporate **PROJECT #:**
 Boundaries
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
 PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Interim City Manager Doug Gerber, declaring the entire boundary of the City of Topeka and rescinding City of Topeka Resolution No. 8657.

(Approval would declare the city boundary as required by state law.)

POLICY ISSUE:

State law requires all cities to identify their boundaries before December 31st of each year if territory has been added.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

K.S.A. 12-517 requires that before December 31st of each year, the governing body declares by resolution the entire boundary of the city if territory has been added. The proposed resolution declares the following areas annexed in 2016 to the City of Topeka:

1. SW 27th and Indian Hills Road authorized by Ordinance No. 19996
2. SW 66th and Huntoon authorized by Ordinance No. 20018
3. SW 45th and Burlingame Road authorized by Ordinance No. 20033

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

Map (2016 Annexations)

Ordinance 19996 A15/3

Ordinance 20018 A16/1

Ordinance 20033 A16/2

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Interim City Manager Douglas Gerber, declaring the
4 entire boundary of the City of Topeka and rescinding City of Topeka
5 Resolution No. 8657.
6

7 WHEREAS, K.S.A. 12-517 provides that municipalities shall, by resolution, declare
8 the entire boundary of the municipality if territory has been added; and

9 WHEREAS, the resolution must be passed before December 31 of the year in which
10 territory was added; and

11 WHEREAS, in 2016, the City annexed property.

12 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE
13 CITY OF TOPEKA, KANSAS, that it hereby declares the following to be the entire
14 boundary of the City:

15 A. Corporate Limits and Boundaries:
16

17 Beginning at the Northwest corner of the Northeast Quarter of Section 3, Township
18 12 south, Range 16 east of the 6th P.M.; thence easterly on the North line of said
19 Section 3 to the West line of England Mobile Home Estates Subdivision extended
20 north; thence southerly on said extension to the Northwest corner of Lot 1, Block "A"
21 in said subdivision; thence easterly, 991.90 feet, to the Northeast corner of Lot 2,
22 Block "A" in said subdivision; thence southerly, on the East line of said Lot 2, 477.03
23 feet; thence easterly, to a point which is 527.03 feet south of and 12.5 feet west of
24 the Northeast corner of the Northeast quarter of said Section 3; thence on an
25 assumed bearing of South 00°21'23" East, parallel with the East line of said
26 Northeast Quarter, 1248.45 feet; thence South 88°38'12" West, 40 feet; thence
27 southerly, on a line which is 52.50 feet west of the East line of the last said
28 Northeast Quarter, 535.29 feet; thence easterly 2.50 feet; thence southerly, on the
29 East line of the last said Lot 1, and its extension, 360.00 feet, to an intersection with
30 the South line of the Northeast Quarter of Section 3, Township 12 south, Range 16
31 east; thence South 88°38'15" West, 25.89 feet; thence South 09°10'00" West,
32 156.20 feet; thence South 50°49'00" West, 907.50 feet; thence South 74°51'00"
33 West, 547.39 feet to the East line of the West Half of the Southeast Quarter of said
34 Section 3; thence southerly on said East line to the South Right-of-Way Line of U.S.
35 Highway 40 as condemned in Case Number 91169; thence northeasterly on said
36 South Right-of-Way Line and on a curve to the left that has a radius of 3969.83 feet,
37 an arc distance of 443.15 feet; thence on an assumed bearing of North 83°34'24"
38 East, on said South Right-of-Way Line, 820.00 feet to a point 80.00 feet west of the

East line of said Southeast Quarter; thence south-southeasterly, 325.00 feet to a point that is 10.00 feet east of the Northeast corner of Lot 1, Altair Heights Subdivision; thence westerly 10.00 feet to the Northeast corner of Lot 1, Altair Heights Subdivision, being a point on the West Right-of-Way Line of Croco Road; thence southerly on the West line of Croco Road on an assumed bearing of South 02°34'12" West, 222.94 feet; thence west 300.00 feet; thence south 587.42 feet; thence South 32°26'30" West, 203.21 feet; thence South 61°42'24" West, 671.80 feet; thence South 74°32'18" West, 89.94 feet; thence South 88°25'06" West, 194.71 feet, to a point 30.00 feet north of the Southeast corner of the West Half of the Southeast Quarter of Section 3; thence south to the Northeast corner of the West Half of the Northeast Quarter of Section 10, Township 12 south, Range 16 east of the 6th P.M.; thence on an assumed bearing of South 00°48'00" West, on the East line of the West Half of the Northeast Quarter of said Section 10, 158.83 feet to the North line of the Kansas Turnpike Right-of-Way; thence South 63°15'40" West, on said right-of-way line, 790.86 feet; thence South 69°36'00" West, continuing on said right-of-way line, 452.77 feet; thence North 70°46'40" West, continuing on said right-of-way line, 337.69 feet to the Easterly Right-of-Way Line of Service Road "L" of the Kansas Turnpike Authority; thence southwesterly to the intersection of the Westerly Right-of-Way Line of Service Road "L" of the Kansas Turnpike Authority, and the Northerly Right-of-Way line of the Kansas Turnpike; thence southwesterly approximately 290 feet on the Northerly Right-of-Way line of the Kansas Turnpike to a point which intersects with a line bearing North 27°15'56" West, extended from the most Northerly corner of Lot 24, Block "N", Aquarian Acres Subdivision; thence South 27°15'56" East, 300 feet, more or less, to said most Northerly corner of Lot 24; thence easterly on the Southerly Right-of-Way Line of the Kansas Turnpike to its intersection with the East line of the West Half of Section 10, also being the Northeast corner of Aquarian Acres Subdivision; thence on an assumed bearing of North 62°16'17" East, on the north line of Capricorn Woods Subdivision No. 2, 308.09 feet, to the North corner of Lot 11, Block 'C' in said subdivision; thence North 08°05'50" West, on the West line of Capricorn Woods Subdivision No. 3, a record distance of 462.28 feet to the most westerly West corner of Lot 11, Block A in said subdivision; thence North 51°49'07" East, on a North line of Capricorn Woods Subdivision No. 3, 399.13 feet; thence North 64°31'42" East, on a North line of Capricorn Woods Subdivision No. 3, a record distance of 896.71 feet to a point on the East line of the West Half of the Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M.; thence South 00°19'45" West, on an East line of Capricorn Woods Subdivision No.3, 728.46 feet to the Northwest corner of Lot 1, Block "AA" in Shawnee Gardens Subdivision; thence North 89°29'35" East, 1283.60 feet, to the Northeast corner of Lot 6, Block "B" in said subdivision; thence easterly, on the North line of Shawnee Gardens Subdivision, to an intersection with a line which is 30 feet west of the East line of the Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M.; thence on an assumed bearing of North 00°29'01" East, parallel with the East line of said Northeast Quarter, to an intersection with a line which is an extension of the South line of the North 792.0 feet of the Northwest Quarter of

Section 11, Township 12 South, Range 16 east of the 6th P.M.; thence North 89°47'56" East, parallel with the North line of said Northwest Quarter, 1356.93 feet, to a point which is 6.99 feet west of the East line of the Northwest Quarter of the Northwest Quarter of said Section 11; thence South 00°27'04" West, 537.79 feet, to a point on the South line of the Northwest Quarter of the Northwest Quarter of said Section 11, which is 5.50 feet west of the Southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 11; thence South 89°58'08" West, on the South line of the Northwest Quarter of the Northwest Quarter of said Section 11, 1287.20 feet, to the Northwest corner of Lot 1, Block 'E' in Belhaze Subdivision No. 2; thence southerly, to the Northwest corner of Lot 8, Block 'D' in Belhaze Subdivision No. 2; thence westerly, to the Northeast corner of Lot 1, Block "D" in Shawnee Gardens Subdivision; thence on an assumed bearing of South 00°15'33" West, parallel with the East line of the Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M., to the Southeast corner of Lot 4, Block "D" in Shawnee Gardens Subdivision; thence North 89°44'27" West, 275.00 feet, to an East corner of Lot 15, Block "D" in said subdivision; thence South 00°15'33" West, 215.00 feet, to the most Easterly Southeast corner of Lot 16, Block "D" in said subdivision; thence South 89°44'27" East, 275.00 feet to the Northeast corner of Lot 27, Block "D" in said subdivision; thence South 00°15'33" West, 362.57 feet to the Southeast corner of Lot 12, Block "E" in said subdivision; thence North 89°26'55" East, on the North line of the Southeast Quarter of Section 10, to an intersection with a line which is 30 feet west of the East line of said Southeast quarter; thence southerly on the West line of Croco Road, 1432.51 feet; thence south on said West line of Croco Road 1176.40 feet to the North Right-of-Way Line of S.E. 29th Street; thence westerly on the North Right-of-Way Line of 29th Street to the East Right-of-Way Line of Wittenberg Road; thence northerly on the East Right-of-Way Line of Wittenberg Road to a point 1689.93 feet north of the South line of Section 10, Township 12 south, Range 16 east of the 6th P.M.; thence westerly parallel with and 1689.93 feet north of the South line of said Section 10 to the West line of Section 10; thence northerly on the West line of Section 10 to its intersection with the North Right-of-Way Line of the Kansas Turnpike; thence southwesterly on the Northerly Right-of-Way Line of the Kansas Turnpike to its intersection with the East line of the West Half of the West Half of Section 16, Township 12 South, Range 16 east of the 6th P.M.; thence south to the Northeast corner of the West Half of the Southwest Quarter of said Section 16; thence easterly, on the North line of said Southwest Quarter, 1324.26 feet, to the Northeast corner of said Southwest Quarter; thence on an assumed bearing of 00°05'54" East on the West line of the Northeast Quarter of said Section 16, 1771.63 feet to an intersection with the Southeast right of way line of United States Interstate Highway 470/335, also known as Kansas Turnpike Tract No. 27-70; thence on said Southeast right of way line, being a curve concave northwesterly, having a radius measure of 5879.58 feet and an arc length of 1005.83 feet, the chord of which bears North 45°01'09" East, 1004.60 feet; thence North 40°07'06" East on said Southeast right of way line, 5.75 feet to the Southwest corner of Kansas Turnpike Tract 27-20E; thence North 84°56'53" East on the South line of said Turnpike Tract 27-20E, 524.39 feet; thence North 60°49'13" East on a South line of said Turnpike Tract 27-20E, 80.71 feet to an intersection with the

South right of way line of SE 29th Street; thence South 89°28'02" East on the South right of way line of SE 29th Street, being 50.00 feet south of the North line of the West Half of said Northeast Quarter, 28.16 feet to a point on the East line of said West Half; thence South 00°15'13" West on the East line of said West Half, to a point on a line which is 300.00 feet south of the North line of the Northeast Quarter of Section 16; thence easterly, parallel with the North line of said Northeast Quarter, to the Southwest corner of Franklin Subdivision; thence northerly on the West line of said subdivision to the Northwest corner of Lot 1, Block A in Franklin Subdivision; thence easterly, to the Northeast corner of Lot 9, Block "J" in Shawnee Estates Subdivision; thence southerly, on the East line of Lot 9, to an intersection with a line which is 50 feet south of the North line of the Northeast Quarter of said Section 16, said line being the South line of Southeast 29th Street; thence easterly, parallel with the North line of said Northeast Quarter, to an intersection with a line which is 20 feet west of the East line of said Northeast Quarter, said line being the West line of West Edge Road; thence southerly, parallel with the East line of said Northeast Quarter, to an intersection with the North line of Lakeview Subdivision; thence westerly, on the North line of Lakeview Subdivision, to the Northeast corner of Lot 1 in said subdivision; thence southerly, to the Southeast corner of Lot 28 in Lakeview Subdivision; thence easterly, to an intersection with a line which is 20 feet west of the East line of the Northeast Quarter of said Section 16, said line also being the West line of West Edge Road; thence southerly, parallel with the East line of said Northeast Quarter, to an intersection with the South line of said Northeast Quarter; thence westerly, on the South line of said Northeast Quarter, to the Northeast corner of Lot 9, Block "D" in Lake Shawnee Subdivision "C"; thence southerly to the Southeast corner of Lot 19, Block "H" in Lake Shawnee Subdivision "C"; thence westerly, on the North line of S.E. 35th Street Terrace, and its extension, to an intersection with the West line of Shoreline Drive; thence southerly on the West line of Shoreline Drive to the Southeast corner of Lot 10, Block N in Shawnee Lake Subdivision 'C'; thence westerly to the Southwest corner of Block K in Shawnee Lake Subdivision 'C'; thence southerly on the East line of the Southwest Quarter of said Section 16 to an intersection with a line 30.00 feet north of the South line of said Southwest Quarter; thence westerly parallel with the South line of said Southwest Quarter to a point 100 feet easterly distant from the West line of the East Half of said Southwest Quarter; thence northerly to the Southeast corner of Lot 1 in Rolling Meadows Subdivision No.2; thence westerly to the Southwest corner of said Lot 1; thence southerly to the Southwest corner of the East Half of the Southwest Quarter of said Section 16; thence continuing southerly on the East line of the West Half of the West Half of Section 21, Township 12 south, Range 16 east of the 6th P.M. to a point 1650.00 feet south of the North line of said Section 21; thence west 1320.00 feet to an intersection with the East line of the Northeast Quarter of Section 20; thence on an assumed bearing of South 01°40'19" West, on the East line of said Northeast Quarter, to a point 660.00 feet north of the Southeast corner of said Northeast Quarter; thence South 88°21'14" West, 1648.96 feet; thence North 01°40'19" West 661.21 feet; thence South 88°21'35" West, on the South line of the North Half of the Northeast Quarter of said Section 20, to the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 20; thence

southerly, 1320.35 feet, to the Northeast corner of the Southwest Quarter of Section 20, Township 12 South, Range 16 east of the 6th P.M.; thence on an assumed bearing of North 88°21'37" East, 2186.81 feet, to the Southwest corner of Lot 1, Block 'A' KPL Substation Subdivision; thence northerly, to the Northwest corner of said Lot 1; thence easterly, to the Northeast corner of Lot 1; thence southerly, to the Southeast corner of Lot 1; thence North 88°21'37" East, on the South line of KPL Substation Subdivision, to the Northeast corner of the Southeast Quarter of Section 20, said point also being the Northwest corner of the Southwest Quarter of Section 21, Township 12 South, Range 16 east of the 6th P.M.; thence easterly on the North line of said Southwest Quarter, 275.30 feet; thence southerly, on a line which is 275.30 feet east of the West line of said Section 21, 516.00 feet; thence west 8.90 feet; thence southerly, on a line which is 266.40 feet east of the West line of Section 21, 553.00 feet; thence easterly 75.40 feet; thence southerly on a line which is 341.80 feet east of the West line of Section 21, 216.50 feet; thence westerly on the North line of the South Half of the Southwest Quarter of Section 21, Township 12 South, Range 16 east of the 6th P.M., to a point on a line which is 30 feet east of the West line of the Southwest Quarter of Section 21; thence southerly, parallel with the West line of said South Half, 210.00 feet; thence easterly on a north line of Stone Crest Subdivision, to the Northwest corner of Lot 4, Block 'E' in Stone Crest Subdivision; thence northerly to the Northwest corner of Lot 22, Block 'E' in Stone Crest Subdivision; thence easterly on the North line of the South Half of the Southwest Quarter of said Section 21, to the East corner of Lot 9, Block 'H' in Stone Crest Subdivision; thence southerly on the East line of the South Half of the Southwest Quarter of said Section 21, to the Southeast corner of Lot 1, Block 'I' in Stone Crest Subdivision; thence westerly on the North line of S.E. 45th Street and its extension, to the Southwest corner of Lot 9, Block 'D' in Stone Crest Subdivision; thence northerly at a right angle to the Northwest corner of Lot 4, Block 'D' in Stone Crest Subdivision; thence westerly parallel with the South line of the Southwest Quarter of said Section 21, to a corner of Stone Crest Subdivision on the East line of Lot 8, Block 'C' in said subdivision; thence southerly on the East line of Block 'C' and its extension, in Stone Crest Subdivision, to an intersection with a line which is 50 feet south of the North line of the Northwest Quarter of Section 28, Township 12 South, Range 16 east of the 6th P.M.; thence South 88°35'26" West, North American Datum 1983, Kansas North Zone, 527.09 feet to a point 662.59 feet east of the West line of said Northwest Quarter; thence South 1°43'10" East, 610.78 feet; thence South 88°37'51" West, 662.61 feet to an intersection with the West line of said Northwest Quarter, said intersection also being the Southeast corner of Marlatte Center Subdivision; thence South 88°20'31" West on the South line of Marlatte Center Subdivision to the Southwest corner of said subdivision; thence northerly, on the Westerly line of said subdivision and its extension, to an intersection with a line which is 45 feet north of the North line of Section 29; thence westerly parallel with the South line of Section 20, to the West line of the East Half of said Section 20; thence on an assumed bearing of South 1°23'17" West, on the East line of the Southwest Quarter of said Section 20, 40.00 feet to the Northeast corner of the Northwest Quarter of Section 29, Township 12 South, Range 16 east of the 6th P.M.; thence South 1°52'43" East on the East line of said Northwest

Quarter, 1650.18 feet; thence South 88°25'22" West, 1594.70 feet; thence North 2°08'17" West, 1692.12 feet to a point on a line which is 40.00 feet north of the South line of the Southwest Quarter of said Section 20; thence westerly on a line which is 40.00 north of the South line of the Southwest Quarter of said Section 20, to the East line of Section 19; thence continuing westerly to a point 30.00 feet west of the East line of Section 19, also being the West line of Adams Street; thence westerly parallel with and 40.00 feet north of the South line of Section 19, to a point that is 40.00 feet north of the Northeast corner of the West Half of the Northeast Quarter of Section 30, Township 12 South, Range 16 east of the 6th P.M.; thence southerly 2694.79 feet on the East line of South Village Subdivision, to the Southeast corner of said subdivision; thence westerly, on the South line of said subdivision to the Northeast corner of the Southwest Quarter of Section 30, Township 12 South, Range 16 east of the 6th P.M.; thence southerly on an assumed bearing of South 02°24'27" East, on the East line of said Southwest Quarter, to a point which is 44.20 feet north of the Southeast corner of Terra Heights Subdivision, said point also being on the Southwesterly line of the right of way of the former Missouri Pacific Railroad Company; thence South 56°03'19" East on the Southwesterly line of said right of way, 1304.94 feet; thence southeasterly, southerly and southwesterly on said right of way line, on a curve concave westerly having a radius measure of 419.28 feet and an arc length of 1020.97 feet, the chord of which bears South 20°32'28" West, 786.78 feet; thence South 88°10'41" West on said right of way line, 132.83 feet; thence westerly on said right of way line, on a curve concave southerly having a radius measure of 613.69 feet and an arc length of 207.93 feet, the chord of which bears South 78°26'03" West, 206.93 feet, to a point on a line which is 45 feet north of the South line of said Southeast Quarter; thence South 88°10'41" West parallel with the South line of said Southeast Quarter, 407.12 feet; thence South 88°35'12" West on a line which is 45 feet north of the South line of said Southwest Quarter, 2224.75 feet to a point on the East line of Topeka Boulevard; thence North 02°07'29" West on the East line of Topeka Boulevard, 602.47 feet; thence North 01°34'34" West on the East line of Topeka Boulevard, 878.59 feet; thence northerly on the East line of Topeka Boulevard, to an intersection with the North line of the Southwest Quarter of said Section 30; thence westerly, on the South line of the Northwest Quarter of Section 30 to the Southeast corner of the Northeast Quarter of Section 25, Township 12 South, Range 15 east of the 6th P.M.; thence northerly, on the East line of said Northeast Quarter, 20.00 feet, to the North line of S.W. 49th Street, extended from the west; thence westerly, on a line which is 20.00 feet north of the South line of the Northeast Quarter of said Section 25, to an intersection with the West line of the right of way of the Burlington Northern Santa Fe Railway Company; thence southerly, on the West line of said right of way, to the Northeast corner of Lot 1, Block "A" in Laird Noller Subdivision; thence westerly, to the Northwest corner of said Lot 1; thence southerly, to the Southwest corner of said Lot 1; thence westerly, 33.00 feet, to a corner of Lot 1, Block "A" in S.W. 57th Street Distribution Center Subdivision; thence southerly on the most westerly East line of the last said Lot 1, and its extension, to an intersection with a line which is 30 feet south of the North line of the Southeast Quarter of said Section 36; thence westerly, on an assumed

bearing of South 88°03'15" West, parallel with the North line of the Southeast Quarter of said Section 36, to an intersection with a line which is 40 feet west of the East line of the Northwest Quarter of the Southeast Quarter of said Section 36; thence southerly, parallel with the East line of the Northwest Quarter of the Southeast Quarter of said Section 36, to an intersection with a line which is 50 feet south of the North line of said Southeast Quarter; thence South 88°03'15" West, 280.00 feet; thence southerly, parallel with the East line of the Northwest Quarter of the Southeast Quarter of said Section 36, to an intersection with a line which is 60 feet south of the North line of said Southeast Quarter; thence South 88°03'15" West, to a point which is 535.10 feet east of the Northwest corner of the Southeast Quarter of said Section 36, and 60.00 feet south of the North line of said Southeast Quarter, as measured on the North line of, and normal from the North line of said Southeast Quarter; thence South 76°44'39" West, 101.98 feet; thence South 88°03'15" West, 400.00 feet; thence South 61°29'21" West, 55.90 feet; thence South 88°03'13" West, 1535.10 feet; thence North 87°38'30" West, 199.78 feet; thence North 01°56'47" West, normal to the North line of the Southwest Quarter of said Section 36, 90.00 feet, to an intersection with said North line at a point which is 893.59 feet east of the Northwest corner of said Southwest Quarter; thence continuing North 01°56'47" West, 90.00 feet; thence South 88°03'13" West, parallel with the South line of the Northwest Quarter of said Section 36, 358.12 feet; thence North 07°53'08" East, 679.72 feet; thence North 23°43'11" East, 509.21 feet; thence North 14°17'25" East, 517.29 feet; thence North 00°04'32" West, 210.05 feet; thence northerly, on a curve which is concave westerly, having a radius measure of 5889.58 feet and an arc length of 719.40 feet, the chord of which bears North 06°17'43" East, 718.95 feet, to an intersection with the South line of the Southwest Quarter of said Section 25; thence northerly, on a curve which is concave westerly, having a radius measure of 5889.58 feet and an arc length of 547.79 feet, the chord of which bears North 00°16'44" West, 547.59 feet; thence North 01°48'09" West, 1517.06 feet; thence North 02°03'30" East, 514.28 feet; thence North 01°48'02" West, normal to the South line of the Northwest Quarter of said Section 25, 80.00 feet, to an intersection with said South line at a point which is 1149.74 feet east of the Southwest corner of said Northwest Quarter; thence continuing North 01°48'02" West, to an intersection with a line which is 20 feet north of the South line of the Northwest Quarter of said Section 25; thence westerly, on a line which is 20 feet north of the South line of the Northwest Quarter of said Section 25, to an intersection with the East line of Section 26, Township 12 South, Range 15 east of the 6th P.M.; thence continuing westerly, parallel with and 20.00 feet north of the South line of the North Half of said Section 26 to the East line of Burlingame Road; thence northerly on the East line of Burlingame Road to an intersection with the North line of S.W. 45th Street, extended from the west, said North line of S.W. 45th Street being 30.00 feet north of the South line of Section 23, Township 12 South, Range 15 east of the 6th P.M.; thence westerly, parallel with and 30.00 feet north of the South line of said Section 23 to an intersection with the West line of the East Half of the Southeast Quarter of Section 23; thence northerly on the West line of the East Half of the Southeast Quarter of Section 23, to an intersection with the North line of the Southeast Quarter of said Section 23; thence westerly, on the North line

of said Southeast Quarter, to the Northeast corner of the Southwest Quarter of Section 23, Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of South 87°44'36" West, on the North line of said Southwest Quarter, to the Northeast Quarter of Lot 4, Block 'B' in Misty Harbor Estates No. 2 Subdivision; thence South 08°11'25" West, 149.95 feet; thence on a curve concave southerly, having a radius measure of 537.50 feet and an arc length of 22.92 feet, the chord of which bears South 80°35'17" East, 22.92 feet; thence South 10°38'02" West, 250.08 feet; thence South 88°30'14" East, 53.58 feet; thence South 71°00'42" East, 57.83 feet; thence South 01°29'46" East, 281.87 feet; thence South 88°30'14" West, 75.00 feet; thence South 01°28'50" East, 522.53 feet; thence South 88°30'14" West, 27.13 feet; thence South 01°29'46" East, 130.00 feet, to the Northeast corner of Lot 1, Block 'E' in Misty Harbor Estates No. 2 Subdivision; thence North 88°30'14" East, 580.41 feet; thence on a curve concave easterly, having a radius measure of 500.00 feet and an arc length of 5.01 feet, the chord of which bears North 3°32'39" West, 5.01 feet; thence North 88°31'10" East, 449.05 feet to a point on the East line of said Southwest Quarter; thence South 1°28'50" East on the East line of said Southwest Quarter, 894.93 feet; thence South 1°28'50" East, on the East line of said Southwest Quarter, 1280.18 feet to the Northeast corner of the Northwest Quarter of Section 26, Township 12 South, Range 15 east of the 6th P.M.; thence South 00°09'12" East, on the East line of said Northwest Quarter, 1299.00 feet; thence South 56°16'49" West, 720.00 feet; thence South 00°09'12" East, parallel with the East line of said Northwest Quarter, 919.99 feet; thence South 89°02'19" West, on a line which is 45 feet north of the South line of said Northwest Quarter, 708.43 feet; thence westerly, on a curve concave southerly, having a radius measure of 447.50 feet and an arc length of 35.26 feet, the chord of which bears South 86°46'54" West, 35.25 feet, to a point which is 16.84 feet north of the Southeast corner of Lot 9 Block "G", in Colly Creek Subdivision No. 6; thence on an assumed bearing of South 00°13'06" East, on the East line of the West Half of the Northwest Quarter of Section 26, Township 12 South, Range 15 east of the 6th P.M., 16.84 feet, to the Southeast corner of Lot 9, Block "G" in Colly Creek Subdivision No. 6; thence on a 460.00 foot radius curve to the right, 264.29 feet; thence North 79°51'05" West, 493.87 feet; thence on a 540.00 foot radius curve to the left, 410.24 feet; thence South 56°37'15" West, 38.90 feet; thence on a 460.00 foot radius curve to the right, 206.79 feet; thence South 82°22'40" West, 261.54 feet; thence North 83°24'11" West, 163.01 feet; thence westerly, 80 feet south of and parallel with the South line of the Northeast Quarter of Section 27, Township 12 South, Range 15 east of the 6th P.M., 429.69 feet; thence North 73°38'13" West, 382.80 feet; thence North 00°20'44" West, 139.53 feet; thence North 89°44'11" East, 217.86 feet; thence North 00°15'49" West, 400.00 feet; thence South 89°44'11" West, 85.12 feet; thence North 00°15'49" West, 200.00 feet; thence South 89°44'11" West, 58.01 feet; thence North 00°15'49" West, 200.00 feet; thence South 89°44'11" West, to an intersection with the East line of S.W. Gage Boulevard; thence North 00°39'50" West, 860.02 feet; thence North 89°44'11" East, 250.39 feet; thence North 00°15'39" West, 200.00 feet; thence South 89°44'11" West, 251.79 feet; thence North 00°39'50" West, 636.15 feet, to a point on the

359 South line of Section 22, Township 12 South, Range 15 east of the 6th P.M.; thence
360 westerly, on said line 11.76 feet to the Southwest corner of Lot 4 in said Section 22;
361 thence continuing westerly on said South line, to an intersection with a line which is
362 30 feet west of the East line of Lot 5 in said Section 22; thence northerly, on a line
363 which is 30 feet west of the East line of Lots 5, 6 and 7 in said Section 22, to a point
364 which is 502.00 feet north and 30 feet west of the Southeast corner of said Lot 7;
365 thence westerly, on the South line of S.W. 40th Street, and its extension, to the
366 Southwest corner of Blackburn Subdivision; thence northerly, to the Northwest
367 corner of Lot 1, Block 'A' in Blackburn Subdivision; thence easterly, on the North line
368 of Blackburn Subdivision, and its extension, to an intersection with a line which is 30
369 feet west of the East line of said Lot 7; thence northerly, on a line which is 30 feet
370 west of the East lines of Lots 7 and 8 in said Section 22 to an intersection with the
371 North line of Section 22; thence west on the North line of Section 22 to a point
372 527.20 feet east of the Northeast corner of the Northwest Quarter of Section 22,
373 Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing
374 of South 00°47'14" West, 1321.98 feet; thence North 89°29'14" West, 527.19 feet;
375 thence North 89°23'29" West, 2650.19 feet, to an intersection with the West line of
376 Section 22; thence southerly on the West line of said section to the East Quarter
377 corner of Section 21, Township 12 South, Range 15 east of the 6th P.M.; thence on
378 an assumed bearing of South 88°46'43" West, on the North line of the Southeast
379 Quarter of said Section 21, 464.91 feet; thence South 54°02'14" West, 363.09 feet;
380 thence South 50°29'18" West, 44.16 feet; thence southwesterly, on a curve concave
381 northwesterly, having a radius measure of 1030.00 feet and an arc length of 710.30
382 feet, the chord of which bears South 70°14'39" West, 696.31 feet; thence South
383 90°00'00" West, 8.57 feet; thence northwesterly, on a curve concave northeasterly,
384 having a radius measure of 810.00 feet and an arc length of 272.67 feet, the chord
385 of which bears North 80°21'22" West, 271.39 feet; thence North 70°42'44" West,
386 708.74 feet; thence northwesterly, on a curve concave southwesterly, having a
387 radius measure of 966.50 feet and an arc length of 348.32 feet, the chord of which
388 bears North 81°02'12" West, 346.44 feet; thence South 88°38'20" West, 332.17
389 feet; thence South 86°43'47" West, 180.10 feet; thence South 88°38'20" West,
390 35.22 feet; thence South 01°21'40" East, 51.49 feet; thence South 34°56'17" West,
391 344.26 feet; thence South 03°56'09" West, 122.53 feet; thence South 11°52'54"
392 West, 231.70 feet; ; thence South 89°06'31" East, 71.26 feet; thence South
393 67°46'48" East, 126.07 feet; thence South 49°59'15" East, 218.99 feet; thence
394 South 28°03'34" East, 130.00 feet; thence South 00°23'53" East, 154.39 feet;
395 thence South 76°03'46" West, 147.76 feet; thence southerly, on a curve concave
396 westerly, having a radius measure of 412.00 feet and an arc length of 155.03 feet,
397 the chord of which bears South 00°28'07" West, 154.12 feet; thence South
398 70°02'14" East, 187.76 feet; thence South 86°46'44" East, 149.34 feet; ; thence
399 South 67°24'25" East, 163.14 feet; thence South 42°41'52" East, 80.40 feet; thence
400 South 24°46'56" East, 142.36 feet; thence South 68°32'44" East, 173.53 feet;
401 thence South 32°54'02" East, 129.08 feet; thence South 00°32'09" East, 213.07
402 feet; thence South 16°50'03" West, 30.00 feet; thence westerly, on a curve concave
403 southerly, having a radius measure of 530.00 feet and an arc length of 124.82 feet,

the chord of which bears North 79°54'45" West 124.53 feet; thence South 03°20'26" West, 60.00 feet; thence westerly, on a curve concave southerly, having a radius measure of 470.00 feet and an arc length of 28.84 feet, the chord of which bears North 88°25'02" West, 28.83 feet; thence South 00°38'39" East, 149.80 feet; thence South 89°27'34" West, 645.28 feet; thence North 00°40'39" West, 224.59 feet; thence South 89°28'25" West, 896.92 feet; thence North 00°30'03" West, 462.09 feet; thence South 87°33'24" West, 826.16 feet; to the northeast corner of Elevation Hill Subdivision; thence South 88°36'57" West, 227.50 feet; thence North 01°10'51" West, on a line which is 52.50 feet east of the west line of the southwest quarter of said Section 21, to an intersection with a line which is 30.00 feet north of the South line of the North Half of the Southeast Quarter of Section 20, Township 12 South, Range 15 east of the 6th P.M.; thence westerly, on said extension, to an intersection with the East line of said Southeast Quarter; thence westerly, on a line which is 30.00 feet north of the South line of the North Half of said Southeast Quarter, 100.00 feet; thence southerly, parallel with the East line of said Southeast Quarter, to an intersection with the South line of the North Half of said Southeast Quarter; thence on an assumed bearing of South 89°28'33" West, on the South line of the North Half of said Southeast Quarter, 726.34 feet, to the Northeast corner Lot 4, Block 'D' in Brian's Addition No. 3; thence South 25°50'40" East 202.34 feet to the East corner of Lot 5, Block 'D' in Brian's Addition No. 3; thence southwesterly on a curve concave southeasterly, having a radius measure of 280.00 feet and an arc length of 55.87 feet, the chord of which bears South 58°22'32" West, 55.78 feet; thence southwesterly on a curve concave northwesterly, having a radius measure of 220.00 feet and an arc length of 23.68 feet, the chord of which bears South 55°44'31" West, 23.67 feet; thence South 31°09'29" East, 312.31 feet to the most northerly East corner of Lot 1, Block 'E' in Brian's Addition No. 3; thence South 00°49'39" East 78.55 feet to the Southeast corner of Brian's Addition No. 3; thence North 89°28'53" East on the North line of Lauren's Bay Villas No.2, to the Northeast corner of Lot 15, Block A in said subdivision; thence South 0°54'31" East on a line which is 60.00 feet west of the East line of the Southeast Quarter of Section 20, Township 12 South, Range 15 east of the 6th P.M., to an intersection with the South line of said Southeast Quarter; thence South 0°18'18" East, on a line which is 60.00 feet west of the East line of the Northeast Quarter of Section 29, Township 12 South, Range 15 east of the 6th P.M., to the Southeast corner of Lot 30, Block B in Lauren's Bay Villas No. 2; thence North 89°45'29" West, 375.60 feet to the Southwest corner of Lot 29, Block B in said subdivision; thence South 0°18'18" East, 200.00 feet to the Southeast corner of Lot 7 in Block B in said subdivision; thence North 89°45'29" West on the South line of the Pottawatomie Reserve, 820.94 feet to the Northwest corner of Lot 1, Block E in Woodland Heights 2nd Subdivision; thence South 0°15'48" East on the West line of Woodland Height 2nd Subdivision, 405.65 feet; thence South 0°10'48" East on the West lines of Woodland Heights Subdivision No. 3 and Woodland Heights 2nd Subdivision, 220.00 feet; thence North 89°39'50" East on the South line of SW 46th Terrace, formerly SW 47th Street Terrace as platted in Woodland Heights 2nd Subdivision, 195.70 feet; thence South 0°17'38" East on the West line of Lot 2, Block "G" in

Woodland Heights 2nd Subdivision, 155.00 feet; thence North 89°42'22" East on the South line of Lot 2, Block "G" in Woodland Heights 2nd Subdivision, 244.57 feet; thence South 0°18'26" East on a West line of Woodland Heights 2nd Subdivision, 214.07 feet; thence North 89°40'25" East on a South line of a public street platted in Woodland Heights 2nd Subdivision, 107.64 feet; thence northeasterly on a South line of a public street platted in Woodland Heights 2nd Subdivision, on a curve concave northwesterly, having a radius measure of 282.00 feet and an arc length of 168.26 feet, the chord of which bears North 72°34'49" East, 165.78 feet; thence South 34°33'36" East on the Southwest line of Lot 5, Block "C" in Woodland Heights 2nd Subdivision, 261.85 feet; thence South 30°20'26" East, 182.33 feet; thence North 89°45'39" East, 44.40 feet; thence South 30°23'44" East, 59.89 feet to a point on the South line of Algonquin Trafficway as platted in Woodland Heights Subdivision; thence North 59°44'00" East on the South line of Algonquin Trafficway, 31.97 feet; thence northeasterly on the South line of Algonquin Trafficway on a curve concave southeasterly, having a radius measure of 222.00 feet and an arc length of 116.20 feet, the chord of which bears North 75°02'50" East, 114.89 feet; thence North 89°41'27" East on the South line of Algonquin Trafficway, 40.04 feet to an intersection with a line which is 60 feet west of the East line of said Northeast Quarter; thence South 0°19'43" East parallel with the East line of said Northeast Quarter, 386.19 feet to a point on the North line of Algonquin Trafficway as platted in Woodland Heights Subdivision; thence South 89°40'16" West on the North line of said Algonquin Trafficway, 40.00 feet; thence westerly on the North line of said Algonquin Trafficway, on a curve concave northerly, having a radius measure of 792.00 feet and an arc length of 142.16 feet, the chord of which bears North 84°50'50" West, 141.97 feet to an intersection with an extension of the West line of Block D in Woodland Heights Subdivision; thence South 10°30'07" West on the West line of said Block D and its extension, 636.35 feet to the Southwest corner of Lot 3 in said Block D; thence South 89°16'56" West on the South line of said Northeast Quarter, 398.96 feet; thence South 0°15'47" East parallel with the East line of the Southeast Quarter of said Section 29, 1128.48 feet to a point 198.0 feet north of the South line of the Northeast Quarter of said Southeast Quarter; thence North 88°57'31" East, 99.94 feet; thence South 0°17'00" East, 198.12 feet to a point on the South line of the Northeast Quarter of said Southeast Quarter which is 660.00 feet west of the Southeast corner of the Northeast Quarter of said Southeast Quarter; thence North 89°11'00" East on the North line of the Southeast Quarter of the Southeast Quarter of said Section 29, 620.00 feet to an intersection with a line which is 40.00 feet west of the East line of said quarter-quarter section; thence South 0°15'52" East, parallel with the East line of said quarter-quarter section, 1189.27 feet; thence South 16°46'48" West, 53.30 feet to a point which is 85.00 feet north of the South line of the Southeast Quarter of the Southeast Quarter of said Section 29 and 55.62 feet west of the East line of said quarter-quarter section; thence South 77°37'36" West, 80.57 feet to a point which is 69.00 feet north of the South line of said quarter-quarter section; thence South 0°57'05" East, 29.00 feet; thence South 89°02'55" West on a line which is 40.00 feet north of the South line of said quarter-quarter section, 335.89 feet; thence South 0°57'05" East, 15.00 feet;

thence South 89°02'55" West on a line which is 25.00 feet north of the South line of the Southeast Quarter of the Southeast Quarter of said Section 29, 848.08 feet to an intersection with the West line of said quarter-quarter section; thence North 0°19'05" West on the West line of said quarter-quarter section, 1303.00 feet to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 29; thence South 89°11'00" West on the South line of the North Half of the Southeast Quarter of said Section 29, 1319.04 feet to the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 29; thence North 0°30'27" West on the West line of the North Half of the Southeast Quarter of said Section 29, 1329.04 feet to the Northwest corner of the Southeast Quarter of said Section 29; thence South 89°19'02" West, on the South line of the Southeast Quarter of the Northwest Quarter of said Section 29, 1319.13 feet; thence North 0°30'32" West on the West line of the Southeast Quarter of the Northwest Quarter of said Section 29 and on the West line of the East Half of Lot 2 in the Northwest Quarter of said Section 29, 1693.97 feet; thence North 89°49'59" East, 676.36 feet; thence North 0°32'21" West, 673.72 feet to a point on the North line of Lot 2 in the Northwest Quarter of said Section 29, also being the Southwest corner of Lot 3, Block C in Bridle Path Acres Subdivision; thence North 89°51'00" East on the North line of Lot 2 in the Northwest Quarter of said Section 29, 650.24 feet to the Northeast corner of said Lot 2; thence North 00°25'18" West, on the West line of the Northeast Quarter of Section 29, Township 12 South, Range 15 east of the 6th P.M., 308.95 feet, to the Southwest corner of the Southeast Quarter of said Section 20; thence North 00°39'49" West, 1314.81 feet, to the Northwest corner of the Southwest Quarter of said Southeast Quarter; thence northerly, on the West line of said Southeast Quarter, also being on the West line of Monarch Meadow Subdivision, 1320.79 feet, to the Northwest corner of said Southeast Quarter; thence on an assumed bearing of North 00°39'56" West, on the West line of the Northeast Quarter of said Section 20, 1321.86 feet, to the Northwest corner of Lot 8, Block "B" in South Branch Subdivision; thence on an assumed bearing of North 00°39'11" West, 376.40 feet; thence South 57°47'36" East, 129.93 feet; thence North 18°16'12" East, 45.99 feet; thence North 89°19'37" East, 91.26 feet; thence South 07°42'39" West, 111.46 feet to the front common lot corner of Lots 9 and 10, Block "A", Glenwood Subdivision also being on the North line of S.W. 38th Place; thence southerly and easterly on said North line and its extension across S.W. Arvonja Place to the Southwest corner of Lot 28, Block "B", Glenwood Subdivision; thence North 00°40'23" West, on the West lines of Lots 28 through 15, Block "B" to the Northwest corner of said Lot 15, being on the South line of S.W. 37th Street; thence easterly on said South line, to an intersection with the West line of Shadywood West Subdivision, when extended southerly; thence northerly on said extension to the North line of S.W. 37th Street; thence North 00°47'12" West, 1280.10 feet; thence North 00°13'15" East, 529.59 feet; thence South 89°20'15" West, 340.00 feet; thence North 00°13'15" East, 200.00 feet to the South line of S.W. 34th Terrace; thence South 89° 20'15" West, 100.00 feet; thence North 00°13'15" East, 270.02 feet; thence North 89°20'15" East, 100.00 feet; thence North 00°13'15" East, 321.13 feet, to the North line of the Southeast Quarter of Section

17, Township 12 South, Range 15 east of the 6th P.M.; thence easterly on the North line of said Southeast Quarter, 1424.63 feet; thence on an assumed bearing of South 00°17'23" East, 208.71 feet; thence North 89°20'50" East, to the West line of S.W. Wanamaker Road; thence northerly on the West line of Wanamaker Road to the South line of Crestridge Square Subdivision No. 2; thence on an assumed bearing of South 89°37'17" West, to the Southwest corner of Lot 9, Block "A" of said subdivision; thence westerly, on the South line of Mission Center Subdivision No. 1, to the Southwest corner of said subdivision also being on the West line of the Northeast Quarter of Section 17; thence northerly, on said West line to the Southeast corner of the Southwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M.; thence northerly, on the East line of said Southwest Quarter, to the Southeast corner of Lot 19, Block "A", Southwest Meadows Subdivision; thence westerly, on the North line of S.W. 29th Street, and its extensions to the Southeast corner of Lot 1, Block "A", Mission Woods Subdivision No. 2; thence westerly on a line which is 50 feet north of the South line of the Southwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M. to a point which is 738.59 feet east of the Southwest corner of said Southwest Quarter; thence westerly on the North line of S.W. 29th Street, to an intersection with an extension of the East line of Sherwood Estates Subdivision No. 23; thence southerly on the East line of Sherwood Estates Subdivision No. 23, and its extension, to the Southeast corner of said subdivision; thence westerly on the South line of said subdivision to an intersection with the East line of S.W. Urish Road, being a line which is 40 feet east of the West line of the Northwest Quarter of Section 17, Township 12 South, Range 15 east of the 6th P.M.; thence northerly, parallel with the West line of the Northwest Quarter of said Section 17 to an intersection with the North Line of said Northwest Quarter; thence northerly on a line which is 40 feet east of the West line of the Southwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M., to an intersection with an extension of the North line of SW 29th Street from the East, also being a line which is 50 feet north of the South line of said Southwest Quarter; thence westerly parallel with the South line of the Southwest Quarter of said Section 8 to an intersection with the West line of said Southwest Quarter; thence west-southwesterly to the intersection of the West line of Urish Road and the North line of SW 29th Street, being an intersection of a line which is 40 feet west of the East line of the Southeast Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M. with a line which is 40 feet north of the South line of said Southeast Quarter; thence northerly on said West line of Urish Road to the Southeast corner of Lot 1, Block "A", Good Shepherd Lutheran Church Subdivision; thence westerly on the South line of said Lot 1, 458.98 feet, to the East line of Lot 2, Block "A", of said subdivision; thence southerly on the East line of said Lot 2 to the North line of S.W. 29th Street; thence westerly on said North line to the Southwest corner of Lot 1, Block "A", Tallgrass Subdivision; thence northerly on the West line of said Lot 1, 1268.94 feet, to an intersection with the South line of the North Half of the South Half of Section 7, Township 12 south, Range 15 East of the 6th P.M.; thence westerly on the South line of the North Half of said South Half to a point that is 694.00 feet easterly of the West line of the Southwest Quarter of said Section 7; thence northerly, parallel with

said West line, 200.00 feet; thence westerly parallel with the South line of the North Half of the Southwest Quarter, 654.00 feet, more or less, to an intersection with a line which is 25 feet east of the West line of said Southwest Quarter; thence southerly, parallel with the West line of said Southwest Quarter, to an intersection with the South line of the North Half of said Southwest Quarter; thence westerly on the South line of the North Half of said Southwest Quarter, to the Northeast corner of the South Half of the Southeast Quarter of Section 12, Township 12 South, Range 14 east of the 6th P.M.; thence westerly on the North line of the South Half of said Southeast Quarter, to an intersection with a line which is 52.50 feet west of the East line of said Southeast Quarter; thence on an assumed bearing of South 00°01'43" West, on a line which is parallel with the East line said Southeast Quarter, also being the West line of S.W. Indian Hills Road, to the most southerly Northeast corner of Lot 9, Block "D" in Sherwood Park Subdivision; thence South 05°44'27" West, 120.60 feet to an East corner of Lot 8, Block "D" in Sherwood Park Subdivision; thence South 00°01'43" West, 161.79 feet to an East corner of Lot 7, Block "D" in Sherwood Park Subdivision; thence South 45°31'42" West, 39.25 feet to a South corner of said Lot 7; thence North 88°58'19" West, 11.79 feet to a South corner of said Lot 7; thence South 87°12'50" West, 180.40 feet to a South corner of Lot 6, Block "D" in Sherwood Park Subdivision which is 50.50 feet east of the Southwest corner of said Lot 6; thence North 88°58'19" West, on a line which is 52.50 feet north of the South line of said Southeast Quarter, to an intersection with the West line of said Southeast Quarter; thence on an assumed bearing of North 88°58'19" West, on a line which is 52.50 feet north of the Southwest Quarter of said Section 12, 748.83 feet to the Southwest corner of Lot 4, Block 'A' in Sherwood Park Subdivision No. 8; thence North 01°01'41" East, 1290.30 feet to the Northwest corner of Lot 31, Block 'A' in said subdivision; thence North 88°58'19" West, 64.07 feet to the Southwest corner of S.W, 27th Street in Sherwood Park Subdivision No. 8; thence North 00°09'46" East, 227.81 feet to the Northwest corner of Lot 1, Block 'C' in said subdivision; thence North 89°50'11" West 291.66 Feet; thence North 61°14'14" West, 478.62 feet; thence North 00°09'49" East, 900.00 feet to an intersection with the North line of said Southwest Quarter; thence South 89°01'00" East on the North line of said Southwest Quarter, 1494.56 feet to the Northwest corner of the Southeast Quarter of said Section 12; thence North 89°47'32" East, North American Datum 1983, Kansas North Zone, on the North line of said Southeast Quarter to an intersection with a line which is 25 feet westerly distant from the East line of the Northeast Quarter of said Section 12; thence North 1°22'07" West, parallel with the East line of said Northeast Quarter, 206.59 feet; thence South 88°37'53" West, 102.50 feet; thence North 51°38'47" West, 185.34 feet; thence South 89°47'32" West, 633.35 feet; thence North 2°56'05" West, 153.41 feet; thence North 26°38'39" East, 263.84 feet; thence North 36°58'43" East, 108.14 feet; thence North 46°11'26" East, 411.41 feet; thence North 37°52'30" East, 86.96 feet; thence North 34°50'57" West, 212.84 feet to a point on the South line of Lot 1, Block 'A' in Miller's Glen Subdivision; thence North 01°22'07" West, 130.00 feet; thence South 88°37'53" West, 125.00 feet; thence South 70°02'33" West, 411.40 feet; thence South 43°37'53" West, 472.50 feet; thence North 01°19'36"

West, on the West line of the East Half of the Northeast Quarter of Section 12, Township 12 South, Range 14 east of the 6th P.M., 1623.48 feet to a point on a line which is 52.50 feet south of the North line of said Northeast Quarter; thence North 89°33'47" East, parallel with the North line of said Northeast Quarter, 765.65 feet; thence South 00°26'13" East, 38.58 feet; thence southeasterly, on a curve concave northeasterly, having a radius measure of 100.00 feet and an arc length of 78.54 feet, the chord of which bears South 22°56'13" East, 76.54 feet; thence South 45°26'13" East, 193.72 feet; thence southeasterly, on a curve concave southwesterly, having a radius measure of 200.00 feet and an arc length of 107.09 feet, the chord of which bears South 30°05'49" East, 105.82 feet; thence South 14°45'26" East, 41.00 feet; thence southeasterly, on a curve concave northeasterly, having a radius measure of 200.00 feet and an arc length of 110.34 feet, the chord of which bears South 30°33'47" East, 108.95 feet; thence South 46°22'07" East, 168.38 feet; thence North 88°37'53" East, 110.00 feet, to a point on a line which is 52.50 feet west of the East line of said Northeast Quarter, thence South 01°22'07" East, parallel with the East line of said Northeast Quarter, 329.06 feet; thence North 87°04'11" East, 52.52 feet, to the Southwest corner of the North 966.50 feet of the Northwest Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of North 88°26'14" East, on the South line of said North 966.50 feet, to an intersection with the West line of the Northeast Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M.; thence northerly on the West line of the Northeast Quarter of said Section 7 to the Northwest corner of said Northeast Quarter; thence northerly to the Southwest corner of Tract 16 in Busby Subdivision; thence easterly to the Southwest corner of Tract 2 in Busby Subdivision; thence northerly to the Northwest corner of said Tract 2; thence easterly on the North line of Busby Subdivision, and its extension, to an intersection with a line which is 30 feet east of the West line of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M.; thence southerly parallel with the West line of said Southwest Quarter to the Southwest corner of Lot 45 in Broadview Acres; thence westerly on an extension of the South line of said Lot 45 to an intersection with a line which is 25 feet east of the West line of said Southwest Quarter; thence southerly parallel with the West line of said Southwest Quarter to an intersection with a line which is 30 feet north of the South line of said Southwest Quarter; thence easterly parallel with the South line of said Southwest Quarter to an intersection with an extension of the East line of Lot 4, Block "D" in Brookfield West Subdivision No. 3; thence southerly on said extension to the North line of the Northwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M.; thence southerly on said extension and on the East line of said Lot 4, 268.00 feet; thence east 163.00 feet; thence northerly on the West lines of Lots 10 and 11, Block "D" in Brookfield West Subdivision No. 3, to the Northwest corner of said Lot 11; thence easterly on a line which is 50 feet south of the North line of said Northwest Quarter to an intersection with an extension of the West line of the East Half of the East Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M.; thence North 0°1'15" East, North American Datum 1983, Kansas North Zone, on the West line of the East Half of the East Half of said Southwest Quarter, to a point on the South line of SW 17th Street, 52.56 feet southerly distant

from the Northwest corner of the East Half of the East Half of said Southwest Quarter; thence South 87°43'46" West on a line which is 52.50 feet south of the North line of said Southwest Quarter, also being the South line of SW 17th Street, to an intersection with the West line of Lot 20 in Broadview Acres; thence northerly on the West line of Lot 20 to a point 15.02 feet southerly distant from the Northwest corner of said lot; thence westerly on a line which is 15 feet south of the North line of Lot 38 in Broadview Acres, and its extension, to a point 105.00 feet westerly distant from the East line of Lot 38; thence North 65°05'26" East, 32.84 feet to the North line of Lot 38; thence westerly on the North line of Lots 38 and 39 in Broadview Acres to a point which is 65.00 feet easterly distant from the Northwest corner of Lot 39; thence South 36°58'08" West, 47.74 feet; thence South 16°29'26" West, 52.37 feet to a point on a line which is 52.5 feet east of the West line of said Southwest Quarter; thence North 0°43'59" East parallel with the West line of said Southwest Quarter, to an intersection with the South line of the Northwest Quarter of said Section 5; thence North 0°53'14" East, on a line which is 52.5 feet east of the West line of said Northwest Quarter, 1589.09 feet; thence North 87°53'48" East parallel with the North line of said Northwest Quarter, 1601.67 feet to a point on the West line of Lot 1, Block A, Arbor Valley Subdivision; thence North 0°39'21" West on the West line of said Lot 1, to a point on a line which is 30 feet south of the North line of said Northwest Quarter; thence South 87°53'48" West on a line which is 30 feet south of the North line of the Northwest Quarter of said Section 5, 1601.44 feet to a point on a line which is 25 feet east of the West line of said Northwest Quarter; thence North 00°53'14" East, parallel with the West line of said Northwest Quarter, 30.04 feet to a point on the North line of said Northwest Quarter; thence North 01°50'24" West, on a line which is 25 feet east of the West line of the Southwest Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M., 552.48 feet; thence North 87°53'51" East, 620.82 feet; thence north-northeasterly on a curve concave easterly, having a radius measure of 288.50 feet and an arc length of 236.75 feet, the chord of which bears North 22°25'24" East, 230.03 feet; thence North 37°31'27" East, 73.75 feet; thence North 87°53'51" East, 67.65 feet; thence South 61°37'24" East, 93.15 feet; thence North 87°18'00" East, 381.34 feet to a point on the West line of the Southeast Quarter of the Southwest Quarter of said Section 32; thence South 01°46'12" East on the West line of the Southeast Quarter of the Southwest Quarter of said Section 32, 111.59 feet to the Northwest corner of the South Half of the Southeast Quarter of the Southwest Quarter of said Section 32; thence North 87°54'38" East on the North line of said South Half, 1316.47 feet to a point on the West line of the Southeast Quarter of said Section 32; thence North 01°41'55" West on the West line of the Southeast Quarter of said Section 32, 666.05 feet, to the Northwest corner of the South Half of the Southeast Quarter of Section 32; thence easterly on the North line of the South Half of said Southeast Quarter, 186.92 feet, to the Westerly right-of-way line of U.S. Interstate Highway 470; thence northwesterly, on said Westerly right-of-way line, to a point on the North line of S.W. 10th Street; thence westerly on the North line of S.W. 10th Street, to an intersection with an extension of the East line of Red Oaks Place; thence on an assumed bearing of South 01°35'05" East, on the East line of Red Oaks Place, and its extension, 1367.31 feet, to the Southeast corner of Red Oaks Place; thence

South 87°55'48" West, 1090.50 feet, to the East line of Urish Road; thence North 01°50'38" West, on the East line of Urish Road, and its extensions, 1327.96 feet, to an intersection with the North line of the Southwest Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M.; thence South 87°57'54" West, on the North line of said Southwest Quarter, to the Southeast corner of the Northeast Quarter of Section 31, Township 11 South, Range 15 east of the 6th P.M.; thence South 87°16'57" West on the South line of said Northeast Quarter, 40.01 feet; thence North 01°42'41" West parallel with the East line of said Northeast Quarter, 40.01 feet to the Southeast corner of Lot 1, Block 'A' in Gail Subdivision; thence South 87°16'57" West on the South line of Lot 1, 418.68 feet; thence South 89°11'01" West on the North line of SW 10th Street, 509.17 feet; thence North 70°28'23" West on the North line of SW 10th Street, 251.06 feet to the West corner of Lot 12, Block 'A' in Gail Subdivision; thence North 58°39'21" West, 60.29 feet to the South corner of Lot 2, Block 'A' in Gail Subdivision; thence northwesterly on the Southwest line of Lot 2 being a curve concave northeasterly, having a radius measure of 527.96 feet and an arc length of 130.17 feet, the chord of which bears North 43°36'28" West, 129.84 feet; thence North 01°04'20" West on the West line of Gail Subdivision, 631.43 feet to the Northwest corner thereof; thence North 87°24'52" East on the North line of Gail Subdivision, 835.00 feet; thence South 89°30'42" East on the North line of Gail Subdivision, 375.50 feet to a point on the West line of SW Urish Road; thence South 11°48'27" East on the West line of Urish Road, 409.64 feet; thence North 88°17'19" East, 75.00 feet to an intersection with a line which is 25 feet east of the West line of the Northwest Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M.; thence North 01°42'41" West, parallel with the West line of said Northwest Quarter, to an intersection with the North line of said Northwest Quarter; thence North 87°45'17" East, 2613.78 feet, to the Northwest corner of the Northeast Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M.; thence easterly, on the South line of the Southeast Quarter of Section 29, Township 11 South, Range 15 east of the 6th P.M., 134.78 feet; thence northerly, at a right angle, 30.00 feet; thence westerly, parallel with the South line of said Southeast Quarter, 134.33 feet; thence Northerly, on the West line of said Southeast Quarter, to the Northwest corner of Lot 15, Block 'A' in River Hill Residential Subdivision; thence westerly on the North line of the South Half of the Southwest Quarter of said Section 29, to the most westerly Southwest corner of Lot 13, Block 'A' in River Hill Residential Subdivision; thence northerly to the Northwest corner of said Lot 13; thence easterly, to the Northeast corner of Lot 11, Block 'A' in River Hill Residential Subdivision; thence southerly, to the Northwest corner of Lot 10, Block 'A' in River Hill Residential Subdivision; thence on an assumed bearing of North 87°45'41" East, on a North line of River Hill Residential Subdivision, 996.42 feet; thence North 00°42'20" West, 39.40 feet; thence North 87°45'41" East, on a North line of River Hill Residential Subdivision, 330.00 feet, to an intersection with the West line of the Southwest Quarter of Section 28, Township 11 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of North 01°23'09" East, on the West line of the last said Southwest Quarter, to the Southwest corner of the Northwest Quarter of said Section 28; thence North

767 00°27'26" East, on the West line of said Northwest Quarter, to the Northwest corner
768 of Lot 1, Block A in Menninger Subdivision; thence easterly, on the North line of said
769 Lot 1, to the Northeast corner of said Lot 1; thence northerly, on the West line of the
770 Northeast Quarter of said Section 28, to the South bank of the Kansas River; thence
771 continuing northerly on the West lines of the East Halves of Sections 28 and 21,
772 Township 11 south, Range 15 east of the 6th P.M., to the North line of Lower Silver
773 Lake Road; thence east on the North line of Lower Silver Lake Road to the East line
774 of Menoken Road; thence northerly on the East line of Menoken Road, 1281.10
775 feet; thence easterly on the North line of Sun Valley Subdivision No. 2 to the
776 Northeast corner thereof; thence southerly on the East line of said subdivision,
777 1279.38 feet, to the North line of Lower Silver Lake Road; thence easterly on said
778 North line to the West line of Kaw Half-Breed Reserve No. 1; thence north on the
779 West line of Kaw Half-Breed Reserve No. 1, to the Northwest corner of said
780 Reserve No. 1; thence northeasterly to the intersection of the North right-of-way line
781 of U.S. Highway No. 24 and the West line of the Southwest Quarter of Section 14,
782 Township 11 South, Range 15 east of the 6th P.M. said point being 100.00 feet
783 north of the Centerline of U.S. Highway 24; thence on an assumed bearing of North
784 00°25'08" West, 1065.79 feet, to a point which is 287.2 feet south of the Northwest
785 corner of said Southwest Quarter, being an intersection with the Northwest line of
786 US Highway 75; thence South 52°13'52" West, on the Northwest line of US
787 Highway 75, 25.16 feet; thence North 00°25'08" West, on a line which is 20 feet
788 west of the East line of Lot 3 in Section 15, Township 11 South, Range 15 east of
789 the 6th P.M., 302.19 feet, to a point on the North line of said Lot 3; thence North
790 01°18'04" East, on a line which is 20 feet west of the East line of Lot 2 in said
791 Section 15, 18.96 feet; thence North 88°12'36" East, on a line which is 30 feet north
792 of the Centerline of Northwest 25th Street, 1010.99 feet; thence North 01°47'24"
793 West, 92.55 feet; thence North 37°59'36" East on the Southeast line of US Highway
794 75, 364.65 feet to the Northwest corner of Lot 1, Block A in ADR Industrial Park;
795 thence North 38°01'44" East on the Southeast line of US Highway 75, 266.26 feet
796 to the North corner of said Lot 1; thence South 51°59'33" East on the Northeast line
797 of Lot 1, 89.98 feet to the Northeast corner of said lot; thence North 38°03'02" East
798 on a West line of Lot 4, Block A in ADR Industrial Park, 89.91 feet; thence North
799 51°59'33" West on a West line of said Lot 4, 90.03 feet; thence North 37°44'54"
800 East on a West line of Lot 4, 15.74 feet; thence North 4°25'54" West on the East
801 line of US Highway 75, 367.87 feet; thence North 3°20'43" East on the East line of
802 US Highway 75, 87.90 feet to a corner of Lot 7, Block A in ADR Industrial Park;
803 thence South 86°36'56" East on a West line of said Lot 7, 89.99 feet; thence North
804 3°26'25" East on a West line of Lot 7, 89.99 feet; thence North 86°36'56" West on a
805 West line of Lot 7, 90.12 feet; thence North 3°30'12" East, 189.43 feet to the most
806 westerly Northwest corner of Lot 7; thence South 79°14'42" East on the North line
807 of Lot 7, 165.81 feet; thence North 28°08'28" East on a West line of Lot 7, 224.70
808 feet; thence North 46°43'13" East on a Northwest line of Lot 7, 53.39 feet; thence
809 South 85°46'45" East, 24.67 feet to the Northeast corner of Lot 7; thence South
810 2°00'04" East, on the East line of Lot 7, 82.48 feet to the Northwest corner of Lot 8,
811 Block A in ADR Industrial Park; thence South 41°23'22" East, 645.35 feet to the
812 most easterly Northeast corner of Lot 9, Block A in ADR Industrial Park; thence

813 South 1°42'26" East, 988.68 feet to the Southeast corner of Lot 11, Block A in ADR
814 Industrial Park; thence South 1°41'17" East, 37.50 feet to an intersection with the
815 South line of the Northwest Quarter of said Section 14; thence continuing on South
816 1°41'17" East to the South line of NW 25th Street; thence South 89°49'44" West on
817 a line which is 30 feet south of the Centerline of NW 25th Street, also being the
818 South line of NW 25th Street, 437.89 feet; thence South 75°49'43" West on the
819 South line of NW 25th Street, 163.8 feet; thence South 84°49'43" West on the North
820 line of Lot 1, Block "A" in Midwest Subdivision No. 2, 136.9 feet to the Northwest
821 corner of said lot; thence South 87°12'27" West, 200.66 feet to the Northeast corner
822 of Lot 1, Block 'A' in BRB Subdivision No. 2; thence South 04°20'53" East, 375.00
823 feet; thence South 11°14'02" West, 519.20 feet; thence South 41°56'26" West,
824 471.70 feet, to the south corner of BRB Subdivision No.2; thence easterly, on a line
825 which is 150.00 feet north of the Centerline of US Highway 24 to the East right-of-
826 way line of the Chicago Rock Island and Pacific Railroad; thence northerly on the
827 East right-of-way line of said railroad to its intersection with the West line of Section
828 18, Township 11 south, Range 16 east of the 6th P.M.; thence north on the West
829 line of said Section 18 to the South line of Menninger Road; thence west on the
830 South line of Menninger Road to its intersection with the West line of Green Hills
831 Road; thence north on said West line to its intersection with the South line of the
832 Southeast Quarter of Section 12, Township 11 South, Range 15 East of the 6th
833 P.M.; thence westerly on said South line to the East right-of-way line of the Chicago
834 Rock Island and Pacific Railroad; thence northwesterly on said East line to the
835 South line of N.W. 35th Street; thence easterly on said South line to the Northeast
836 corner of Lot 1, Block "D", Forest Hills Estates Subdivision; thence southerly on the
837 East lines of Lots 1 and 2, Block "D" in said subdivision to the Southeast corner of
838 Lot 2, Block "D" in said subdivision; thence easterly, 242.00 feet south of and
839 parallel with the North line of said Southeast Quarter, to an intersection with the
840 East line of Green Hills Road; thence southerly on the said East line of Green Hills
841 Road to an intersection with a line which is 20 feet north of the South line of the
842 Southwest Quarter of Section 7, Township 11 South, Range 16 east of the 6th P.M.;
843 thence easterly, parallel with the South line of the Southwest Quarter of said Section
844 7, to an intersection with an the West line of Daisy Brown Martin Subdivision; thence
845 northerly, to the Southwest corner of Lot 11 in said subdivision; thence easterly, on
846 the North line of Menninger Road, to the Southeast corner of Lot 36 in Daisy Brown
847 Martin Subdivision; thence southerly, on an East line of Daisy Brown Martin
848 Subdivision, to an intersection with a line which is 20 feet north of the South line of
849 the Southwest Quarter of said Section 7; thence easterly, on an assumed bearing of
850 North 88°20'01" East, parallel with the South line of the Southwest Quarter of said
851 Section 7, to an intersection with the West line of Rochester Cemetery; thence
852 North 00°51'36" West, 1467.73 feet; thence North 89°40'29" East, on the North line
853 of Rochester Cemetery, 98.5 feet to the Southeast corner of Lot 49 in Daisy Brown
854 Martin Subdivision; thence North 01°24'25" West, 323.50 feet, to the Northeast
855 corner of said Lot 49; thence South 86°51'36" West, 434.00 feet, to the Northwest
856 corner of said Lot 49; thence North 01°24'25" West, parallel with the West line of
857 the Southwest Quarter of said Section 7, 467.64 feet; thence South 88°05'43" West,
858 parallel with the North line of the Southwest Quarter of said Section 7, 50.0 feet;

thence North 01°24'25" West, parallel with the West line of the Southwest Quarter of said Section 7, 300.0 feet; thence North 88°05'43" East, parallel with the North line of the Southwest Quarter of said Section 7, 50.0 feet; thence North 01°24'25" West, 60.0 feet, to an intersection with a line which is 20 feet south of the North line of the Southwest Quarter of said Section 7; thence North 88°05'43" East, parallel with the North line of the Southwest Quarter of said Section 7, 970.09 feet; thence South 01°26'37" East, parallel with the East line of said Southeast Quarter, 580.0 feet; thence North 88°05'43" East, parallel with the North line of said Southwest Quarter, 179.50 feet, to an intersection with the West line of the Southeast Quarter of said Section 7; thence North 88°17'11" East, parallel with the North line of the Southeast Quarter of said Section 7, 200.0 feet; thence South 01°26'37" East, parallel with the West line of the Southeast Quarter of said Section 7, 1739.28 feet; thence South 88°01'54" West, parallel with the South line of said Southeast Quarter, 200 feet; thence South 01°26'37" West, on the West line of said Southeast Quarter, 289.97 feet, to an intersection with a line which is 20 feet north of the South line of the Southeast Quarter of said Section 7, also being the North line of Menninger Road; thence easterly, parallel with the South line of said Southeast Quarter, to an intersection with an extension of the West line of Lot 2A in Tolin Subdivision; thence northerly, to the Southwest corner of Lot 2A in Tolin Subdivision; thence easterly, to the Southeast corner of Lot 1A in Tolin Subdivision; thence southerly, on an extension of the East line of Lot 1A in Tolin Subdivision to an intersection with a line which is 20 feet north of the South line of the Southeast Quarter of said Section 7; thence easterly, parallel with the South line of said Southeast Quarter, to an intersection with the West line of Ward Lot Subdivision; thence northerly, to the Southwest corner of Ward Lot; thence easterly, to the Southeast corner of Ward Lot; thence southerly, on the East line of Ward Lot Subdivision, to an intersection with a line which is 20 feet north of the South line of the Southeast Quarter of said Section 7; thence easterly, parallel with the South line of said Southeast Quarter, to an intersection with the Centerline of Rochester Road; thence northerly on the Centerline of Rochester Road, to an intersection with a line which is 50 feet north of the South line of the Southeast Quarter of said Section 7; thence easterly parallel with the South line of said Southeast Quarter, to an intersection with the West line of the Southwest Quarter of Section 8, Township 11 South, Range 16 east of the 6th P.M.; thence northerly to the Southwest corner of Lot 1 in Dale Lots; thence easterly, to the Southeast corner of Lot 2 in Dale Lots; thence southerly, on an extension of the East line of Dale Lots subdivision, to an intersection with a line which is 50 feet north of the South line of the Southwest Quarter of said Section 8; thence easterly, parallel with the South line of said Southwest Quarter, to an intersection with the West line of the East Half of said Southwest Quarter; thence southerly, to an intersection with a line which is 8 feet north of the South line of said Southwest Quarter; thence easterly, parallel with the South line of said Southwest Quarter, to a point which is 496 feet east of the Southwest corner of the East Half of the Southwest Quarter of said Section 8, as measured on and normal from said South line; thence east-northeasterly, to an intersection with a line which is 20 feet north of the South line of the East Half of said Southwest Quarter, at a point which is 678 feet east of the Southwest corner of

the East Half of said Southeast Quarter, as measured on and normal from said South line; thence easterly, parallel with the South line of the East Half of said Southwest Quarter, to an intersection with the West line of the Southeast Quarter of said Section 8; thence easterly, on a line which is 20 feet north of the South line of said Southeast Quarter, to an intersection with a line which is 30 feet east of the West line of said Southeast Quarter; thence southerly, parallel with the West Line of said Southeast Quarter, to an intersection with the North line of Section 17, Township 11 south, Range 16 east of the 6th P.M.; thence easterly, on the North line of said Section 17, to the East Right-of-way line of Soldier Creek Cutoff and Channel Improvement; thence southerly and easterly on said right-of-way line to the East line of Kaw Half-Breed Reserve No. 5; thence southerly, 592.92 feet on said East line to its intersection with the Centerline of Indian Creek, the same being the Northwest corner of Hillyers Subdivision; thence in an easterly direction, following the meandering of said Indian Creek, to a point which is 17.00 chains west of the East line and 14.13 chains north of the Southeast corner of the Northeast Quarter of Kaw Half-Breed Reserve No. 6; thence southerly, parallel with the East line of said Kaw Reserve No. 6 about 51.50 chains distance to the North Bank of the Kansas River; thence northwesterly on the said Kansas River bank to the intersection with the East line of Oakland Addition when extended north; thence southerly, on said extension of the East line of Oakland Addition to the Northeast corner of said addition; thence continuing southerly on the East line of said addition, to a point 2657.77 feet north of the Southwest corner of Section 22; thence on an assumed bearing of North 88°34'44" East, 139.90 feet; thence South 47°09'21" East, 1915.20 feet; thence North 00°12'26" East, 2260.65 feet; thence South 61°49'02" East, 353.78 feet; thence South 53°47'05" East, 788.21 feet; thence South 74°58'05" East, 119.87 feet, to the West line of N.E. Lahr Avenue; thence South 00°06'44" East, on the West line of Lahr Avenue, 1569.01 feet, to the South line of the North Half of the Southwest Quarter of said Section 22; thence easterly on said South line, 30.00 feet, to the Northeast corner of the South Half of the Southwest Quarter of said Section 22; thence southerly, 1320 feet, more or less, to the Southeast corner of the Southwest Quarter of said Section 22; thence easterly, on the North line of Section 27, Township 11 South, Range 16 east, of the 6th P.M., to the Northeast corner of said section; thence southerly, on the East line of said Section 27, 2656.13 feet, to the Southwest corner of the Northwest Quarter of Section 26, Township 11 South, Range 16 east, of the 6th P.M.; thence easterly 35 rods to the East Bank of the Shunganunga Creek (old channel); thence northeasterly on said East Bank, 35 rods; thence northwesterly, at right angles to the East Bank, to the Centerline of said creek; thence northeasterly, easterly and southeasterly down the Centerline of said creek and along its meandering to its intersection with the North line of the South Half of the Southwest Quarter of said Section 26; thence east on the North line of the South Half of the Southwest Quarter to the West line of N.E. Kincaid Road; thence southerly, on the West line of N.E. Kincaid Road, 1279.71 feet to the North line of Seward Avenue; thence westerly on the North line of Seward Avenue to the West line of Section 26, also being the East line of Section 27; thence on an assumed bearing of South 88°31'13" West, on a line which is 40.00 feet north of the South line of said Section 27, 195.00 feet; thence North

00°07'48" East, 869.29 feet; thence North 47°02'26" West, 599.73 feet, to a point on the North line of the South Half of the Southeast Quarter of Section 27; thence west on the North line of the South Half of the Southeast Quarter of Section 27, Township 11 South, Range 16 east of the 6th P.M., 97.87 feet; thence southerly 664.53 feet, to the North line of the South Half of the South Half of the Southeast Quarter of said Section 27; thence westerly 200.00 feet; thence southwesterly 640.00 feet, more or less, to a point 330 feet north of the South line of Section 27; thence westerly, on a line 330 feet north of and parallel with the South line of said Section 27, 750.00 feet, more or less; thence south to the North line of Section 34, Township 11 South, Range 16 east of the 6th P.M.; thence west 464.21 feet to the Northeast corner of the Northwest Quarter of said Section 34; thence southerly, to the Northeast corner of the Southwest Quarter of said Section 34; thence southerly, to the point of beginning.

EXCEPTION I:

Beginning at the intersection of the South line of the Northwest Quarter of Section 21, Township 12 South, Range 15 east with a line which is 25 feet east of the West line of said Northwest Quarter; thence North 88°38'20" East, on the South line of said Northwest quarter, 1947.07 feet, to the Northeast corner of Clarion Lakes Subdivision; thence South 01°21'40" East, on an East line of Clarion Lakes Subdivision, 81.00 feet; thence North 88°38'20" East, 34.88 feet; thence North 86°43'47" East, 180.10 feet; thence North 88°38'20" East, 332.51 feet; thence southeasterly, on a curve concave southwesterly, having a radius measure of 977.50 feet an arc length of 352.28 feet, the chord of which bears South 81°02'12" East, 350.38 feet; thence South 70°42'44" East, 708.74 feet; thence southeasterly, on a curve concave northeasterly, having a radius measure of 790.00 feet and an arc length of 265.94 feet, the chord of which bears South 80°21'22" East, 264.69 feet; thence South 90°00'00" East, 8.57 feet; thence northeasterly, on a curve concave northwesterly, having a radius measure of 1010.00 feet and an arc length of 696.50 feet, the chord of which bears North 70°14'39" East, 682.79 feet; thence North 50°29'18" East, 44.78 feet; thence North 50°29'18" East, 44.78 feet; thence North 54°02'14" East, 334.87 feet; thence South 88°46'43" West, on the South line of the Northeast quarter of said Section 21, to an intersection with a line which is 658.38 feet east of the West line of said Northeast Quarter; thence northerly, on a line which is 658.38 feet east of the West line of said Northeast Quarter, 1322.05 feet; thence westerly, on the South line of Clarion Woods Subdivision No.2, 658.38 feet to the Southeast corner of the North Half of the Northwest Quarter of said Section 21; thence westerly, on the South line of the North Half of said Northwest Quarter, to an intersection with a line which is 25 feet east of the West line of said Northwest Quarter; thence southerly, parallel with the West line of said Northwest Quarter, to the point of beginning.

EXCEPTION II:

Beginning at the Northeast corner of Lot 22, Block A in Kankis Square Subdivision; thence southerly to the Southeast corner of Lot 17, Block A in said subdivision; thence westerly, to the Southwest corner of Lot 1, Block A in said subdivision; thence northerly, to the Northwest corner of Lot 4, Block A in said subdivision;

thence easterly, to the point of beginning.

EXCEPTION III:

A tract in the North Half of the Southwest Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County Kansas, described as: Commencing at the Southwest corner of the North Half of said Southwest Quarter; thence North 1°09'04" West, North American Datum 1983, Kansas North Zone, on the West line of said Southwest Quarter, 260.34 feet to the North line of SW 27th Street; thence North 86°49'01" East on the North line of SW 27th Street, 25.00 feet to the point of beginning; thence continuing on North 86°49'01" East, 343.96 feet to the Southwest corner of Lot 1, Block 'A' in West Indian Hills Subdivision No. 12; thence North 1°12'01" West, 199.88 feet to the Northwest corner of said Lot 1; thence South 86°49'01" West on the South line of West Indian Hills Subdivision, 343.79 feet to an intersection with a line which is 25 feet east of said Southwest Quarter; thence South 1°09'04" East, 199.89 feet to the point of beginning.

EXCEPTION IV:

Beginning at the intersection of an extension of the North line of S.W. 26th Street in West Indian Hills Subdivision with a line which is 25 feet east of the West line of the Southwest Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M.; thence easterly to the Southwest corner of Lot 8, Block B in West Indian Hills Subdivision; thence northerly to the Southeast corner of Lot 3, Block B in said subdivision; thence easterly, on the South lines of Lots 3, 2, 1 and the extension of the South line of Lot 1, to an intersection with a line which is 25 feet east of the west line of said Southwest Quarter; thence southerly to the point of beginning.

EXCEPTION V:

Commencing at the Northwest corner of the Northwest Quarter of Section 28, Township 12 South, Range 16 east of the 6th PM; thence South 1°43'04" East, North American Datum 1983, Kansas North Zone, on the West line of said Northwest Quarter, 50.00 feet to an intersection with a line which is 50 feet south of the North line of said Northwest Quarter; thence North 88°35'26" East, parallel with the North line of said Northwest Quarter, 336.57 feet to the point of beginning; thence South 1°34'44" East, 250.41 feet; thence North 88°35'26" East, 145.00 feet; thence North 1°32'08" West, 250.41 feet to a point on a line which is 50 feet south of the North line of said Northwest Quarter; thence South 88°35'26" West, parallel with the North line of said Northwest Quarter, 144.97 feet to the point of beginning.

B. Outer Corporate Boundary:

Beginning at the Northeast corner of the Northwest Quarter of Section 1, Township 13 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of South 00°16'44" East, on the East line of said Northwest Quarter, 2517.10 feet, to a point 81.00 feet north of the Southeast corner of said Northwest Quarter; thence South 88°25'05" West, 1319.37 feet, to a point on the West line of the East Half of said Northwest Quarter which is 53.50 feet north of the Southwest corner of the East Half of said Northwest Quarter; thence North 00°13'17" West, 2539.18 feet, to the Northwest corner of the East Half of said Northwest Quarter; thence North 89°22'35" East, 1316.51 feet, to the point of beginning. EXCEPT, a strip of land 20.00 feet in

width, in the Northwest Quarter of Section 1, Township 13 south, Range 15 east of the 6th P.M. lying 10.00 feet on each side of the following described centerline: Beginning at a point on the North line of said Northwest Quarter of Section 1, which is 40.00 feet west of the Northeast corner of said Northwest Quarter; thence southerly parallel to the East line of said Northwest Quarter, 2097.40 feet; thence easterly parallel with the North line of said Northwest Quarter, 40.00 feet to the East line of said Northwest Quarter, containing 75.50 acres, more or less.

Also: Beginning at a point which is 40.00 feet south and 40.00 feet east of the Northwest corner of the Northwest Quarter of Section 14, Township 12 south, Range 16 east of the 6th P.M.; thence easterly, parallel with and 40.00 feet south of the North line of said section, 1290.45 feet to the Northwest corner of Lot 1, Block "A", Fair Meadows Subdivision; thence southerly, on the West line of said subdivision, 1278.42 feet to the Southeast corner of Lot 1, Block "D", Thunderbird Subdivision No. 2; thence westerly, on an assumed bearing of South 89°51'12" West, 9.34 feet; thence South 00°20'18" East, 439.60 feet; thence South 89°48'15" West, 1320.00 feet, to a point on the West line of said Northwest Quarter; thence North 00°23'05" West, on the West line of said Northwest Quarter, 440.65 feet; thence North 89°51'12" East, 40.00 feet; thence northerly, parallel with and 40.00 feet east of the West line of said Northwest Quarter, 1278.42 feet, to the point of beginning.

A tract of land in the Southwest Quarter and the Southeast Quarter of Section 7, and in the Southwest Quarter and the Southeast Quarter of Section 8, and the Northeast Quarter and the Southeast Quarter of Section 18, all in Township 13 South, Range 16 east of the 6th P.M., in Shawnee County, Kansas described as: Commencing at the Northwest corner of said Southwest Quarter of Section 7, thence on an assumed bearing of North 88°07'18" East, on the North line of the Southwest Quarter of Section 7, 213.70 feet to a point on the Easterly Right of Way line of former U.S. Highway No. 75 and the point of beginning; thence continuing North 88°07'18" East, on the North line of said Southwest Quarter, said North line being coincident with the South line of Forbes Field Subdivision, 2268.55 feet, to the Northeast corner of said Southwest Quarter of Section 7; thence continuing North 88°07'18" East, on the North line of said Southeast Quarter of Section 7, said North line being coincident with the South line of Forbes Field Subdivision, 1409.90 feet; thence South 02°04'31" East, parallel with the East line of said Southeast Quarter of Section 7 and on a boundary line of Forbes Field Subdivision, 650.00 feet; thence North 88°07'18" East, parallel with the North line of said Southeast Quarter of Section 7 and on a Southerly line of Forbes Field Subdivision, 1240.00 feet to a point on the East line of said Southeast Quarter of Section 7; thence North 88°27'18" East, parallel with the North line of said Southwest Quarter of Section 8, and on a Southerly line of Forbes Field Subdivision, 1147.85 feet; thence South 63°25'07" East, on said Southerly line of Forbes Field Subdivision, 1670.29 feet, to a point on the East line of said Southwest Quarter of Section 8; thence continuing South 63°25'07" East, on said Southerly line of Forbes Field Subdivision, 900.22 feet; thence North 86°16'27" East, on said Southerly line of Forbes Field Subdivision, 1053.80 feet; thence North 55°11'33" East, on said Southerly line of

Forbes Field Subdivision, 910.15 feet to a point on the East line of said Southeast Quarter of Section 8; thence South 02°32'18" East, on the East line of said Southeast Quarter, 1318.30 feet to the Southeast corner of the Southeast Quarter of said Section 8; thence South 88°14'08" West, on the South line of said Southeast Quarter, 2612.01 feet to the Southwest corner of said Southeast Quarter; thence South 88°19'21" West, on the South line of said Southwest Quarter of Section 8, 2621.19 feet to the Southwest corner of said Southwest Quarter; thence South 02°22'39" East, on the East line of said Northeast Quarter of Section 18, 2638.05 feet to the Southeast corner of said Northeast Quarter of Section 18; thence South 02°22'27" East, on the East line of said Southeast Quarter of Section 18, 1318.96 feet, to the Southeast corner of the North Half of said Southeast Quarter of Section 18; thence South 88°00'15" West on said South line of the North Half of said Southeast Quarter of Section 18, 2638.04 feet to the Southwest corner of said North Half of the Southeast Quarter of Section 18; thence North 02°18'32" West, on the West line of said Southeast Quarter of Section 18, 1319.82 feet to the Northwest corner of said Southeast Quarter; thence North 02°18'22" West, on the West line of said Northeast Quarter of Section 18, 2629.66 feet to the Northwest corner of said Northeast Quarter; thence South 88°23'32" West, on the South line of the Southwest Quarter of Section 7, 2146.71 feet, thence on a bearing of North 01°52'44" West, parallel with the West line of said Southwest Quarter of Section 7, 361.50 feet; thence South 88°23'32" West, parallel with the South line of said Southwest Quarter of Section 7, 216.30 feet, to the Southeast corner of Quality Oil Subdivision No. 3; thence North 01°52'44" West, on the East line of said Quality Oil Subdivision No. 3, and parallel with the West line of said Southwest Quarter of Section 7, 299.83 feet (300.00 feet plat) to the Northeast corner of said Quality Oil Subdivision No. 3; thence South 88°23'32" West, on the North line of said Quality Oil Subdivision No. 3, and parallel with the South line of said Southwest Quarter of Section 7, 94.74 feet, to the Northwest corner of said Quality Oil Subdivision No. 3; thence North 01°55'59" West, on the Easterly Right of Way line of former US Highway 75, 906.14 feet; thence North 88°07'18" East, on the Easterly Right of Way line of said highway and parallel with the North line of said Southwest Quarter of Section 7, 9.90 feet; thence North 04°18'42" East, on said Easterly Right of Way line, 288.60 feet; thence North 06°49'42" East, on said Easterly Right of Way line, 813.00 feet to the point of beginning. Contains 689.944 acres, more or less.

A tract of land in the North Half of the Southwest Quarter of Section 9, Township 13 south, Range 16 east of the 6th P.M., in Shawnee County, Kansas, described as:

Beginning at the Southwest corner of said North Half of said Southwest Quarter; thence on an assumed bearing of North 33°02'55" East, on the Southerly line of Forbes Field Subdivision, 484.30 feet; thence North 26°33'23" East, on said Southerly line, 580.54 feet; thence North 02°21'27" East, on said Southerly line, 412.03 feet to a point on the North line of the North Half of said Southwest Quarter; thence North 88°27'10" East, on said North line, 2064.05 feet to the Northeast corner of the North Half of said Southwest Quarter; thence South 00°19'58" East, on the

1134 East line of the North Half of said Southwest Quarter, 1325.13 feet to the Southeast
1135 corner of the North Half of said Southwest Quarter; thence South 88°31'16" West, on
1136 the South line of the North Half of said Southwest Quarter, 2658.73 feet to the point
1137 of beginning. Contains 69.093 acres, more or less.
1138

1139 A tract of land in the Southwest Quarter of Section 10, Township 12 south, Range
1140 16 east of the 6th P.M., in Shawnee County, Kansas, described as:
1141

1142 Beginning at a point which is 250.00 feet east and 50.00 feet north of the Southwest
1143 corner of said Southwest quarter, thence on an assumed bearing of North 89°04'15"
1144 East, on the North line of 29th Street, 365.00 feet; thence North 00°00'00" East,
1145 32.64 feet measured (35.00 feet described); thence on a curve to the left, having a
1146 radius measure of 146.09 feet measured (146.11 described) an arc distance of
1147 229.48 feet measured (229.51 feet described); thence South 00°00'00" East, 35.28
1148 feet; thence North 56°00'00" West, 264.00 feet; thence South 00°00'00" West,
1149 297.00 feet to the point of beginning. Contains 1.62 acres.
1150

1151 A tract in the South Half of Section 22, Township 12 South, Range 16 east of the 6th
1152 P.M., in Shawnee County, Kansas, described as: Beginning at the Southeast corner
1153 of the Southeast Quarter of said Section 22; thence on an assumed bearing of
1154 North 89°52'00" West on the South line of said Southeast Quarter, 2643.81 feet, to
1155 the Southwest corner thereof; thence South 89°54'30" West, on the South line of
1156 the East Half of the Southeast Quarter of the Southwest Quarter of said Section 22,
1157 660.93 feet, to the Southwest corner of said East Half; thence North 00°11'08" West
1158 on the West line of said East Half, 1319.23 feet, to the Northwest corner of said
1159 East Half; thence North 89°55'34" East, on the North line of said East Half, 661.52
1160 feet, to the Northeast corner of said East Half; thence North 00°09'36" West, on the
1161 West line of the Southeast Quarter of said Section 22, 185.85 feet; thence North
1162 14°08'29" East, 588.22 feet; thence North 29°50'56" East, 179.74 feet; thence North
1163 45°33'23" East, 581.97 feet, to a point on the North line of the Southeast Quarter of
1164 said Section 22; thence North 89°56'57" East, on the North line of the last said
1165 Southeast Quarter, 1998.36 feet, to the Northeast corner of said Southeast Quarter;
1166 thence South 00°01'17" East, on the East line of said Southeast Quarter, 2646.58
1167 feet, to the point of beginning.
1168 Contains 174.81 acres, more or less.
1169

1170 A tract in the Southwest Quarter and in the Southeast Quarter of Section 12, and in
1171 the Northwest, Northeast, Southeast and Southwest Quarters of Section 13, all in
1172 Township 13 South, Range 15 east of the 6th P.M. in Shawnee County, Kansas,
1173 described as: Beginning at the Southwest corner of the Southwest Quarter of said
1174 Section 12; thence on an assumed bearing of North 1°51'46" West, on the West line
1175 of said Southwest Quarter, 599.36 feet to a point on the Centerline of Gary Ormsby
1176 Drive; thence North 61°43'34" East on said Centerline, 1339.14 feet; thence
1177 northeasterly on a curve concave northwesterly, being the Centerline of Gary
1178 Ormsby Drive, having a radius measure of 1640.42 feet and an arc length of 643.64
1179 feet, the chord of which bears North 50°29'09" East, 639.51 feet; thence North

39°14'48" East on said Centerline, 837.48 feet; thence northeasterly and easterly on a non-tangential curve concave southeasterly, being the Centerline of Gary Ormsby Drive, having a radius measure of 1312.33 feet and an arc length of 858.20 feet, the chord of which bears North 57°56'40" East, 843.00 feet to a point on the North line of the Southeast Quarter of said Section 12; thence North 88°31'48" East on the North line of said Southeast Quarter, 2113.26 feet to an intersection with the West line of the 100 feet wide strip of the Burlington North Santa Fe Railway Company; thence South 16°11'04" West on the West line of said 100 feet wide strip, 2824.31 feet to a point on the South line of said Southeast Quarter; thence continuing on South 16°11'04" West on the West line of said 100 feet wide strip, 1180.97 feet; thence continuing south-southwesterly on the West line of said 100 feet wide strip being a curve concave westerly, having a radius measure of 2722.53 feet and an arc length of 565.36 feet, the chord of which bears South 22°08'01" West, 564.34 feet; thence South 28°04'57" West on the West line of said 100 feet wide strip, 1149.58 feet to an intersection with the South line of the Northeast Quarter of said Section 13 at a point 422.07 feet easterly distant from the Southwest corner of said Northeast Quarter; thence continuing on South 28°04'57" West on the West line of said 100 feet wide strip, 644.33 feet; thence continuing southwesterly on the West line of said 100 feet wide strip being a curve concave easterly, having a radius measure of 3869.83 feet and an arc length of 211.12 feet, the chord of which bears South 26°31'11" West, 211.09 feet to an intersection with the West line of the Southeast Quarter of said Section 13 at a point 746.69 feet southerly distant from the Northwest corner of the last said Southeast Quarter; thence continuing southwesterly on the West line of said 100 feet wide strip being a curve concave easterly, having a radius measure of 3869.83 feet and an arc length of 311.50 feet, the chord of which bears South 22°39'03" West, 311.42 feet to an intersection with the East right of way line of US 75 Highway; thence North 42°32'49" West on said East right of way line, 510.92 feet; thence North 38°07'05" West on said East right of way line, 803.03 feet to an intersection with the North line of the Southwest Quarter of said Section 13 at a point 937.10 feet westerly distant from the Northeast corner of the last said Southwest Quarter; thence North 36°49'35" West on said East right of way line, 600.40 feet; thence North 41°50'35" West on said East right of way line, 401.50 feet; thence North 35°42'46" West on said East right of way line, 1981.44 feet to an intersection with the West line of the Northwest Quarter of said Section 13; thence North 1°43'56" West on the West line of said Northwest Quarter, 208.94 feet to the point of beginning.
Contains 405.17 acres, more or less.

A tract in the Southeast Quarter of Section 12 and in the Northeast Quarter of Section 13, all in Township 13 South, Range 15 east of the 6th P.M. in Shawnee County, Kansas, described as: Commencing at the Northeast corner of said Northeast Quarter; thence on an assumed bearing of South 1°52'42" East on the East line of said Northeast Quarter, 61.94 feet; thence South 88°07'18" West, 180.74 feet to the Northeast corner of Lot 1, Block 'A' in Williamsport Subdivision as recorded in Plat Book 40, page 67 in the Office of the Shawnee County Register of Deeds, said Northeast corner of Lot 1 being the point of beginning; thence North

79°08'42" West on the North line of said Lot 1, 292.24 feet to the North line of said Northeast Quarter; thence South 88°25'32" West on the North line of said Northeast Quarter, 489.32 feet to an intersection with the East line of the 100 feet wide strip of the Burlington North Santa Fe Railway Company; thence North 16°11'04" East on the East line of said 100 feet wide strip, 2422.46 feet to an intersection with the South line of a tract recorded in Volume 4882, page136 in the Office of the Shawnee County Register of Deeds; thence North 88°18'23" East on the South line of the last said tract, 131.05 feet to an intersection with the West right of way line of Southwest Topeka Boulevard; thence South 9°17'20" West on said West right of way line, 329.80 feet; thence South 2°28'32" West on said West right of way line, 536.40 feet; thence South 0°57'28" East on said right of way line, 1375.10 feet; thence South 9°46'07" East, 137.64 feet to the point of beginning.
Contains 21.90 acres, more or less.

The area within the corporate limits is 61.961 square miles, more or less.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed, in accordance with the provisions of K.S.A. 12-518 to file a certified copy of this resolution with the County Clerk, the Register of Deeds office, the State Transportation Engineer and Election Commissioner.

BE IT FURTHER RESOLVED that City of Topeka Resolution No. 8657 is hereby specifically repealed.

ADOPTED and APPROVED by the Governing Body on _____.

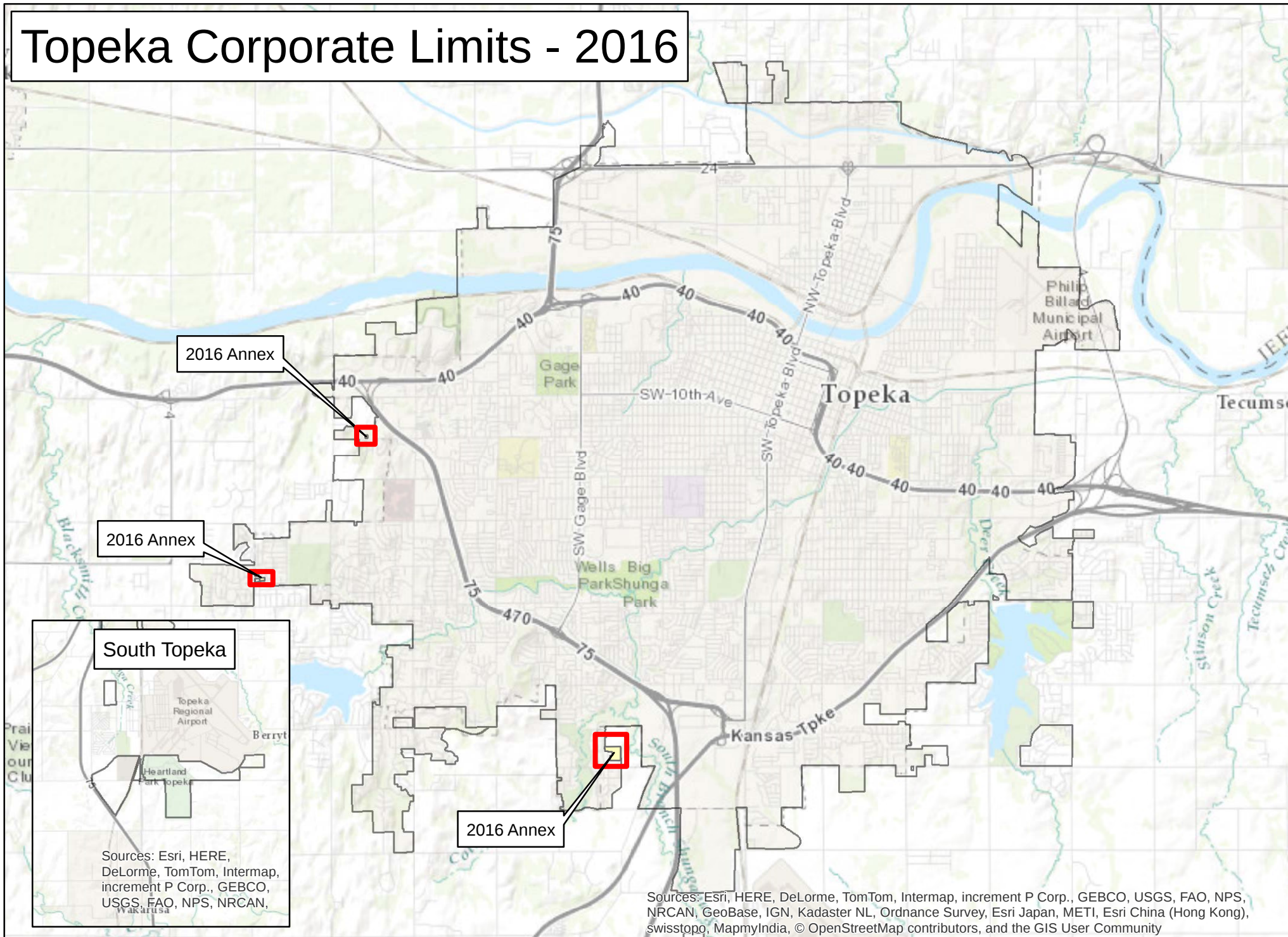
CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

Topeka Corporate Limits - 2016



2016R08138

SHAWNEE COUNTY, KANSAS

REGISTER OF DEEDS

REBECCA J. NIOCE

DATE RECORDED:

05/16/2016 2:48:17 PM

(Published in the Topeka Metro News May 16, 2016) DEBT: 0.00

ORDINANCE NO. 19996

AN ORDINANCE introduced by Jim Colson, City Manager annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located on the north side of SW 27th Street, approximately 368 feet east of the centerline of SW Indian Hills Road, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. **(A15/3) (Council District No. 8)**

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

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520(a)(7), is hereby annexed and made a part of the City of Topeka, Kansas:

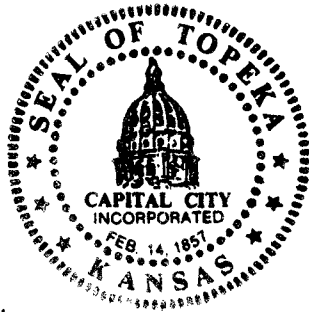
A tract in the North Half of the Southwest Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County Kansas, described as: Commencing at the Southwest corner of the North Half of said Southwest Quarter; thence North 1°09'04" West, North American Datum 1983, Kansas North Zone, on the West line of said Southwest Quarter, 260.34 feet to the North line of SW 27th Street; thence North 86°49'01" East on the North line of SW 27th Street, 368.98 feet to the point of beginning; thence North 1°12'01" West, 199.88 feet to the South line of West Indian Hills Subdivision; thence North 86°49'01" East on the South line of West Indian Hills Subdivision, 325.00 feet to the Northwest corner of Lot 1, Block D, West Indian Hills Subdivision No. 2; thence South 1°12'01" East on the West line of West Indian Hills Subdivision No. 2 and West Indian Hills Subdivision No. 5, 199.88 feet to the North line of SW 27th Street, thence South 86°49'01" West on the North line of SW 27th Street, 325.00 feet to the point of beginning. Contains 1.49 acres, more or less.

Section 2. That all land described in Section 1 of this Ordinance is taken into and made a part of the City for all City purposes and is assigned to City Council District No. 8.

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

Section 4. Upon passage and publication, the City Clerk shall file a certified copy of this Ordinance with the County Clerk, the Register of Deeds, and the Shawnee County Election Commissioner.

PASSED AND APPROVED by the Governing Body of the City of Topeka, May 4,
2016.



ATTEST:

Brenda Younger
Brenda Younger, City Clerk

Larry E. Wolgast
Larry E. Wolgast, Mayor

To Be Codified

Not To Be Codified

X

2016R15517

SHAWNEE COUNTY, KANSAS
REGISTER OF DEEDS
REBECCA J. NIOCE
DATE RECORDED:
08/22/2016 12:49:43 PM
DEBT: 0.00

(Published in the Topeka Metro News August 22, 2016)

ORDINANCE NO. 20018

AN ORDINANCE introduced by City Manager Jim Colson, annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located at 6626 SW Huntoon Street, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. (A16/1) (Council District No. 9)

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

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520(a)(7), is hereby annexed and made a part of the City of Topeka, Kansas:

A tract in the Southwest Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at a point 465.0 feet west of the Southeast corner of said Southwest Quarter; thence west along the South line of said Southwest Quarter, 175.0 feet; thence north at right angles 235.0 feet; thence east parallel to the South line of said Southwest Quarter, 175.0 feet; thence south 235.0 feet to the point of beginning; LESS: That part of the aforescribed tract which is south of a line which is 30 feet north of the South line of said Southwest Quarter. Contains 0.82 acres, more or less.

Section 2. That all land described in Section 1 of this Ordinance is taken into and made a part of the City for all City purposes and is assigned to City Council District No. 9.

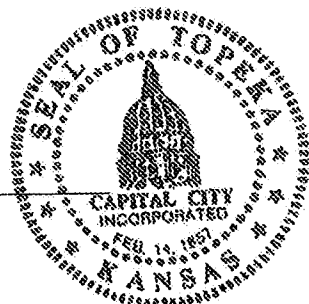
Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

Section 4. Upon passage and publication, the City Clerk shall file a certified copy of this Ordinance with the County Clerk, the Register of Deeds, and the Shawnee County Election Commissioner.

PASSED AND APPROVED by the Governing Body of the City of Topeka, August 16, 2016.

ATTEST:

Brenda Younger, City Clerk



Larry E. Wolgast
Larry E. Wolgast, Mayor



Topeka Planning Department

A16/1 - Proposed Annexation of 6626 SW Huntoon Street



City of Topeka

July 13, 2016

2016R20716

**SHAWNEE COUNTY, KANSAS
REGISTER OF DEEDS
REBECCA J. NIOCE
DATE RECORDED:
10/31/2016 10:08:05 AM
DEBT: 0.00**

(Published in the Topeka Metro News October 31, 2016)

ORDINANCE NO. 20033

AN ORDINANCE introduced by Interim City Manager Douglas Gerber, annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located approximately 400 feet north of SW 45th Street and approximately 2,300 feet west of SW Burlingame Road, within unincorporated Shawnee County, Kansas, and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. (A16/2) (Council District No. 7)

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

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520(a)(7), is hereby annexed and made a part of the City of Topeka, Kansas:

A tract in the East Half of the Southwest Quarter of Section 23, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County Kansas, described as: Beginning at the Northeast corner of Lot 1, Block E in Misty Harbor Estates No 2, the East line of said Lot 1 having an assumed bearing of North 1°29'46" West; thence North 88°30'14" East, 580.41 feet; thence on a curve concave easterly, having a radius measure of 500.00 feet and an arc length of 5.01 feet, the chord of which bears North 3°32'39" West, 5.01 feet; thence North 88°31'10" East, 449.05 feet to a point on the East line of said Southwest Quarter; thence South 1°28'50" East on the East line of said Southwest Quarter, 894.93 feet; thence South 88°30'14" West on the North line of Block B in Misty Harbor Estates No. 4, 669.05 feet to the Northeast corner of Lot 1, Block C in Misty Harbor Estates No. 3; thence North 1°29'46" West, 320.00 feet to the Northeast corner of Lot 1, Block D in Misty Harbor Estates No. 3; thence North 88°30'14" East, 150.00 feet to the Southeast corner of Lot 2, Block D in Misty Harbor Estates No. 3; thence North 7°36'14" West, 241.37 feet to the Northeast corner of Lot 4, Block D in Misty Harbor Estates No. 3; thence South 88°30'14" West, 261.69 feet to the Northwest corner of the last said Lot 4; thence on a curve concave easterly, having a radius measure of 297.20 feet and an arc length of 39.52 feet, the chord of which bears North 5°18'16" West, 39.49 feet; thence South 88°30'14" West, 190.00 feet to the Southeast corner of Lot 10, Block B in Misty Harbor Estates; thence North 1°29'46" West, 160.00 feet; thence South 88°30'14" West, 30.00 feet; thence North 1°29'46" West, 130.63 feet to the point of beginning
Contains 15.39 acres, more or less.

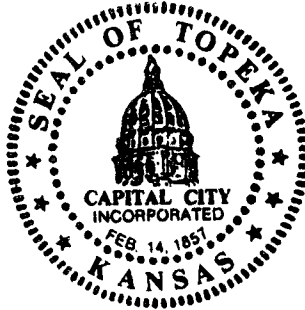
Section 2. That all land described in Section 1 of this Ordinance is taken into and made a part of the City for all City purposes and is assigned to City Council District No. 7.

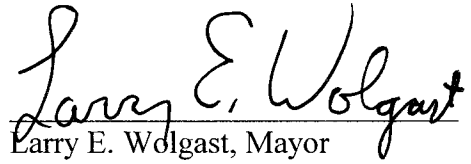
Section 3. This Ordinance shall take effect and be in force from and after its passage,

41 approval and publication in the official city newspaper.

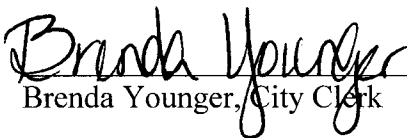
42 Section 4. Upon passage and publication, the City Clerk shall file a certified copy of this
43 Ordinance with the County Clerk, the Register of Deeds, and the Shawnee County Election
44 Commissioner.

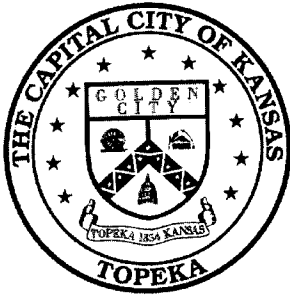
45 PASSED AND APPROVED by the Governing Body of the City of Topeka, October 18,
46 2016.




Larry E. Wolgast, Mayor

47
48
49
50 ATTEST:

51 
52 _____
53 Brenda Younger, City Clerk



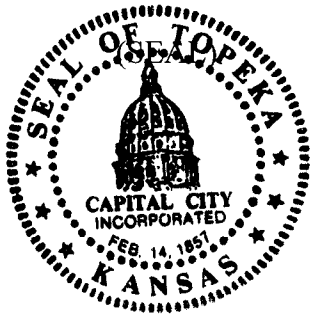
CITY OF TOPEKA

CITY CLERK
City Hall, 215 SE 7th St., Room 166
Topeka, KS 66603-3914
(785) 368-3940

Brenda Younger, C.M.C.
E-mail: byounger@topeka.org
Fax: (785) 368-3943
www.topeka.org

CERTIFICATE

I, Brenda Younger, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the attached is a true and correct copy of City of Topeka Ordinance No. 20033 passed and approved by the Governing Body on October 18, 2016, as the same appears on record in the Office of the City Clerk.



Brenda Younger

Brenda Younger, City Clerk





**City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2016**

DATE: December 13, 2016
CONTACT PERSON: Nickie Lee, Budget and Performance Manager **DOCUMENT #:**
SECOND PARTY/SUBJECT: Budget **PROJECT #:**
Amendment/Establish
Public Hearing Date
CATEGORY/SUBCATEGORY 004 Budgets or Appropriations / 001 Operating Budget - City
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN APPROPRIATION ORDINANCE introduced by Interim City Manager Doug Gerber, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2016, and appropriating the amounts for the purpose as set forth therein.

(The Notice of Public Hearing was in the November 21, 2016, edition of the Topeka Metro Newspaper and the Public Hearing was held December 6, 2016. The amendment would increase the expenditure level of the 2016 Adopted Budget in the specified funds from \$41,312,719 to \$46,788,445, a \$5,475,726 increase.)

POLICY ISSUE:

K.S.A. 79-2929 allows for governing bodies to amend a budget based upon a standard process outlined in statute that follows a similar process for the budget adoption. Any amended budgets for proposed increases in expenditures are required to be balanced by previous unbudgeted revenues or balances other than ad valorem property taxes. At no time after setting the maximum taxes levied can the governing body increase the ad valorem property taxes.

During budget planning, staff are planning for budgets typically eight months in advance of the beginning of the upcoming fiscal year. The governing body typically will adopt the budget four months in advance of the upcoming fiscal year. Amendments are needed due to the changing nature of the City's budget, especially if more revenues are received than estimated.

As required by State law, the governing body must hold a public hearing to consider amendments to the 2016 Operating Budget. On November 15th the Governing Body set a public hearing date of December 6, 2016, and authorized the publication of the public hearing notice in the Topeka Metro Newspaper on November 21, 2016.

Approval of the appropriation ordinance is now required.

STAFF RECOMMENDATION:

Staff recommends approving the appropriation ordinance, following the public hearing held on December 6, 2016.

BACKGROUND:

The proposed amendments for the 2016 budget would increase the adopted budget from \$41,312,719 to \$46,788,445, a \$5,475,726 increase for the following funds:

Special Alcohol Fund (228):

The 2016 adopted budget was \$600,000, and is recommended to increase to \$615,000, which would come from the existing cash balance in the fund. Revenue is generated from the liquor tax and is allocated per recommendations by the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council. The amendment is needed due to a prior year encumbrance which was not anticipated to be expended in the 2016 budget.

Historic Preservation Fund (289):

The 2016 adopted budget was \$120,103 and is recommended to increase to \$215,000. This fund provides funding for acquisition, rehabilitation and preservation of historic landmarks or historic resources located within the City that facilitate tourism. Revenue was generated from the Transient Guest Tax collections prior to 2016, at which point the 1% allocation was reallocated for new recipients. Expenditures are estimated based on the amount of money which is expected to be granted out that year. In 2016, the City carried over more than expected, resulting in the additional authority needed to expend the grant funds which were allocated per the TGT Committee.

Countywide Half Cent Fund (290):

The 2016 adopted budget was \$8,738,569 and is recommended to increase to \$9,200,000. The countywide 1/2 cent sales tax fund provides for collections for the street improvements, economic development and county bridge improvements as approved by voters in Phase I of the countywide tax in 2004. Revenues were higher than originally projected in the budget. Once the City receives its distributions, it sends those to the Joint Economic Development Organization who then expends the funds according to the interlocal agreement.

Facilities Fund (615):

The 2016 adopted budget was \$1,498,445 and is recommended to increase to \$1,878,445. This fund provides for the labor and maintenance costs to maintain and repair City facilities; it is not used for large projects which are usually funded through the CIP. A budget amendment is needed due to a larger amount of repairs to facilities due to deferred maintenance, including a \$200k repair for the Law Enforcement Center roof that was not anticipated this year.

Citywide Half Cent Sales Tax Fund (292):

The 2016 adopted budget was \$28,375,602, and is recommended to increase to \$32,500,000. The fund accounts for revenues received from citywide half cent sales tax and is utilized for maintenance of existing streets. The budget for this fund was increased to \$28m in order to spend down a balance which had been accumulating. While the entire \$32m will not be spent in 2016, a budget amendment is required as encumbrances have been established to accommodate for a large amount of projects that will be completed in 2016 and 2017.

Fleet Fund (614):

The 2016 adopted budget was \$1,980,000 and is recommended to increase to \$2,380,000. These funds are collected to cover operations of the Fleet internal service fund. Due to efficiencies and expenditure management, the Fund has built a cash balance which is proposed to be transferred to a Fleet Reserve Fund. The reserve fund will be used to establish a fleet replacement program for a specified portion of the fleet.

BUDGETARY IMPACT:

The amendment would increase the expenditure level of the 2016 Adopted Budget from \$41,312,719 to \$46,788,445, a \$5,475,726 increase.

SOURCE OF FUNDING:

The following source of funding includes:

Special Alcohol (228): Fund Balance
Historic Preservation Fund (289): Fund Balance
Countywide Half Cent Fund (290): Revenue
Citywide Half Cent Fund (292): Fund Balance
Facilities Fund (615): Fund Balance
Fleet Fund (614): Fund Balance

ATTACHMENTS:

Description

Appropriation Ordinance
2016 Budget Amendment Notice of Public Hearing
2016 Budget Amendment State Forms
2016 Budget Amendment Summary

1 (Published in the Topeka Metro News _____.)

2
3 ORDINANCE NO. _____

4
5 AN APPROPRIATION ORDINANCE introduced by Doug Gerber, Interim City Manager,
6 approving and adopting certain amendments to the
7 operating budget for the City of Topeka, for the year
8 2016, and appropriating the amounts for the
9 purpose as set forth therein.

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

12
13 Section 1. *Amendments to the Budget incorporated by reference as a part of this*
14 *Ordinance.* The amendments to the operating budget for the City of Topeka, Kansas, for
15 the year 2016 as set forth in a document in the format prescribed by the Director of
16 Accounts and Reports of the Kansas Department of Administration, as required by law,
17 which has been published in a summary format together with a notice of public hearing, is
18 hereby incorporated by reference as a part of this Ordinance with the same force and
19 effect as if it were set forth herein in its entirety.

20 Section 2. *Amendments to the Budget approved and adopted.* The amendments
21 to the operating budget as described and incorporated by reference in Section 1 above are
22 hereby approved and adopted as amendments to the operating budget for the year 2016.

23 Section 3. *Funds appropriated by budget.* The amendments to the budget as
24 approved and adopted herein shall constitute and shall be declared to be appropriations for
25 the funds and departments as set forth therein, and the appropriations thus made shall not
26 be used for any other purpose. No money in any fund or fund type shall be used to pay for
27 any indebtedness created in excess of the amount appropriated for such fund or fund type,
28 or for the departments of such fund or fund type as referred to in the operating budget.
29 The appropriations made herein are for the year 2016 and no expenditures shall be

incurred as being authorized by such appropriations prior to January 1, 2016 or subsequent to December 31, 2016.

Section 4. *Budget amendments.* Any further amendment to the operating budget must be approved by the Governing Body and enacted in accordance with the provisions of K.S.A. § 79-2929a.

Section 5. *As used in this ordinance "fund" is defined as follows:*

Fund. A fiscal and accounting entity with a self balancing set of accounts in which cash and other financial resources, all related liabilities and residual equities, or balances, and changes therein are recorded and segregated to carry on specific activities or attain certain objectives in accordance with special regulations, restrictions, or limitations.

Section 6. *The following fund types are authorized:*

Governmental (or statutory) Fund Type: including General Fund, Special Revenue Funds, Debt Service Funds, and Capital Projects Funds; Proprietary Fund Type: including Enterprise Funds and Internal Service Funds (fixed or flexible); and, Fiduciary Fund Type: including Trust and Agency Funds. This Ordinance applies to all funds as listed on the budget certificate and fund summary adopted and submitted to the county and state.

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

PASSED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

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58
59
60

Brenda Younger, City Clerk

2016

**Notice of Budget Hearing for Amending the
2016 Budget**

The governing body of
City of Topeka, KS

will meet on the day of December 6, 2016 at 6:00 PM at City Council Chambers, 214 E Eighth St for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at Office of the City Clerk at City Hall
and will be available at this hearing.

Summary of Amendments

Fund	2016 Adopted Budget			2016 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Special Alcohol			600,000	615,000
Citywide 1/2 Cent			28,375,602	32,500,000
Countywide 1/2 Cent			8,738,569	9,200,000
Historic Preservation			120,103	215,000
Fleet			1,980,000	2,380,000
Facilities			1,498,445	1,878,445
			0	0
			0	0
			0	0
			0	0

Brenda Younger
Official Title: City Clerk

Input sheet for amending the budget form:

Enter Municipality Name (can be longer than green cell)

City of Topeka, KS

Enter County Name (can be longer than the green cell)

Shawnee County

Enter the year being amended

2016

Year of ad valorem tax

2015

Enter name of fund(s) being amended:

fund1
fund2
fund3
fund4
fund5
fund6
fund7
fund8
fund9
fund10

<u>Fund Name</u>	<u>*K.S.A.</u>	<u>*Tax Rate</u>	<u>*Levy Amount</u>
Special Alcohol	KSA 79-41A04		
Citywide 1/2 Cent	City Code Section 138-36		
Countywide 1/2 Cent	Interlocal		
Historic Preservation	City Code 2-2331		
Fleet	Ordinance #15665		
Facilities	Administrative		

*Complete only for tax levied funds

This tab will put the date and time and location of the budget hearing on the Budget Summary page. Also, provide the location where as the budget can be reviewed. Please input information in the green areas.

Official Name: Brenda Younger

Official Title: City Clerk

Date: December 6, 2016

Time: 6:00 PM

Must be at least 10 days between date published and hearing held. Latest date for notice to be published in your newspaper Nov. 26, 2016.

Location: City Council Chambers, 214 E Eighth St

Available at: Office of the City Clerk at City Hall

Examples

Official Title: City Clerk, City Treasurer, Mayor

Date: August 12, 2010

Time: 7:00 PM or 7:00 AM

Location: City Hall

Available at: City Hall

2016

**Amended
Certificate
For Calendar Year 2016**

To the Clerk of Shawnee County, State of Kansas
We, the undersigned, duly elected, qualified, and acting officers of
City of Topeka, KS
certify that: (1) the hearing mentioned in the attached publication was held;(2) after the Budget Hearing this Budget was duly approved and adopted as the maximum expenditure for the various funds for the year.

			2016 Amended Budget		
			Amount of 2015 Tax that was Levied	Adopted 2016 Expenditures	Proposed Amended 2016 Expenditures
Table of Contents:		Page No.			
Fund	<u>K.S.A.</u>				
Special Alcohol	KSA 79-41A04	2		600,000	615,000
Citywide 1/2 Cent	City Code Section	3		28,375,602	32,500,000
Countywide 1/2 Cent	Interlocal	4		8,738,569	9,200,000
Historic Preservation	City Code 2-2331	5		120,103	215,000
Fleet	Ordinance #15665	6		1,980,000	2,380,000
Facilities	Administrative	7		1,498,445	1,878,445
		8			
		9			
		10			
Totals		xxxxxxxx	0	41,312,719	46,788,445
Summary of Amendments		11			

Attested date: _____

County Clerk

Assisted by:

Address:

Email:

Governing Body

City of Topeka, KS

2016

Adopted Budget

Special Alcohol	2016 Adopted Budget	2016 Proposed Budget
Unencumbered Cash Balance January 1	236,724	196,025
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Liquor Tax	526,261	526,261
Interest on Idle Funds		
Total Receipts	526,261	526,261
Resources Available:	762,985	722,286
Expenditures:		
Grants to Outside Agencies	600,000	615,000
Total Expenditures	600,000	615,000
Unencumbered Cash Balance December 31	162,985	107,286

City of Topeka, KS

2016

Adopted Budget

Citywide 1/2 Cent	2016 Adopted Budget	2016 Proposed Budget
Unencumbered Cash Balance January 1	16,902,326	17,828,969
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Sales Tax	14,671,708	14,799,350
Interest Earnings	30,000	265,602
Interest on Idle Funds		
Total Receipts	14,701,708	15,064,952
Resources Available:	31,604,034	32,893,921
Expenditures:		
Projects	26,816,979	31,062,870
Personnel	165,410	130,000
Contractual	700,192	700,192
Commodities	693,021	606,938
Other Payments	0	0
Capital Outlay		
Total Expenditures	28,375,602	32,500,000
Unencumbered Cash Balance December 31	3,228,432	393,921

City of Topeka, KS

2016

Adopted Budget

Countywide 1/2 Cent	2016 Adopted Budget	2016 Proposed Budget
Unencumbered Cash Balance January 1	671,477	427,927
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Sales Tax and Excess	8,738,569	9,200,000
Intergovernmental	8,200,000	10,000,000
Interest on Idle Funds		
Total Receipts	16,938,569	19,200,000
Resources Available:	17,610,046	19,627,927
Expenditures:		
Personnel		
Contractual	8,738,569	9,200,000
Commodities		
Other Payments		
Capital Outlay		
Total Expenditures	8,738,569	9,200,000
Unencumbered Cash Balance December 31	8,871,477	10,427,927

City of Topeka, KS

2016

Adopted Budget

Historic Preservation	2016 Adopted Budget	2016 Proposed Budget
Unencumbered Cash Balance January 1	120,103	148,617
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Transfer from Transient Tax	120,103	66,383
Interest on Idle Funds		
Total Receipts	120,103	66,383
Resources Available:	240,206	215,000
Expenditures:		
Personnel	0	0
Contractual	120,103	215,000
Commodities	0	0
Other Payments	0	0
Capital Outlay	0	0
Total Expenditures	120,103	215,000
Unencumbered Cash Balance December 31	120,103	0

City of Topeka, KS

2016

Adopted Budget

Fleet	2016 Adopted Budget	2016 Proposed Budget
Unencumbered Cash Balance January 1	557,727	898,835
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Department Fees	1,980,000	1,980,000
Interest on Idle Funds		
Total Receipts	1,980,000	1,980,000
Resources Available:	2,537,727	2,878,835
Expenditures:		
Personnel	1,375,208	1,375,208
Contractual	398,799	398,799
Commodities	92,153	92,153
Other Payments	0	100,000
Capital Outlay	113,840	113,840
Transfer to Reserve		300,000
Total Expenditures	1,980,000	2,380,000
Unencumbered Cash Balance December 31	557,727	498,835

2016

**Notice of Budget Hearing for Amending the
2016 Budget**

The governing body of

City of Topeka, KS

will meet on the day of December 6, 2016 at 6:00 PM at City Council Chambers, 214 E Eighth St for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at Office of the City Clerk at City Hall
and will be available at this hearing.

Summary of Amendments

Fund	2016 Adopted Budget			2016 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
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Citywide 1/2 Cent			28,375,602	32,500,000
Countywide 1/2 Cent			8,738,569	9,200,000
Historic Preservation			120,103	215,000
Fleet			1,980,000	2,380,000
Facilities			1,498,445	1,878,445
			0	0
			0	0
			0	0
			0	0

Brenda Younger
Official Title: City Clerk

2016 Budget Amendment Summary



Below is a summary of each of the proposed amendments to the 2016 budget.

Special Alcohol (228) – The 2016 adopted budget was \$600,000, and is recommended to increase to \$615,000, which would come from the existing cash balance in the fund. Revenue is generated from the liquor tax and is allocated per recommendations by the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council. The amendment is needed due to a prior year encumbrance which was not anticipated to be expended in the 2016 budget.

Citywide Half Cent Sales Tax (292) – The 2016 adopted budget was \$28,375,602, and is recommended to increase to \$32,500,000. The fund accounts for revenues received from citywide half cent sales tax and is utilized for maintenance of existing streets. The budget for this fund was increased to \$28m in order to spend down a balance which had been accumulating. While the entire \$32m will not be spent in 2016, a budget amendment is required as encumbrances have been established to accommodate for a large amount of projects that will be completed in 2016 and 2017.

Countywide Half Cent Sales Tax Fund (290) – The 2016 adopted budget was \$8,738,569 and is recommended to increase to \$9,200,000. The countywide 1/2 cent sales tax fund provides for collections for the street improvements, economic development and county bridge improvements as approved by voters in Phase I of the countywide tax in 2004. Revenues were higher than originally projected in the budget. Once the City receives its distributions, it sends those to the Joint Economic Development Organization who then expends the funds according to the interlocal agreement.

Historic Preservation Fund (289) – The 2016 adopted budget was \$120,103 and is recommended to increase to \$215,000. This fund provides funding for acquisition, rehabilitation and preservation of historic landmarks or historic resources located within the City that facilitate tourism. Revenue was generated from the Transient Guest Tax collections prior to 2016, at which point the 1% allocation was reallocated for new recipients. Expenditures are estimated based on the amount of money which is expected to be granted out that year. In 2016, the City carried over more than expected, resulting in the additional authority needed to expend the grant funds which were allocated per the TGT Committee.

Fleet Fund (614) – The 2016 adopted budget was \$1,980,000 and is recommended to increase to \$2,380,000. These funds are collected to cover operations of the Fleet internal service fund. Due to efficiencies and expenditure management, the Fund has built a cash balance which is proposed to be transferred to a Fleet Reserve Fund. The reserve fund will be used to establish a fleet replacement program for a specified portion of the fleet.

Facilities Fund (615) – The 2016 adopted budget was \$1,498,445 and is recommended to increase to \$1,878,445. This fund provides for the labor and maintenance costs to maintain and repair City facilities. A budget amendment is needed due to a larger amount of repairs to facilities due to deferred maintenance, including a \$200k repair for the Law Enforcement Center roof that was not anticipated this year.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2016

DATE: December 13, 2016
CONTACT PERSON: Nickie Lee, Budget and Performance Manager
DOCUMENT #:
SECOND PARTY/SUBJECT: Downtown Business Improvement District
PROJECT #:
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Interim City Manager Doug Gerber, amending City of Topeka Code Section 3.40.030, establishing a service fee levy for 2017 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

(Approval would authorize the continued imposition of business improvement service fees on businesses located within the Capital City Downtown Business Improvement District. Introduction of a new fee structure based on a tiered system is proposed.)

POLICY ISSUE:

Approval would impose business improvement service fees which are used to provide a variety of services to downtown businesses: landscaping and lighting between 4th and 10th Streets on S. Kansas Avenue, maintenance of improvements in City right-of-way in the district, programs to enhance downtown and promote economic development downtown.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

State law authorizes the imposition of service fees on businesses located within a business improvement district created by a city. Topeka has established such a district downtown. The fees are assessed based upon the square footage and location of the business.

Beginning in 2017, the Board recommends introducing the tier structure as outlined on the map and varied fee structure as follows:

Tier 1: Up to 999 square feet, the fee is \$60, over 1000 square feet, the rate is .0805 per square foot, with a cap of \$15,000.

Tier 2: Up to 999 square feet, the fee is \$60, over 1000 square feet, the rate is .0605 per square foot, with a cap of \$15,000.

Tier 3: Up to 999 square feet, the fee is \$60, over 1000 square feet, the rate is .0405 per square foot, with a cap of \$15,000.

Additionally, vacant structures would pay as follows: \$.0405 per square foot in Tier 1; \$.0305 per square foot in Tier 2; \$.0205 per square foot in Tier 3.

The last time the fee was updated was 2013. From 2013-2016, the fees were as follows: Up to 999 square feet, the fee is \$60, over 1000 square feet, the rate is .0605 per square foot, with a cap of \$13,000.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

2017 BID Ordinance

BID Map

Ordinance 19976 - 2016 BID

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Interim City Manager Douglas Gerber, amending City of Topeka Code § 3.40.030 establishing a service fee levy for 2017 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

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

Section 1. That section 3.40.030, Method of raising revenue, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Method of raising revenue.

(a) The method to be used to raise the funds necessary for the district shall be the levy of service fees upon all businesses located within the district, ~~as defined by K.S.A. 12-1782(b), based on the number of square feet of floor area occupied by each business within the district.~~ "Business" means a fixed place of business where one or more persons are employed or engaged in the purchase, sale, provision or manufacturing of commodities, products or services. The ownership of real estate which is unoccupied and which is held for investment purposes, for sale or lease, shall be considered a business. For the purposes of this chapter, the operation of multifamily residential property and the operation of structured parking facilities shall not be considered to be a business.

(b) The service fees ~~assessed shall be as follows~~ shall be based upon the location of the business in one of the tier areas located in the map which is attached herein and incorporated by reference:

Number of square feet	Rate
0—999	\$60.00

1,000 plus	\$0.0605 per square foot
------------	--------------------------

However, the maximum service fee per business shall be ~~\$13,000~~ will not exceed \$15,000 regardless of the number of square feet or tier area. The service fees assessed shall be as follows:

<u>Number of square feet</u>	<u>Rate</u>
0-999	\$60 (all tiers)
1,000 plus (tier one)	\$.0805 per square foot
1,000 plus (tier two)	\$.0605 per square foot
1,000 plus (tier three)	\$.0405 per square foot
<u>Unoccupied Real Estate</u>	<u>Rate</u>
Tier One	\$.0405 per square foot
Tier Two	\$.0305 per square foot
Tier Three	\$.0205 per square foot

(c) For the purposes of this chapter, the number of square feet of floor area occupied shall be determined as the total area designated for the exclusive use by the owner or tenants expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. In the case of leased property, square feet of floor area occupied is considered that area for which tenants pay rent. In no event shall square feet of floor area occupied include public toilets, corridors, stairwells, elevators, mechanical equipment rooms, lobbies, mall areas, or hotel sleeping rooms. Further, in no event shall square feet of floor area occupied include area which is unusable, or is not occupied due to applicable city codes, or is not in active use by a tenant. In the case of a building occupied by a single business, the gross floor area may be reduced by

53 subtracting the actual measured square footage of excluded areas as defined in this
54 section or by subtracting 15 percent of the gross floor area, whichever is greater.

55 (d) Service fees under this section shall be levied for the year ~~2015~~2017 and
56 shall be due and payable in two semiannual installments. Service fees shall be deemed
57 delinquent if not paid within 30 days of the due date provided for the second semiannual
58 installment.

59 Section 2. That original § 3.40.030, of The Code of the City of Topeka,
60 Kansas, is hereby specifically repealed.

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

63 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
64 or portions thereof, which are in conflict with the provisions of this ordinance.

65 Section 5. Should any section, clause or phrase of this ordinance be declared
66 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
67 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.
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69 PASSED AND APPROVED by the Governing Body on _____.

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CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

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ATTEST:

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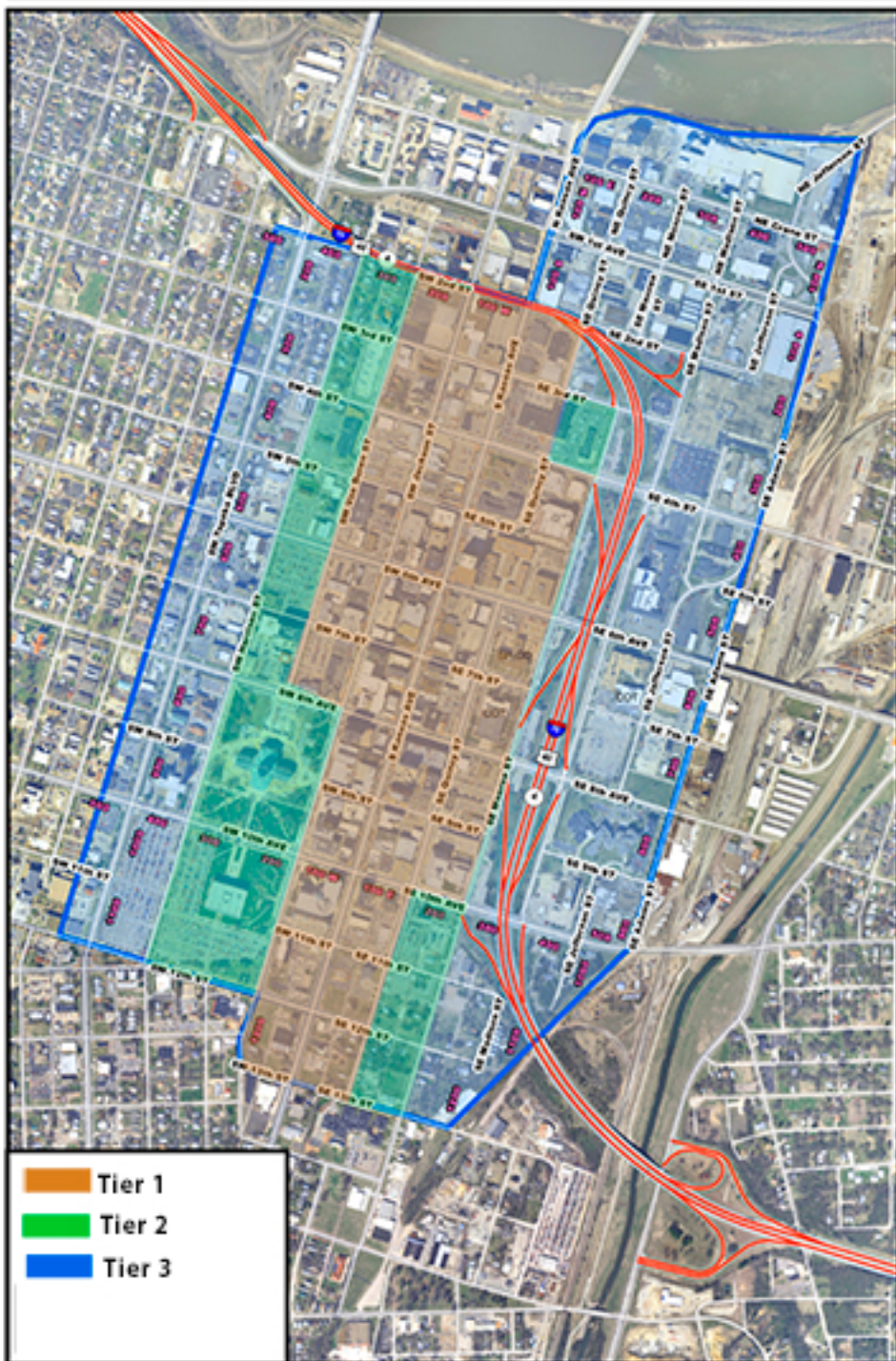
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Brenda Younger, City Clerk

Downtown Business Improvement District



(Published in the Topeka Metro News December 7, 2015)

ORDINANCE NO. 19976

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code § 3.40.030 establishing a service fee levy for 2016 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

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

Section 1. That section 3.40.030, Method of raising revenue, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Method of raising revenue.

(a) The method to be used to raise the funds necessary for the district shall be the levy of service fees upon all businesses located within the district, as defined by K.S.A. 12-1782(b), based on the number of square feet of floor area occupied by each business within the district. For the purposes of this chapter, the operation of multifamily residential property and the operation of structured parking facilities shall not be considered to be a business.

(b) The service fees assessed shall be as follows:

Number of square feet	Rate
0 – 999	\$60.00
1,000 plus	\$0.0605 per square foot

However, the maximum service fee per business shall be \$13,000 regardless of the number of square feet.

(c) For the purposes of this chapter, the number of square feet of floor area occupied shall be determined as the total area designated for the exclusive use by the owner or tenants expressed in square feet and measured from the centerline of joint

partitions and from outside wall faces. In the case of leased property, square feet of floor area occupied is considered that area for which tenants pay rent. In no event shall square feet of floor area occupied include public toilets, corridors, stairwells, elevators, mechanical equipment rooms, lobbies, mall areas, or hotel sleeping rooms. Further, in no event shall square feet of floor area occupied include area which is unusable, is not occupied due to applicable city codes, or is not in active use by a tenant. In the case of a building occupied by a single business, the gross floor area may be reduced by subtracting the actual measured square footage of excluded areas as defined in this section or by subtracting 15 percent of the gross floor area, whichever is greater.

(d) Service fees under this section shall be levied for the year ~~2015~~2016 and shall be due and payable in two semiannual installments. Service fees shall be deemed delinquent if not paid within 30 days of the due date provided for the second semiannual installment.

Section 2. That original § 3.40.030, of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

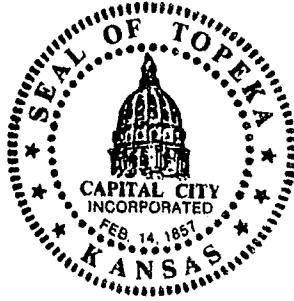
Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

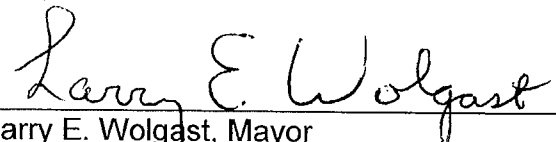
Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

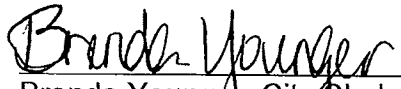
50 PASSED AND APPROVED by the Governing Body on December 1, 2015.
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52 CITY OF TOPEKA, KANSAS
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Larry E. Wolgast, Mayor

ATTEST:


Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2016

DATE: December 13, 2016
CONTACT PERSON: Kelly Ryan, Levee Engineer
DOCUMENT #:
SECOND PARTY/SUBJECT: Real Estate Purchase Agreement - NW Topeka Blvd and NW Curtis St
PROJECT #:
CATEGORY/SUBCATEGORY 007 Contracts and Amendments/019 Purchase of Land
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a Real Estate Purchase Agreement for the purchase of real property located at NW Topeka Boulevard and NW Curtis Streets, Topeka, Kansas.

(Approval would acquire property as part of the US Army Corps of Engineers (USACE) Topeka Flood Risk Management project and as part of the Great Overland Station and Riverfront Park project.)

POLICY ISSUE:

Whether to move forward with property acquisition as part of the USACE Topeka Flood Risk Management project in accordance with Project Partnership Agreement between USACE and the City of Topeka dated May 5, 2015.

STAFF RECOMMENDATION:

Staff recommends the Governing Body approve the real estate purchase agreement.

BACKGROUND:

The North Topeka Levee Unit, completed by the US Army Corps of Engineers (USACE) in 1967, consists of 9 miles of earthen levee, 3 pump stations, 3 relief wells, 2 closure structures, and 15 drainage structures. The levee provides flood protection for \$1.6 billion in investment including 3,300 residential, commercial, and industrial structures; public utilities and transportation infrastructure; emergency responders; schools; farms; and manufacturing centers. With City of Topeka as cost share sponsor, USACE completed a feasibility study in 2009. This study concluded that the levee system does not provide the authorized level of protection to the city and recommends improvements to the levee system in a comprehensive and cost-effective project to restore an adequate level of reliability and safety to the levee system and increased flood protection for the City. The City

and USACE entered into a Project Partnership Agreement May 6, 2015 to continue cost sharing the final design and construction of the project. Included in the agreement is the requirement the local sponsor (City of Topeka) acquires all lands, easements, rights-of-way, relocations, and disposal areas of the project. During design of the project, USACE identified an area on the North Topeka Levee Unit that will have underseepage from sustained high flows during a flood on the Kansas River. USACE requires that the most economical way to reduce flood risk from underseepage is to place fill material to create a permanent berm. The berm area is vacant land that is bounded by the levee on the south, Topeka Boulevard on the west, Curtis Street on the north, and Harrison Street on the East. The area is public property with the exception of the subject property, a single 20,125 square feet (0.46 acre) tract. In addition to required use for the Flood Risk Management project, the subject property lies in the footprint of the Great Overland Station and Riverfront Park project described in Resolution 7253 approved by City Council August 20, 2002. After construction of the berm, the anticipated use of the subject property is a park. The subject property is vacant land identified Commercial as its highest and best use. Shawnee County gives \$11,070 as current valuation. An independent appraisal of this property was obtained in June 2016 which indicates a property value of \$13,100. The first offer for purchase was for the appraised value of \$50,000, based on prior negotiations in early 2016. Negotiations resulted in a final offer of \$85,000 plus closing costs. There are no additional terms or conditions to the acquisition, and the Environmental Assessment completed by USACE does not indicate any environmental conditions with the subject property.

BUDGETARY IMPACT:

The purchase price has been negotiated to \$85,000. The 2009 total project cost estimate for the City's cost share contribution is unchanged by this acquisition from the original \$10,310,000. The 2009 estimate already included an amount of \$2,662,000 for lands, easements, rights-of-way, relocations, and disposal areas. \$0 has been used to date.

SOURCE OF FUNDING:

Storm Water Utility operating funds, revenue bonds, and/or temporary notes as approved in Project No. T-831000.03.

ATTACHMENTS:

Description

Agreement

Fact Sheet

Plat of Survey

City of Topeka Contract No. _____
REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT ("Agreement") is made and entered into as of the _____ day of November, 2016 by and between Kelshar Development, Inc., Topeka, Kansas (hereinafter "Buyer") and the City of Topeka, a municipal corporation (hereinafter "Seller").

1. **Sale of Property.** Subject to the terms and conditions herein set forth, Seller hereby agrees to sell and convey to Buyer by good and sufficient general warranty deed, free and clear of encumbrances, and Buyer hereby agrees to purchase, that certain real estate legally described as:

Legal Description:

The West 115 feet of Lots 132, 134, 136, 138, 140, 142 and 144, Topeka Avenue, Plat of Curtis Addition to the City of Topeka, Shawnee County, Kansas.

Commonly known as an unaddressed lot on NW Curtis St, Topeka, Kansas, (hereinafter the "Real Estate"). The Real Estate shall include all attached improvements permanently affixed to the premises, or any improvements thereon, with the following exceptions:

2. **Purchase Price.** The purchase price for the Real Estate shall be the sum of Eighty-five thousand and No/100 Dollars (\$85,000.00) (hereinafter "Purchase Price").

3. **Time of Purchase.** The time for closing of the purchase of the Real Estate shall be within thirty (30) days of the date upon which all of the conditions precedent are satisfied or waived in writing by the party for whose benefit the condition is provided, but not later than December 30, 2016.

4. **Title and Conveyance.** Buyer shall obtain a title insurance commitment (the "Commitment") at its own expense to insure the Real Estate in the amount of the Purchase Price, which Commitment shall show marketable title vested in Seller, subject to all rights of way, easements, and restrictions of record. As a part of the closing, Buyer shall cause the title company to issue and deliver to Buyer a title insurance policy in the amount of the Purchase Price. The cost of the Commitment and title insurance policy shall be paid by Buyer.

5. **Environmental Survey.** At Buyer's cost, Buyer shall be entitled to and have the cooperation of Seller in a Phase I Environmental Survey of the Real Estate, consisting of such evaluation activity as may be reasonably satisfactory to Buyer. If the results of said environmental survey indicate the need for a Phase II Environmental Survey or remediation under the Phase I which will exceed \$500, Buyer may terminate this Agreement upon written notice to Seller.

6. **City Council Approval.** It is understood and agreed between the Buyer and Seller that this Agreement and its funding must be approved by the City Council. If the City Council does not approve the Agreement and funding, the Buyer shall not be obligated to complete the purchase.

7. **Seller's Representations.** The Seller hereto respectively covenants, represents, and warrants that Seller owns good and marketable title to the Real Estate; which covenants, representations, and warranties shall be true and accurate as of the date of closing and shall survive the closing and the transfer of the deed of conveyance.

8. **Taxes and Assessments.** All taxes and assessments on the Real Estate due and payable in prior years and a prorata share of present taxes, based upon taxes and assessments for 2016, shall be paid by Seller to date of closing.

9. **Closing and Possession.** It is understood and agreed between the parties hereto that time is of the essence of this Agreement. The closing for the transaction described herein shall occur on or before the date specified in Paragraph 3 hereof, as such date may be extended as provided herein. The closing shall occur at the offices of Lawyers Title of Topeka, Inc. and the closing fee shall be paid by Buyer. Possession shall be delivered to Buyer at closing. Any personal property left on the Real Estate after the Buyer receives possession shall be considered abandoned.

10. **Default.** If Buyer fails to close the purchase of the Real Estate, Seller may, at its sole option, either terminate this Agreement or exercise any rights and remedies available to it at law or in equity, including but not limited to, specific performance. If Seller fails to close the purchase of the Real Estate, Buyer may, at its sole option, either terminate this Agreement and/or exercise any rights and remedies available to it, at law or in equity, including but not limited to specific performance.

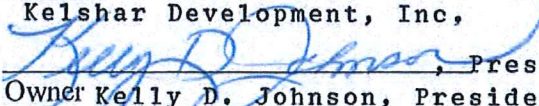
11. **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

12. **Construction of Agreement.** This Agreement is intended to be interpreted and construed under and by virtue of the laws of the State of Kansas.

IN WITNESS WHEREOF, this Agreement has been executed as of the date first above written.

"Seller"

Kelshar Development, Inc.,

 President
Owner Kelly D. Johnson, President

"Buyer"

CITY OF TOPEKA, a municipal
corporation

By: _____
Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

Fact Sheet

Topeka, Kansas – North Topeka Unit

Kansas River

<u>Project Data:</u> Completion: 1967 9 miles Earthen Levee 3 Pump Stations 3 Relief Wells (gravity) 2 Closure Structures 15 Drainage Structures	<u>Protected Area Features:</u> Population at Risk: 13,093/8,968 (day/night) Approx. Number of Structures: 3,300 Property Value: \$1.6 billion Critical Infrastructure: emergency responders, schools, manufacturing centers, WWTP	<u>Sponsor / Stakeholder Data</u> Sponsor: City of Topeka, Kansas County: Shawnee County State: Kansas FEMA: Region VII Congressional: Jenkins, KS (2)
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<u>Critical Inspection Findings:</u> USACE Inspection Date: May 18, 2015 USACE Inspection Report Date: August 6, 2015 USACE System Rating: Minimally Acceptable Inspection Deficiencies: 1. Levee Embankments - Underseepage Relief Wells/Toe Drainage Systems (Minimally Acceptable): - 3 of 3 relief wells located at old Soldier Creek were pump tested in 2014, but the wells were pumped dry immediately indicating they are not producing flow. Additionally, oily water was observed. USACE has requested repair/replacement plan. City evaluating installation of rock anchors on the Soldier Creek Pump Station in lieu of replacing the relief wells. 2. Interior Drainage System - Culverts/Discharge Pipes (Minimally Acceptable): - Video inspection of 36" CMP and 48" RCP conduits at Sta 102+28 attempted in 2014 but icy conditions prevented work completion. USACE has requested video inspection and providing inspection report evaluating condition of these two pipes. 3. General (Minimally Acceptable): - Emergency Preparedness Plan (EPP) has not been developed. USACE has requested a system-specific EPP be developed by the City which includes details on local emergency response measures to be implemented during flooding.
--

<u>Topeka Flood Risk Mgt Project</u> - Fairchild Pump Station is non-functioning. This station is not needed and will be removed/abandoned. - Underseepage (US) criteria for USACE has changed to require hydraulic grade line to be assumed to be at the top of levee/floodwall vice design flood elevation. US calculations by USACE show issues in two areas. • NTOP Sta. 215+50. In lieu of a relief well, a ponding area will be created at the existing ditch leading into the 72" drainage structure. • NTOP Sta. 235+00 to Sta 274+00. A series of 30 relief wells (approx. 80 feet deep) are needed to be installed between levee and UPRR. • NTOP Sta. 304+00 to Sta. 308+00. US berm required on landside levee toe. - Construction contract awarded 30 Sep 2106 to Arrowhead Contracting, Inc. from Lenexa KS in the amount of \$3,910,194. NTP by 1 Nov 2016 with an 18 month construction duration. - Completed real estate efforts for project are temp construction easements from KS Sand & Concrete; permanent construction and maintenance agreement with UPRR; and Quit Claim deeds from NTDD for their interests in the NTOP levee. - A small, follow on contract will be awarded for US berm after ROW is obtained. Additional real estate required is a perm fee acquisition of tract from Kelshar.

Plat of Survey

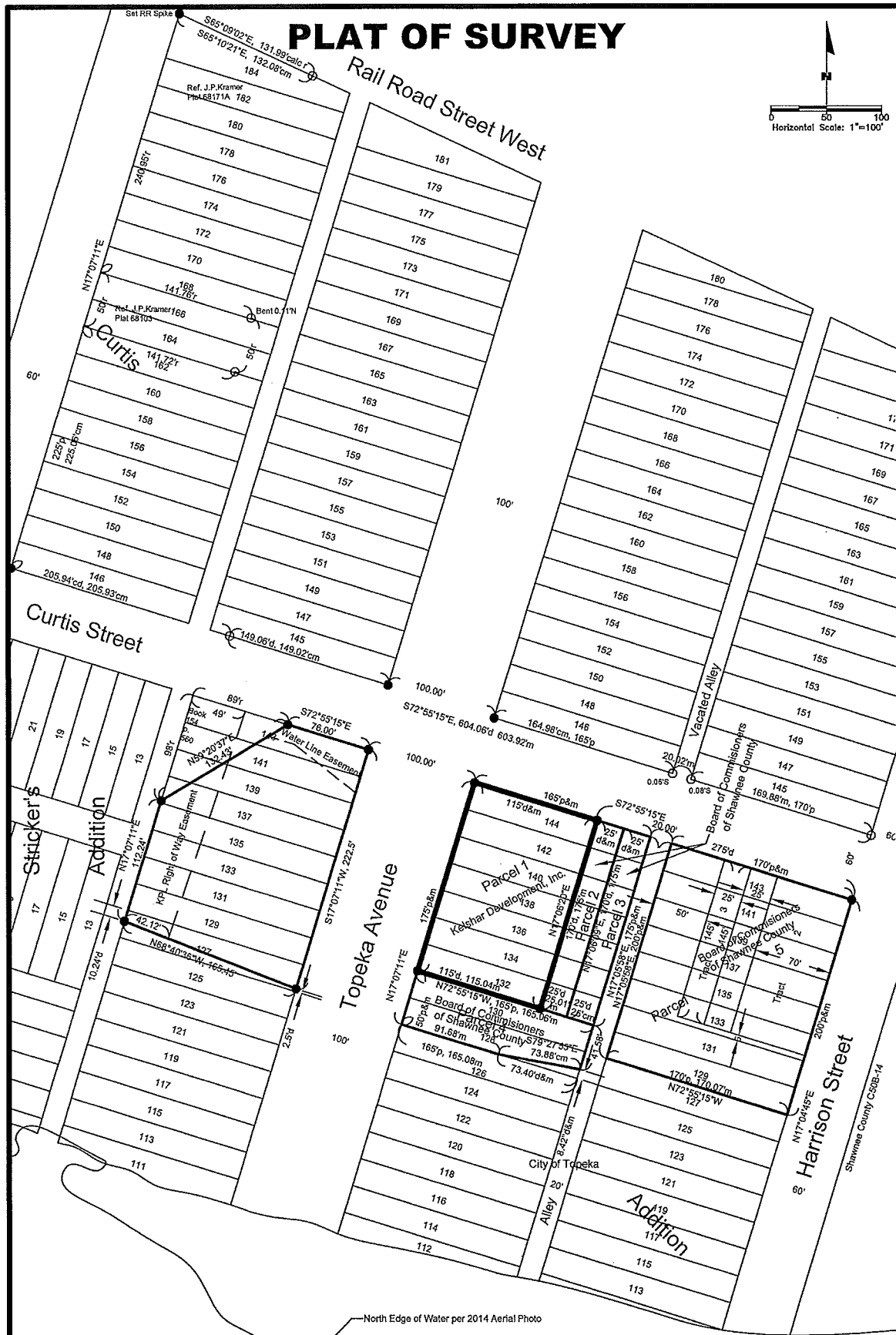
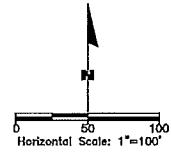
Legal Description

The West 115 feet of Lots 132, 134, 136, 138, 140, 142 and 144, Topeka Avenue, Plat of Curtis Addition to the City of Topeka, Shawnee County, Kansas.

I hereby certify that this survey was made by myself or under my direct supervision, and that the dimensions shown on this plat are in accordance with deed or field measurement evidence, and that all set corner monumentation is in compliance with Kansas Statutes and Kansas State Board of Technical Professions Minimum Standards.



PLAT OF SURVEY



LEGEND

- = set 5/8" Ø pin with City of Topeka Eng. cap
- = found iron pin

Approval of the ordinance is required prior to any compensation increase going into effect. The last compensation increase was approved *twelve* years ago on November 9, 2004; and went into effect at the start of fiscal year 2005.

BUDGETARY IMPACT:

Total of \$132,000: \$110,000/salaries and \$22,000/benefits.

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:

Description

Ordinance

1 (Published in the Topeka Metro News _____)
2
3

4 ORDINANCE NO. _____
5

6 AN ORDINANCE introduced by Councilmember Elaine Schwartz, concerning
7 compensation for the mayor and councilmembers, amending City of
8 Topeka Code § 2.15.010 and repealing original section.
9

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

11 Section 1. That section 2.15.010, Compensation, of The Code of the City of
12 Topeka, Kansas, is hereby amended to read as follows:

13 **Compensation.**

14 The salaries of the mayor and councilmembers shall be in the following amounts,
15 per annum:

16 (a) Mayor, ~~\$20,000~~40,000 effective ~~with the general city election, April~~
17 ~~2005~~January 1, 2017.

18 (b) Each councilmember, ~~\$10,000~~20,000 effective ~~with the general city~~
19 ~~election, April 2005~~January 1, 2017.

20 (c) That the salaries of the mayor and councilmembers will be considered
21 every four years hereafter in conjunction with the normal budget process; and, further,
22 that if any adjustments are deemed appropriate, said adjustments will reflect the change
23 in the consumer price index for all urban consumers as published by the United States
24 department of labor for the preceding calendar year.

25 Section 2. That original § 2.15.010 of The Code of the City of Topeka, Kansas,
26 is hereby specifically repealed.

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

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2016

DATE:	December 13, 2016	
CONTACT PERSON:	Councilperson Karen Hiller	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION regarding recommendations from the Policy and Finance Committee relative to: (1) Governing Body Rules and Procedures; (2) Record Fees and (3) Council Training.

POLICY ISSUE:

Ultimately, the governing body will decide whether to approve the recommendations of the Policy and Finance Committee which include:

(1) Approval of amendments to the Governing Body Rules of Procedure; (2) Approval of amendments to the ordinance regulating public record fees; (3) Approval of a Resolution addressing Council Training; and (4) Rescinding Resolution No. 7458 (Chaplain Appointment by Deputy Mayor) and Resolution No. 8044 (Deputy Mayor initiates discussion of topics for legislative agenda).

STAFF RECOMMENDATION:

Discussion only. Corresponding ordinances and resolutions will be presented at the December 20, 2016 Council meeting for Governing Body consideration.

BACKGROUND:

On May 10, 2016, the governing body referred revision of the Governing Body Rules and Procedures to the Policy and Finance Committee. The Committee met throughout the summer and fall. The Committee also considered amendments to the records fee ordinance that had been referred to it by the governing body on March 17, 2015.

Finally, the Committee initiated a consideration of a 1997 resolution that addressed expenses for Council training.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:**Description**

PF Committee Report - Record Fees

Ordinance - Record Fees

PF Committee Report - Council Rules

Summary of Changes - Council Rules

Council Rules - Proposed Amendments - Red Line Version

PF Committee Report - Council Training

Council Training Resolution

Resolution 6795

Resolution Rescinding Resolution Nos. 7458 and 8044

Resolution 7458

Resolution 8044

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Policy and Finance

Referred by City Council at Council meeting: March 17, 2015

Date referred from Committee: November 18, 2016

Title: AN ORDINANCE introduced by City Manager Jim Colson, concerning open record request fees, amending City of Topeka Code § 2.20.110 and § 2.20.120 and specifically repealing said original sections.

Committee Action: Councilmember Tony Emerson moved to include a discussion of free police reports in the committee report. Councilmember Richard Harmon seconded the motion. Motion passed 3-0.

Councilmember Richard Harmon moved to recommend to the Governing Body to adopt the proposed Records Fee Ordinance. Councilmember Tony Emerson seconded the motion. Motion passed 3-0.

Comments: The committee recommends that the Governing Body discuss the option of providing free police reports.

Amendments: See amended ordinance.

Members of Committee: Karen Hiller (Chair), Richard Harmon, Tony Emerson

Agenda Date Requested: 12/13/16 – Discussion
12/20/16 – Action

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Interim City Manager Doug Gerber, concerning fees and procedures for record requests, amending City of Topeka Code § 2.20.090, § 2.20.110 and § 2.20.120 and specifically repealing said original sections.

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

Section 1. That section 2.20.090, Requests to be directed to custodian, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Requests to be directed to custodian.

(a) ~~All members of the public, in seeking~~As the official custodian of city records, the city clerk shall receive and coordinate all requests for access to, or copies of, a public record in accordance with the provisions of the Kansas Open Records Act, ~~shall address their written requests to the city clerk.~~

(b) ~~Requesters of records may submit a w~~Written requests submitted to any other city office; ~~however, all record requests shall be referred~~forwarded to the office of the city clerk for timely and proper processing.

(c) ~~Whenever any city officer or employee is presented with a written request for access to, or a copy of, a public record which is not in his or her possession and for which he or she has not been given responsibility to keep and maintain, the officer or employee shall so advise the person requesting the record. Further, the person making the request shall be advised to direct the request to the city clerk.~~

Section 2. That section 2.20.110, Inspection fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

30 **Inspection and search fee.**

31 (a) Where a request has been made for inspection of any open public record
32 which is readily available to the record custodian, there will be no inspection fee
33 charged to the requester.

34 (b) In all cases not covered by subsection (a) of this section, a record
35 inspection fee may be charged at ~~the rate of \$13.00a~~ per hour per rate determined by
36 the records custodian comparatively based on the hourly rate of the employee engaged
37 in the record search and production. ~~A minimum charge of \$6.00 may be charged for~~
38 ~~each such request.~~

39 Section 3. That section 2.20.120, Copying fee, of The Code of the City of
40 Topeka, Kansas, is hereby amended to read as follows:

41 **2.20.120 Copying and other fees.**

42 A fee of \$0.25 per page may be charged for ~~photocopying~~ black and white
43 photocopies of public records, such fee to cover the cost of labor, materials and
44 equipment. The records custodian may establish a fee schedule for production of
45 records in other formats, such as color copies or records provided electronically. The
46 records custodian may set flat fees for certain types of records. Additional fees,
47 including any other costs incurred by the agency in connection with complying with a
48 record request (e.g. mailing costs), may be assessed to the requestor.

49 Section 4. That original § 2.20.090, § 2.20.110 and § 2.20.120 of The Code of
50 the City of Topeka, Kansas, are hereby specifically repealed.

51 Section 5. This ordinance shall take effect and be in force from and after its
52 passage, approval and publication in the official City newspaper.

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

ATTEST:

Larry E. Wolgast, Mayor

Brenda Younger, City Clerk

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Policy and Finance

Referred on/during: June 7, 2016; regular meeting of Governing Body

Date referred from Committee: December 2, 2016

Title: City of Topeka Governing Body Rules and Procedures

Committee Action: Motion to approve amendments to the Council Rules, as presented by staff. Motion passed: 3-0

Comments: N/A

Amendments: See amended document

Members of Committee: Karen Hiller (Chair), Richard Harmon, Tony Emerson

Agenda Date Requested: 12/13/16 – Discussion
12/20/16 – Action

Summary of Proposed Changes

Council Rules & Procedures

Section 2.2, “Quorum”: Revised Quorum from 5 to 6 due to Charter Ordinance 117, which changes the quorum requirement from 5 to 6. (Page 4)

Section 2.5(a), “Duties of City Manager Relative to Governing Body”: Added language to clarify that members of the governing body may engage in direct communications with staff members to whom the city manager has delegated a specific task. (Pages 4-5)

Section 2.6(a), “Duties of City Attorney Relative to Governing Body”: Revised language to clarify that the city attorney represents the city of Topeka, through its city manager and the governing body (as a whole); but not individual residents or individual governing body members. (Pages 5-6)

Section 2.8(a), “Officers and Employees”: Added language stating that the mayor and council members may provide input to the city manager regarding two specific positions -- (i) the assistant to the mayor and (ii) the assistant to the council. (Page 6)

Section 2.11, “Seating During Meetings”: Added reference to TMC Section 2.15.020, which provides that council members will be seated in district order. (Page 6)

Section 5.2, “Addition and Removal of Items from the Agenda”: Added language to clarify that if an agenda item is added outside of the time frame set forth in Section 5.1, an explanation as to why this action is necessary must be provided, followed by a majority vote of the governing body. (Page 8)

Section 5.3, “Agenda Contents”: Added a category for “appointments” to provide an opportunity for the council members to vote on these individuals separate from the “consent agenda.” (Page 8)

Section 5.5(c), “Public Comment”: Added language providing individuals who wish to speak at a Council meeting the opportunity to sign up in the council chambers between 5:00 and 5:59 p.m. and to clarify that no prior notification will be required for those who wish to speak during any public hearing mandated by state or federal law. (Page 9)

Section 6.2(e), “Motions”: Provides clarification on how amendments to motions should be handled. (Page 11)

Section 6.2(i), “Motions”: Added language to reflect that the chair may adjourn the meeting if there is no further business to conduct, which reflects the current practice. (Page 12)

Section 7.2(b), “Considerations of Ordinances and Resolutions”: Removed reference to 5 affirmative votes being required for a majority in light of Charter Ordinance 117, which specifies voting requirements. (Page 13)

Section 8.2(a), (c) and (d), “Standing Committees”: There are four standing committees listed in subsection (a), (standing committees are comprised of less than the full body), and the Deputy Mayor appoints the members to each of these standing committees pursuant to subsection (c). Subsection (d) was deleted in its entirety because the budget, long-range planning and committee of the whole committees were comprised of all ten members of the governing body; and, thus, are not truly standing committees. The governing body can convene at any time, as necessary, to conduct a meeting related to budgetary or long-range planning issues. (Pages 13-14)

Section 8.2(b), “Standing Committees”: Revised the month during which appointments to committees must be made to the first meeting in February, as opposed to the first meeting in May, due to state law changing elections from April to November, with new members taking office in January. (Pages 13-14)

Section 8.5(b), (c) and (d), “Procedure for Committee Items”: Restructured/reorganized this section for purposes of clarity, i.e., added more appropriate titles, deleted redundant language, revised existing language. (Pages 15-16)

Section 8.10: Added a definition for “minutes” and establishes that videos of each meeting will be available for viewing online for a period of 3 years from the date of the meeting. (Page 17)

***NOTE: References changed from “council” to “governing body” through document.

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~~Topeka City Council~~
City of Topeka
Governing Body

Rules and Procedures

Adopted on _____

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81 **1. AUTHORITY**

- 82
- 83 | **1.1 Charter:** TMC §A2-30 provides that the council governing body may
- 84 | determine its own rules of procedure for meetings. The following set of rules
- 85 | shall be in effect upon their adoption by the council governing body and until
- 86 | such time as they are amended or new rules adopted in the manner provided
- 87 | by these rules.
- 88

89 **2. GENERAL RULES**

- 90
- 91 | **2.1 Meetings to be Public:** All meetings of the council governing body shall be
- 92 | open to the public, except for executive sessions as provided for by state
- 93 | statute. Persons attending meetings ~~of the council~~ shall turn off or mute any
- 94 | device or instrument capable of emitting an audible sound or tone before
- 95 | entering the meeting room.
- 96

- 97 | **2.2 Quorum:** ~~Five-Six~~ members of the council governing body shall constitute a
- 98 | quorum and be necessary for the transaction of business
- 99

- 100 | **2.3 Record of Proceedings:** An account of all proceedings of the
- 101 | council governing body shall be kept by the city clerk and shall constitute the
- 102 | official record ~~of the council~~.
- 103

- 104 | **2.4 Right of Floor:** Any member desiring to speak shall be recognized by the
- 105 | meeting chair, and shall confine his or her remarks to the subject under
- 106 | consideration or the one to be considered.
- 107

- 108 | **2.5 Duties of City Manager Relative to City Council Governing Body:**
- 109

- 110 | (a) The members of the council governing body and the city manager
- 111 | shall observe scrupulously the relationship and the respective
- 112 | authorities and responsibilities of each as provided by the statutes,
- 113 | city ordinances, council governing body rules or procedure and the
- 114 | ethics of good conduct. Generally speaking, the council governing
- 115 | body shall act as a policy-making body only except as specifically
- 116 | provided otherwise by statute and the city manager shall act as the
- 117 | administrative head of the city. The council governing body shall
- 118 | delegate to the city manager all administrative duties not specifically
- 119 | required by statute to be performed by the ~~council governing body~~.
- 120 | No member of the ~~city council or the mayor governing body~~ shall
- 121 | interfere directly with the conduct of any municipal department. All
- 122 | instructions or direction to the city manager shall come from the
- 123 | council as a whole governing body after approval of a majority
- 124 | ~~(five)(six)~~ of the council members. The city manager shall disregard
- 125 | any other instructions or directions and shall refer them to the
- 126 | council governing body as a whole. Requests for routine information

may be made to the city manager, department heads or their designees by individual councilmembers or the mayor, but all requests for lengthy or detailed reports shall be made only to the city manager. Except for the assistant to the Council, No instructions or directions shall be given by individual councilmembers or the mayor any member of the governing body to department heads or to other city employees who shall refer such instructions immediately to the city manager, who, in turn, shall bring such improper actions to the attention of the entire council governing body for such action as may be appropriate in each individual case. Notwithstanding this subsection (a), when the city manager delegates a specific task to a particular staff member(s), including staffing a committee, direct communication may occur between council members and that staff member(s).

- (b) The city manager shall act as the administrative head of the city and in such capacity shall direct the affairs of the city within the limits of the budget, the policies established by the city council governing body and the requirements of the statutes. The city manager or a designee shall attend all meetings of the council governing body– unless excused by a majority (five) of the council governing body. The city manager shall prepare and submit the annual budget to the council governing body, shall keep the council governing body advised as to the financial condition and requirements of the city and shall make recommendations to the council on all matters concerning the welfare of the city. The city manager shall have no vote in the public meetings of the governing body and shall refrain from attempting to establish policy except to make recommendations to the city council governing body. The city manager shall observe the highest standard of ethics of the city manager profession. The city manager shall consult with the council governing body on matters pertaining to the affairs of the city.

2.6 Duties of City Attorney Relative to City Council Governing Body:

- (a) The city attorney or a designee shall attend all meetings of the city council governing body. He or she shall draft or cause to be drafted all ordinances, resolutions, contracts, releases, agreements and other instruments pertaining to legal actions of the city which shall have been approved as to form and legality by the city attorney or a designee before presentation to the council governing body. When requested by any member of the council or the mayor governing body, the city attorney shall furnish an opinion, either written or oral as may be appropriate in each case, concerning parliamentary rulings, interpretations of council governing body rules of procedure and opinions as to legality of matters under consideration. The city

attorney is the chief legal advisor to the city through its governing body, as a whole, as well as and the city manager; ~~who are entitled to rely upon his or her legal opinions which shall be considered final as they relate to municipal affairs except as they may be adjudicated in the courts but not individual residents or individual governing body members.~~

- (b) The city attorney shall be the parliamentarian for the ~~council governing body~~, and shall provide advice and counsel to the meeting chair on all interpretations of ~~council the~~ rules and procedures for the conduct of meetings. However, the meeting chair shall rule on all such matters, as provided by Rule 4.4.

- 2.7 Duties of City Clerk Relative to Governing Body:** The City Clerk or a designated representative shall attend all meetings of the ~~council governing body~~ and shall keep the official record (minutes) and perform such other duties as may be requested ~~by the council~~.

2.8 Officers and Employees:

- ~~(a) Notwithstanding TMC A2-54, which gives the city manager the power to appoint, discipline and remove any employee in accordance with City personnel policies, the mayor and council members may provide input to the city manager regarding the employment and evaluation of the assistant to the mayor and assistant to the council, respectively.~~

- (b) When there is pertinent business from their departments on the ~~council~~ agenda, department heads or their designees shall attend such ~~council~~ meetings upon request of the city manager.

- 2.9 Rules of Order:** "Roberts Rules of Order Revised" shall govern the proceedings of the ~~council governing body~~ in all cases, unless they are in conflict with these rules.

- 2.10 Television Coverage:** Except as otherwise provided herein, the public portions of ~~any city council governing body~~ meetings shall be televised live, subject to budget constraints or technical difficulties.

- 2.11 Seating During ~~Council~~ Meetings:** The council shall be seated in council district order for meetings pursuant to TMC § 2.15.020.

3. TYPES OF MEETINGS

- 3.1 ~~Council-Governing Body~~ Meetings:** The ~~council governing body~~ shall meet in the council chambers for meetings pursuant to TMC § 2.15.020.

219 | **3.2 ~~Council-Governing Body~~ Meetings:** Special meetings may be
220 | called by the city manager, mayor or by four (4) or more members of the
221 | council. The call for a special meeting shall be submitted to the city clerk,
222 | except an announcement of a special meeting during any meeting at which a
223 | quorum of members are present shall be sufficient notice of such special
224 | meeting. The call for a special meeting shall specify the day, the hour, and
225 | the location of the special meeting and shall list the subject or subjects to be
226 | considered. Only such business may be transacted at a special meeting as
227 | may be listed in the notice. Except for emergencies, the city clerk shall
228 | provide documented notice of a special meeting to the city manager, the
229 | entire governing body, and shall post the notice on the City's web site at least
230 | 24 hours prior to the meeting date.

232 | **3.3 ~~Council-Committee~~ Meetings:** Committee meetings may be held pursuant
233 | to Rule 8.

235 | **3.4 Attendance of Media at ~~Council~~-Meetings:** All meetings of the ~~city~~
236 | councilgoverning body and its committees shall be open to the media, freely
237 | subject to recording by radio, television, and photographic services at any
238 | time, provided that such arrangements do not interfere with the orderly
239 | conduct of the meetings.

241 | **4. CHAIR AND DUTIES**

243 | **4.1 Chair:** The mayor, if present, mayshall preside as chair at all meetings of
244 | the councilgoverning body. In the absence of the mayor, the deputy mayor
245 | shall preside. In the absence of both the mayor and deputy mayor, the city
246 | clerk shall preside until a chair is elected.

248 | **4.2 Call to Order:** The meetings of the councilgoverning body shall be called to
249 | order by the mayor or, in the mayor's absence, by the deputy mayor. In the
250 | absence of both the mayor and the deputy mayor, the meeting shall be
251 | called to order by the city clerk for the election of a temporary chair.

253 | **4.3 Preservation of Order:** The chair shall preserve order and decorum,
254 | prevent attacks on personalities or the impugning of member's motives, and
255 | confine members in debate to the question under discussion. The following
256 | will not be tolerated: uttering fighting words, slander, speeches invasive of
257 | the privacy of individuals, unreasonably loud or repetitious speech, and
258 | speeches so disruptive of ~~council~~ proceedings that the legislative process is
259 | substantially interrupted. Any ~~councilmember-governing body member~~
260 | engaging in any of these will be warned once by the chair and if the behavior
261 | continues, the councilmember-governing body member will be ordered to
262 | leave the council chambers and that order shall be effective after a two thirds
263 | affirmative vote of the ~~council~~ members present. If necessary, the
264 | councilmembergoverning body member will be escorted from the chambers if

such ~~council~~member persists in interfering with the ability of the ~~council~~governing body to reasonably carry out ~~council~~its functions.

4.4 Point of Order: The chair shall determine all points of order, subject to the right of any member to appeal to the council. If any appeal is taken, the question shall be, "Shall the decision of the chair be sustained?"

4.5 Questions to be Stated: The chair shall state all questions submitted for a vote and announce the result.

5. GOVERNING BODY MEETING AGENDAS

5.1 Preparation and Circulation: The city manager shall create an agenda for ~~council~~governing body meetings. Each Thursday, the city clerk shall make available the agendas for the next two consecutive meetings and, absent technical difficulties, post the agendas to the City's website.

5.2 Addition and Removal of Items from the Agenda: Notwithstanding section 5.1, items may be added to the agenda ~~at a council meeting~~ pursuant to TMC 2.15.040, which requires an explanation for the necessity of adding the item and a majority vote of the governing body to add the item. The city manager may remove any item from the agenda if the item is not ready for consideration unless the governing body has taken action to defer the item to a date certain or the item has been considered by a ~~council~~-committee pursuant to Council Rule 8.5(b).

5.3 Agenda Contents: Each agenda shall include the following:

- Call to order.
- Invocation.
- Pledge of allegiance.
- Mayoral Proclamations.
- Presentations. Presentations include staff reports.
- Roll Call.
- Appointments. Appointments made by the Mayor to boards and commissions will be confirmed collectively by the Council. Any appointment may be considered separately by request of a council member, in which event the item will be moved to Action items.
- Consent agenda. The consent agenda is comprised of routine matters to be approved collectively (e.g. ~~Council—meeting~~ minutes, ~~appointments~~, license applications, claims). Any item may be considered separately by request of a ~~council~~governing body member or the city manager, in which event the item will be moved to Action items.

- Action items. Action items include matters where the Council or governing body, as appropriate, takes action. (e.g. ordinances, resolutions).
- Non-action items. Non-action items include discussions, public hearings, and any other items not requiring action.
- Announcements. The city manager, mayor, and council members may offer comments regarding City business and/or bring to the attention of the public upcoming events of interest. The Clerk shall briefly summarize items that are on the agenda for the next scheduled Council governing body meeting.
- Public comment.
- Adjournment.

5.4 Planning Department Agenda Items: Public hearings on zoning matters shall be conducted by the Planning Commission in accordance with state law. No additional public hearings shall be held by the governing body.

5.5 Public Comment:

- (a) General public comment: Requests by members of the public to speak during the public comment portion of the meeting will be placed on the agenda on a "first-come, first-served" basis. The request should state the name of the individual(s) desiring to be heard. Comments pertaining to personnel and litigation matters shall not be allowed. Further, public comment shall be limited to topics directly relevant to business of the City-Council governing body. Rules of decorum as provided in these rules will be observed.
- (b) Public comment on an agenda item: Members of the public may comment concerning a specific agenda item at the time the item is considered. Persons will be limited to addressing the council governing body one (1) time on a particular matter unless otherwise allowed by an affirmative vote of five-six (56) members of the council governing body.
- (c) Members of the public desiring to comment must notify the City Clerk by 5:00 p.m. on the day of the Council governing body meeting or sign up at the meeting before 6p.m. Members of the public addressing the council will be limited to four (4) minutes unless the council governing body, by majority vote, extends the limitation. Debate, question/answer dialogue or discussion with council governing body members will not be counted towards the four (4) minute time limitation. The requirement to notify the City Clerk will not apply to public hearings required by any state or federal law.

- 354 **5.6 Adjournment:** Adjournment shall occur no later than the hour of 10:00 p.m.
355 or as shall be announced by the chair at the conclusion of business.
356 Meetings may be continued beyond the hour of 10:00 p.m. only when
357 approved by a majority of members present.
358

359 **6. RULES OF ORDER**
360

- 361 **6.1 Governing Procedure:** "Roberts Rules of Order Revised" shall govern the
362 proceedings ~~of the council in all cases~~, except as provided below and unless
363 they are in conflict with these rules.
364

- 365 **6.2 Motions:** Generally speaking, actions ~~s of the council~~ shall be indicated by a
366 vote of the ~~councilmembers~~ members present at each meeting after motions
367 have been made and seconded ~~by individual councilmembers~~. Except as
368 otherwise provided by ordinance, statute or these rules, the following rules
369 shall apply to motions ~~by the individual councilmembers~~:
370

- 371 (a) *"To Defer"*. Consideration of any ordinance, resolution or other matter
372 on a ~~city council~~ meeting agenda may be deferred for up to six (6)
373 months ~~by the affirmative vote of at least five (5) members of the~~
374 council. The deferral date may be amended by the approval of a
375 motion establishing a new date for consideration of the item. The new
376 date for consideration shall be no sooner than the next regular city
377 council governing body meeting following approval of the motion.
378

- 379 (b) *"To Refer"*. Such action shall be appropriate in connection with
380 investigation and report (e.g. refer a matter to a committee).
381

- 382 (c) *"To Strike"*. This motion may be used to remove an item from the
383 agenda without prejudice to said item so that it may be returned to the
384 agenda at any later date in accordance with established procedure.
385

- 386 (d) *To Dispose of a Matter with Affirmative or Negative Action*. In order to
387 dispose of a matter with affirmative or negative action ~~by the council~~
388 after such matter has been presented and discussed, the following
389 motions shall be in order:
390

- 391 (1) *"To approve"* a specific recommendation or proposal.
392 (2) *"To disapprove"* a specific recommendation or proposal.
393 (3) *"To request"* a specific action.
394 (4) *"To direct"* a specific action.
395
396
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- (e) *To Amend a Motion.* The purpose of a motion to amend is to retain the original motion but with a few changes accomplished by deleting or adding verbiage. ~~The motion "to amend" shall be in order providing the motion for amendment is made with the consent of the maker and the second to the original motion.~~ A motion shall be amended only once before a vote has been taken. Treatment of amendments will depend upon timing. More specifically:
- (1) After a motion has been made and seconded, but before the Chair states the motion – any suggested modifications will require the consent of the two individuals who made and seconded the motion.
- (2) After the Chair states the motion – members of the governing body may propose amendments without such consent.
- (f) *To Substitute a Motion.* The purpose of a substitute motion is to offer a different approach to the subject matter. It is different from a motion to amend because a motion to amend seeks to retain the original motion with a few changes (usually accomplished by deleting or adding verbiage). Substitute motions cannot be used for purposes of confusing the issue and cannot be contrary to the original motion.
- A motion "to substitute" shall be in order providing that the substitute motion shall be made immediately after the original motion has been made and seconded and before a vote has been taken. Substitute motions shall be made only once and shall be debatable providing the original motion was a debatable motion.
- (g) *To Reconsider a Motion/Item.* Except as provided below, an item previously acted upon may not be reconsidered until six (6) months has elapsed since the previous action. This limitation shall apply to any matter ~~upon which a vote was taken~~~~considered and voted on by the city council~~, including the consideration of ordinances or resolutions which repeal, in their entirety, previously adopted ordinances or resolutions. These limitations on reconsideration shall not apply to the following:
- (1) A motion to reconsider the matter that is adopted during the same meeting as the initial action.
- (2) Reconsideration is needed to correct a typographical or legal error in the original item, or if the new item amends or differs in a substantive manner from the previously adopted or considered item.

(3) Reconsideration is otherwise allowed by statute or law.

- (h) *To Suspend a Rule.* In order to temporarily suspend any particular rule for a particular purpose not contrary to statute or city ordinance, a motion "to suspend" a rule shall be in order. Suspension of a rule shall be approved by a two thirds (2/3rds) majority of the ~~council governing body, and~~ shall take effect for the particular rule in question ~~only for the particular time in a particular meeting in question~~ and shall not be considered as a permanent suspension of a rule.
- (i) *To Adjourn a Meeting.* When it appears that there is not further business, the chair may~~In order to~~ adjourn ~~at the council~~ meeting.Alternatively, a motion "to adjourn" shall be in order providing such motion is made at the ordinary or usual conclusion of business on the agenda and providing that motions to adjourn shall not be used to embarrass, to harass, to foreclose discussion and debate, or for any other purpose other than the orderly termination of ~~council~~ proceedings at such times as may be appropriate in each particular meeting.
- (j) *Calling the Question.* A call for the question, if seconded, shall immediately end all debate and discussion, and if passed by two thirds (2/3rds) vote, the current motion must be voted on without delay; provided however, that the call of the question shall not be implemented until all members of the ~~council governing body~~ have had an opportunity to speak to the current motion. After the formal vote has been taken ~~by the council~~, all further discussion of the matter shall cease unless appropriate affirmative action follows to place the matter again ~~before the council~~ for reconsideration.

7. ORDINANCES AND RESOLUTIONS

7.1 Preparation of Ordinances and Resolutions:

- (a) Ordinances and resolutions shall be prepared by the city attorney or designee upon request by the city manager. In keeping with TMC Section A2-28(c) which prohibits governing body members from giving orders to staff, any requests by members of the governing body for preparation of ordinances or resolutions shall be directed to the city manager.
- (b) All ordinances and resolutions shall address fiscal impacts, if any, and identify funding sources.

7.2 Consideration of Ordinances and Resolutions:

- (a) Recording of Votes. All votes shall be reported in the ~~official record of the council minutes~~.
- (b) ~~Majority Vote Required: An affirmative vote of at least five (5) members of the council shall be necessary to pass an ordinance, a resolution, motion, or any other proposition (except as otherwise specified in city ordinance or statute)~~ Manner of Voting. When any vote is called, each ~~council~~ member shall indicate the member's vote by utilizing a device that displays the vote or abstention ~~respond "yes (aye)," or "no (nay)" or "abstain."~~ No ~~council~~ member shall vote in absentia. A ~~council~~ member must be physically present at the time a vote is called in order for the ~~council~~ member to vote.
- (c) Notice. No action shall be taken on any ordinance or resolution unless the item has been provided to the governing body at least five days prior to a ~~council~~ meeting. This restriction shall not apply to ordinances or resolutions that (1) have no administrative impact; and (2) no fiscal impact greater than \$5,000.00.

7.3 Numbering Ordinances and Resolutions: Upon passage, a number shall be assigned to each ordinance or resolution by the city clerk.

8. COMMITTEES

8.1 Purpose: The orderly and timely transactions of the city government shall be better served by having in place a committee framework whereby resolution of certain issues may be developed prior to consideration by the ~~full city council governing body~~. The committee framework shall include the use of standing committees and special committees.

8.2 Standing Committees:

- (a) The ~~council governing body~~ shall have the following four (4) standing committees, each comprised of three (3) members of the council:
- Policy and Finance.
 - Economic and Community Development.
 - Public Health and Safety.
 - Transient Guest Tax.
- (b) Appointment. The deputy mayor shall appoint the members to each of the standing committees referenced in subsection (a) above. Appointments shall be made by the first meeting in ~~May~~ February. Each councilmember shall fill out a committee preference list for a

standing committee and the deputy mayor shall make every effort to appoint councilmembers to the committee of their choice.

- (c) Term. Councilmembers who are appointed to any standing committee referenced in subsection (a) above shall serve on their assigned committees for a one (1) year term. Councilmembers who wish to change committee assignments may do so with permission ~~offrom~~ the deputy mayor. Each standing committee shall elect the chair from among its members.

~~(d) — The Council shall have the following standing committees comprised of all members of the council:~~

- ~~• Budget~~
- ~~• Long-range planning~~
- ~~• Committee of the whole~~

~~The deputy mayor shall be the chair of the Budget, Long-range planning and the Committee of the whole. The mayor shall serve as a non-voting, advisory member of all standing committees comprised of all members of the council.~~

8.3 Special Committees:

- (a) Special committees may be established when there is an issue that needs special focus and would be better handled outside standing committees. Special committees may be created by a majority vote of the council governing body. Any proposition addressed to the establishment of a special committee must state tasks and the time period in which the committee should complete its assignment.
- (b) The deputy mayor shall appoint the members of any special committee. The chair shall be designated by committee members.

8.4 Duties and Powers of Committees:

- (a) It shall be the duty of the committees to act promptly and faithfully in all matters referred to them ~~by the council~~. This does not preclude standing committees from considering other matters within the scope of their duties.
- (b) All committees shall have the power to hold hearings and request production of records relating to any subject within its jurisdiction. Standing committees may appoint subcommittees from their committee membership.

8.5 Procedure for Committee Items:

(a) Reference to Committee; Initiation by Committee.

(1) Any item ~~coming before the city council~~ may be referred to a committee by a majority vote of the ~~council~~ governing body.

(2) The examination of any subject can be initiated by a committee chair or by majority vote of the committee.

(b) ~~Consideration by Committee~~ Referred Item Action Deadline. Each item referred to a committee shall remain in that committee until the committee shall act upon it as provided for in subsection (c) or it is dislodged from the committee's consideration as provided for in subsection (d) or until passage of ~~sixty~~ ninety (690) calendar days, after which the item shall be placed on the council agenda whichever occurs first. The item shall thereafter be placed on an agenda for action or for purposes of providing the committee chair the opportunity to provide an update regarding the committee's progress.

(c) Committee Action. ~~(1)~~ Recommendation. An item shall be, upon majority vote of the committee, reported out of such committee by the chair. The recommendation of the committee shall be reflected in one ~~(1) of the following manners:~~ A committee may take any of the following actions:

(1) Pass the item Recommend approval of the item.

(2) Recommend approval, with amendments.

(3) Do Not Pass the item Recommend that the item not be approved.

(4) No Recommendation Make no recommendation (no second means no recommendation).

- Pass As Amended

(d2) Placement on Governing Body Meeting Agenda. ~~An item reported out of committee shall be placed on a council agenda. Both majority and minority reports of a committee may be filed at the request of any committee member, with the report proceeding to the city council.~~

~~(d)~~ Discharge from Committee.

- (1) An item referred to and considered by a committee pursuant to section 8.5(a)(1) shall be placed on a governing body agenda and the chairperson or designee shall report to the governing body. The city council at any meeting held thirty (30) days or more after any item has been referred to a committee can, upon motion of any council member, determine whether such committee shall be discharged from further consideration of the item
- (2) An item initiated and considered by a committee pursuant to section 8.5(a)(2) may be placed on a governing body agenda and the chairperson or designee may report to the governing body. If during the course of a council meeting, a majority of the council votes in the affirmative on said motion, the council shall determine whether the item should be committed to any other committee or shall proceed to be discussed by the city council.

8.6 Quorum: In order to meet and take action, a majority of the committee members must be present.

8.7 Alternate Members of Committees: If a member of a committee cannot be present at a meeting, an alternate council member may be appointed to serve at that meeting, with full voting rights. The alternate shall be appointed by one of the following individuals, listed in order of priority:

- (a) The absent committee member.
- (b) The committee chair.
- (c) The deputy mayor.

8.8 Committee Meeting Times: Each committee shall meet as needed. Meetings may be called by the committee chair or by action of the committee. The city manager shall be notified of committee meetings at least twenty-four (24) hours in advance of any meeting. Any request for resource staff will be included in the notification. Council staff shall notify the city clerk of the time, place, and agenda at least twenty-four (24) hours in advance of the meeting. The city clerk shall post the notification to the city web site upon notification by Council staff.

8.9 Agenda Preparation: The chair shall be responsible for establishing the agenda for each committee meeting. Members desiring an item to be placed on the agenda should contact the chair directly or through the council staff.

- 673 **8.10 Minutes:** Minutes shall be kept of each meeting. Minutes are defined as an
674 overview of the proceedings, to include those in attendance, a brief summary
675 of the issues discussed and a record of the action(s) taken (including the
676 result of any vote(s) taken). Minutes shall be reviewed and approved by the
677 committee at a subsequent meeting. However, in the event that the
678 committee will not meet within the next thirty (30) days, the chairperson may
679 approve the minutes if there are no objections or changes from other
680 committee members. In the event of objections or changes, the committee
681 shall meet to discuss and take action.~~The minutes shall reflect the~~
682 ~~attendance of members and vote on each issue.~~
683
684 **8.11 Public Comment:** Public comment may be allowed on any matter on a
685 committee agenda, at the discretion of the chairperson. All rules of decorum
686 and conduct for comment established by these ~~Topeka City Council~~ Rules
687 and Procedures shall be applicable to public speakers.
688
689 **8.12 Committee Expenses:** No committee shall incur any expense without
690 having been authorized by a vote of a majority of the ~~council~~ governing body.
691
692 **8.13 Rules:** These ~~Council~~ Rules and Procedures shall apply to committees
693 unless inconsistent with this section.
694
695 **8.14 Television Coverage:** Except as otherwise provided, the public portions of
696 any committee meeting shall be televised, subject to budget constraints or
697 technical difficulties.
698

699 **9. CITIZEN INPUT**

- 700
701 **9.1 Manner of Addressing the ~~Council~~Governing Body:** Each person
702 ~~addressing the council~~ shall step up to the microphone and shall state his or
703 her name in an audible tone or voice for the record. All remarks shall be
704 addressed to the ~~council as a governing~~ body, and not to any member
705 thereof. No person, other than members of the ~~council~~ governing body and
706 the person having the floor, shall be permitted to enter into any discussion,
707 either directly or through the members ~~of the council~~. Any questions asked
708 by the person having the floor or by ~~council~~ members shall be allowed at the
709 sole discretion of the meeting chair.
710
711 **9.2 Personal and Slandorous Remarks:** The following will not be tolerated:
712 uttering fighting words, slander, speeches invasive of the privacy of
713 individuals, unreasonably loud or repetitious speech, or speeches so
714 disruptive of ~~council~~ proceedings that the legislative process is substantially
715 interrupted. Any individual engaging in ~~any of these~~ this type of behavior will
716 be warned once by the chair and if the behavior continues, the speaker will
717 be ordered to leave the podium. If necessary, the speaker will be escorted to
718 a seat in the council chambers, or escorted from the chambers if such

719 | person persists in interfering with the ability of the ~~council governing body~~ to
720 | reasonably carry out ~~council-its~~ functions.

- 721 |
722 | **9.3 Communication with the Governing Body:** Nothing in these ~~Council~~ Rules
723 | and Procedures shall be construed to limit a person's ability to contact
724 | members of the governing body.
725 |

726 | **10. SUSPENSION AND AMENDMENT OF ~~COUNCIL~~ RULES**
727 |

- 728 | **10.1 Suspension of These Rules:** Any provision of these rules not governed by
729 | the city charter or city code may be temporarily suspended by a two thirds
730 | (2/3rds) vote of the ~~council governing body~~. The vote on any such
731 | suspension shall be included in the record.
732 |

- 733 | **10.2 Amendment of These Rules:** These rules may be amended, or new rules
734 | adopted, by a majority vote of ~~all members of the council governing body~~,
735 | provided that the proposed amendments or new rules shall have been
736 | considered at a ~~council governing body~~ meeting.

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Policy and Finance

Referred on/by: June 15, 2016 by Budget Committee

Date referred from Committee: December 2, 2016

Title: A RESOLUTION introduced by the members of the Policy and Finance Committee regarding Council attendance at events and/or training and rescinding Resolution No. 6795.

Committee Action: Motion to approve the resolution, as amended. Motion passed: 3-0

Comments: N/A

Amendments: See amended resolution.

Members of Committee: Karen Hiller (Chair), Richard Harmon, Tony Emerson

Agenda Date Requested: 12/13/16 – Discussion
12/20/16 – Action

RESOLUTION NO. _____

A RESOLUTION introduced by the members of the Policy and Finance Committee regarding Council attendance at events and/or training and rescinding Resolution No. 6795.

WHEREAS, the City of Topeka Governing Body acknowledges that it may be a benefit to the City for members of the Council to attend events and/or training from time to time; and

WHEREAS, the Governing Body further realizes that events and/or training may be costly and therefore should be justified as a good investment for the citizens of Topeka.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that it hereby adopts the following policies for events and/or training attended by councilmembers:

1. Each councilmember may utilize, annually, 1/9 of the Council training budget. A councilmember's allocation may be reallocated by the councilmember to another councilmember.

2. Members attending events and/or training at City expense shall provide a written or verbal report to the governing body at a subsequent governing body meeting and provide additional information upon request.

BE IT FURTHER RESOLVED that Resolution No. 6795 is hereby rescinded.

ADOPTED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

RES/Council Training 12/5/16

RESOLUTION NO. 6795

A RESOLUTION introduced by the Policy Committee which addresses Council out-of-state travel, rescinding Resolution No. 6157.

WHEREAS, the Council of the City of Topeka realizes that it may be necessary for members of the Council to travel out of State from time to time; and

WHEREAS, the Council of the City of Topeka further realizes that out of State travel is costly.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that it hereby adopts the following policies to govern out of state travel by Council members:

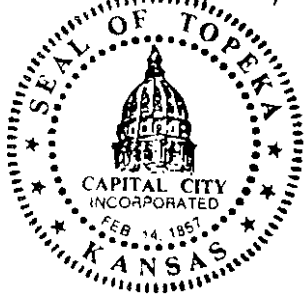
1. Not more than ten percent (10%) of the travel budget shall be expended by any one council member on an annual basis; and provided further, no other city funding source shall be used for this purpose.

2. Members traveling out of state at City expense shall file a written report of their activities with the City Clerk who shall provide a copy of said report to each member of the City Council.

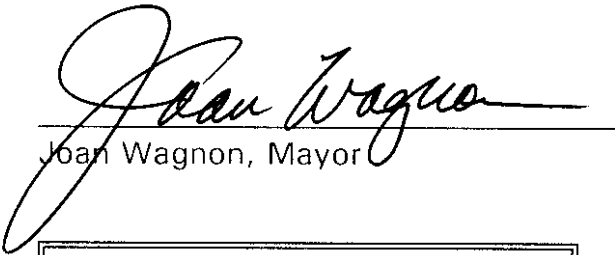
BE IT FURTHER RESOLVED that Resolution No. 6157 is hereby rescinded.

ADOPTED and APPROVED by City Council AUG 26 1997.

ATTEST:



Iris E. Walker, City Clerk


Joan Wagnon, Mayor

APPROVED AS TO FORM AND LEGALITY

DATE 8/15/97 BY 

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmember Karen Hiller, rescinding obsolete
4 resolutions concerning the legislative agenda process (Resolution
5 No. 8044) and designating a chaplain for councilmembers
6 (Resolution No. 7458).
7

8 WHEREAS, a recent overview of the Council Rules and Procedures required the
9 Policy and Finance Committee to conduct a review of the various resolutions established
10 to set policies for the governing body; and

11 WHEREAS, Resolution No. 8044 is no longer necessary because the City Manager
12 is responsible for bringing a proposed Legislative Agenda to the governing body; and

13 WHEREAS, Resolution No. 7458 is no longer necessary because each governing
14 body member can rely upon his or her own spiritual counselor to provide guidance, if and
15 as needed.

16 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
17 CITY OF TOPEKA, KANSAS, that City of Topeka Resolution Nos. 8044 and 7458 are
18 hereby rescinded.

19 ADOPTED and APPROVED by the Governing Body on _____.

20 CITY OF TOPEKA, KANSAS
21
22
23
24

25 _____
26 Larry E. Wolgast, Mayor

27 ATTEST:
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31

32 _____
Brenda Younger, City Clerk

RESOLUTION NO. 7458

A RESOLUTION introduced by Councilmember Lisa Stubbs relating to the establishment of an unpaid volunteer position of Chaplain to the City Council.

WHEREAS, it is a chaplain's role to provide non-denominational, support as well as crisis intervention, counseling, and guidance to those in need; and

WHEREAS, workplace stress is at its highest level in decades. Chaplaincy provides privileged communication which is helpful in seeking clarity in tense situations; and

WHEREAS, providing a chaplain to assist the City Council through stressful times is one more resource the City can utilize to reach out with concern to its employees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that an unpaid volunteer position of Chaplain to the City Council be established to provide the following services:

1. Participate in Council work sessions as least once a month to become familiar with the issues.
2. Visit City Council office every other week to check in on and be available for consultation with the City Council.
3. Provide intervention in times of crisis for the City Council.
4. Share his/her point of view in private consultation.

BE IT FURTHER RESOLVED that any type of public advocacy on the part of the chaplain relating to issues before the City Council shall be prohibited.

27 BE IT FURTHER RESOLVED that the Chaplain shall be appointed by the Deputy
28 Mayor on May 1 of each year.

29 ADOPTED and APPROVED by the City Council APR 20 2004



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James A. McClinton
James A. McClinton, Mayor

ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY	
DATE <u>4/23/04</u>	BY <u>[Signature]</u>

1
2
3 **RESOLUTION NO. 8044**

4 A RESOLUTION introduced by Councilmember Jack Woelfel establishing a schedule
5 for the annual adoption of a legislative agenda.

6 WHEREAS, the Kansas legislature, from time to time, considers legislation that
7 could impact the City of Topeka; and

8 WHEREAS, the City Council desires to inform the legislature of the Council's
9 support or opposition to such legislation; and

10 WHEREAS, the City has engaged the services of a professional lobbyist to assist
11 the City in communicating to the legislature the Council's position on legislation; and

12 WHEREAS, it is necessary for the City Council to establish a legislative agenda and
13 to provide that agenda to City's lobbyist in a timely fashion.

14 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
15 TOPEKA, KANSAS, that the Deputy Mayor shall by October 1 of each year provide the
16 City Council a list of possible topics for a legislative agenda.

17 BE IT FURTHER RESOLVED that the City Council shall by November 15 of each
18 year adopt a resolution establishing a legislative agenda for the next session of the Kansas
19 legislature.

20 ADOPTED and APPROVED by the City Council March 25, 2008

21 CITY OF TOPEKA, KANSAS

22
23
24 *William W. Bunten*
25 William W. Bunten, Mayor

26 ATTEST:

27
28 *Brenda Younger*
29 Brenda Younger, City Clerk
30





City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2016

DATE:	December 13, 2016	
CONTACT PERSON:	Brandon Kauffman, Director of Finance	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION regarding 2016 reserve transfers.

(Discussion is needed per the approved reserve policy which provides staff guidance on the use of reserves and establishes procedures for transferring reserves.)

POLICY ISSUE:

On November 15, 2016, the Governing Body approved a comprehensive reserve policy which provides staff guidance on the use of reserves, set reserve levels and identify proper use of reserves.

The policy established guidelines for use of reserves which will be discussed and then included in a resolution.

STAFF RECOMMENDATION:

Staff recommends that the governing body discuss the 2016 reserve balance recommendations which will be presented for approval on December 20, 2016.

BACKGROUND:

The Governing Body approved Resolution No. 8824 on November 15, 2016. The Resolution establishes a policy for reserve balances that requires governing body authorization to use or transfer excess unreserved balances. Excess unreserved balances may be used for one or more of the following items:

- Debt reduction.
- One-time expenditures that do not increase recurring operating costs that cannot be funded through current revenues.
- Establishment of or increase in reserves for risk management programs, equipment replacement, capital projects, emergencies, or disaster recovery.

- Fund accrued liabilities, including but not limited to other post-employment benefits.
- Increase the balance of the reserve levels if known that a future draw down could occur.

There are projected to be unreserved balances at the end of the 2016 fiscal year that exceed the minimum balance requirements in the General Fund, Fleet Fund, Unemployment Fund and Debt Service Fund.

Staff will proposed 2 resolutions on December 20th that would accomplish the following:

1. Procedural/Routine Transfers
2. Year End General Fund Excess Fund Transfers

BUDGETARY IMPACT:

Approving the resolution would provide authority to expend funds listed in the resolution.

SOURCE OF FUNDING:

Fleet Fund; Unemployment Fund; Debt Service Fund; General Fund

ATTACHMENTS:

Description

Resolution 8824 - COT Reserve Policy

2016 Reserve Transfer Summary

Resolution - General Fund Excess Funds

Resolution - Non General Fund Excess Funds

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Governing Body imposed commitment

Assigned City Manager assigned purpose/intent

Unassigned Residual balance not otherwise restricted

In the case of Proprietary funds (Enterprise and Internal Service Funds), Generally Accepted Accounting Principles ("GAAP") does not permit the reporting of reserves on the face of City financial statements. However, this does not preclude the City from setting policies to accumulate financial resources for prudent financial management of its proprietary fund operations.

Since proprietary funds may include both long-term capital assets and long-term liabilities, the most comparable measure of liquid financial resources that is similar to fund balance in proprietary funds is net working capital. Working capital is defined as the difference between current unrestricted assets and current liabilities. Net working capital, like fund balance, excludes long-term assets and long-term liabilities.

Use of Reserves

The City will avoid the use of reserves for recurring operating expenditures, unless a determination has been made that available balances are in excess of required guidelines and that plans have been established to address any future operating budget shortfalls.

Approval of the Governing Body shall be required in circumstances when reserve funds will be used to:

- Provide resources to make up for temporarily decreased revenues, such as reductions in state grants.
- Provide temporary resources in the event of an economic downturn while expenditure reductions are implemented.
- Provide resources in the event of a settlement rising from a claim or judgement.
- Fund one-time capital investments.

The City Manager shall notify the Governing Body in circumstances when reserve funds will be used to:

- Provide resources to meet emergency situations in case of disasters.
- Provide resources to fund obligations required by contract or state law (e.g. wages)

Authority of Reserves

The Governing Body may authorize the use of reserves. The Department of Administrative and Financial Services will regularly report reserve levels in quarterly statements and will report year-end projected reserve levels by the third quarter of each year.

Replenishment of Reserves

In the event that reserves are used resulting in a balance below the minimum as outlined in this policy for the various funds, a plan will be developed by the City Manager and such plan will be included in the formulation of the five-year forecast presented during the annual budget process to replenish reserve levels.

Governmental Fund Balance Policy

The City shall maintain a minimum unassigned fund balance equal to fifteen percent (15%) of the General Fund revenues and a target unassigned fund balance of twenty percent (20%) of the General Fund revenues.

The City shall maintain a minimum restricted fund balance equal to ten percent (10%) of the Debt Service Fund revenues.

The City shall maintain a minimum restricted fund balance equal to ten percent (10%) of the Motor Fuel Tax Fund revenues.

Special Revenue Funds Policy

The City shall maintain a minimum restricted reserve equal to ten percent (10%) of the Special Liability Fund revenues.

Proprietary Working Capital Policy

Enterprise Days Cash on Hand Policy

The City shall maintain a minimum days cash on hand for the Combined Utilities Fund. The days cash on hand policy will be equal to 185 days cash on hand as defined by any rating agency then rating the City's Combined Utility fund. This reserve will be maintained in order to provide continuity through extreme events, deal with normal cash fluctuations throughout the year, and maintain rate stability and funding capital investments.

The City shall maintain a minimum working capital reserve for the Parking Fund. The working capital reserve will be equal to 10% of the annual parking fund revenues.

Internal Service Working Capital Policy

The City shall maintain a minimum working capital for the Self Insurance Health Fund equal to a 95% confidence level, that funding will be sufficient to pay all losses and corresponding claim expenses. The 95% confidence level shall come from prior year run out claims. In addition, the City shall also maintain minimum working capital equal to 25% of current year expected annual claims and settlement expenses.

The City shall maintain a minimum working capital for other Self Insurance funds equal to a 95% confidence level that funding will be sufficient to pay all losses and corresponding claim expenses.

The City shall maintain a minimum working capital for other Internal Service Funds that provide services to other City departments at a level equal to 10% of expected revenues.

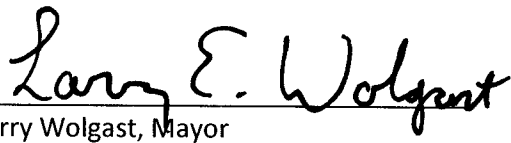
101 Excess unreserved balance

102 In the event that the unreserved balance exceeds the minimum or target balance requirements in the
103 General Fund, Special Revenue Funds, Debt Service Funds, and Enterprise Funds at the end of the fiscal
104 year, the excess may be used in one or a combination of the following ways with authorization from the
105 Governing Body:

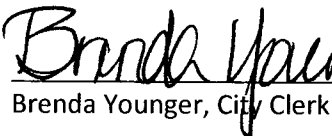
- 106 • Debt reduction
- 107 • One-time expenditures that do not increase recurring operating costs that cannot be funded
108 through current revenues. Emphasis will be placed on one-time uses that reduce future
109 operating costs.
- 110 • Establishment of or increase in reserves for risk management programs, equipment
111 replacement, capital projects, emergencies, or disaster recovery.
- 112 • Fund accrued liabilities, including but not limited to other post-employment benefits.
- 113 • Increase the balance of the reserve levels if known that a future draw down could occur.

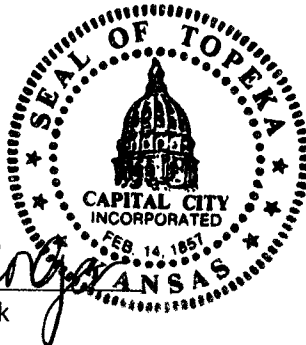
114 ADOPTED and APPROVED by the Governing Body on November 15, 2016.

CITY OF TOPEKA, KANSAS


Larry Wolgast, Mayor

121 ATTEST:

122 
123 Brenda Younger, City Clerk
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125



2016 Reserve Transfers Summary



Per Resolution 8824, Governing Body approval is required for use of reserve balance in certain circumstances including debt reduction, one-time expenditures, establishment of or increase in reserves, fund accrued liabilities, and/or to increase the balance of reserve levels if known a future draw will occur. The Governing Body will discuss the following items on December 13th, 2016 and tentatively approve on December 20th 2016.

Below is a summary of each of the proposed 2016 reserve transfers. The transfers will be presented in two separate resolutions: one resolution that is for non-General funds, and one specifically for projected General Fund excess funds.

Non General Fund Transfers

Establish Fleet Reserve Fund – It is recommended that \$300k of the Fleet Fund reserve balance be transferred to a newly established Fleet Reserve Fund. City Departments currently replace fleet an average of double the recommended age of the fleet. Establishing a fleet reserve replacement fund which departments would contribute to on a yearly basis for future replacement of vehicles is a best practice in fleet management. This fund would operate like an insurance fund; departments would have an annual charge that would be placed into a pool of funds. When time for their scheduled vehicle replacement based upon set replacement schedules they would receive those vehicles. The pool, over time, will help support proper replacement and reduce deferred maintenance operating costs to departments.

Unemployment Fund Transfer to Risk Reserve Fund – The Unemployment Fund accounts for assessments made against compensation paid to City employees, to be used only to reimburse the State for unemployment compensation payments. The revenue source for the fund is a charge to Departments based on .25% of employee wages. Expenses in the unemployment fund have decreased for several years due to less unemployment claims so the Fund has built up a reserve balance that is not anticipated to be needed, and the City has reduced the internal charge to .10%. It is recommended that \$360,000 of the reserve balance in the Unemployment Fund be transferred to the Risk Reserve Fund which provides money to reimburse the City from insurable losses not otherwise insured. The Risk Reserve Fund serves as a back-up to all risk funds.

Zoo Fire Hydrant Project – The Zoo Fire Hydrant Project was included in the 2017-2021 CIP for \$150k. Currently only one fire hydrant exists in Gage Park. During a recent planning evaluation of the zoo property, it was realized that there are no fire hydrants within the current zoo grounds. This project installs three hydrants on or adjacent to zoo property which will allow new construction to be within 400 feet of a hydrant to meet City Code. Through studying this project and the development of a fire hydrant master plan for the zoo, it was determined that this project will be the first of three phases to fully meet the zoo's needs and will need to increase the overall project budget to \$499,077. To accommodate this larger project budget, staff is recommending transferring budget authority from several other Zoo CIP projects and proposing an increased transfer from the Debt Service Fund.

2016 Reserve Transfers Summary



General Fund Excess Year End Transfers

As presented to the Governing Body on November 15th 2016, it is anticipated that the City will have an excess \$1.6m of General Funds at the end of 2016 which can be utilized for projects as approved by the Governing Body.

2015 Water Main Replacement Program for 6th Avenue – The original 2015 Water Main Replacement Program included a project on 6th Avenue which needs to be extended. Water main breaks are becoming more prevalent due to aging infrastructure. We have had 5 waterline breaks this year that have affected customers on 6th Street from Wanamaker East to I-70 bridge. It is proposed that \$400k from the General Fund be utilized to complete the Water Main replacement project. The project budget will be amended to accommodate the increased expenses.

General Fund Transfer to Fleet Reserve Fund – As explained above, staff proposed establishing a Fleet Reserve Fund. Transferring \$700k from the General Fund in addition to the \$300k from the Fleet Fund will give the fund seed money to begin the replacement program.

Municipal Court/Council Chamber Renovation – In a prior year the City had explored renovations to Municipal Court/Council Chambers but a funding source has not been identified. It is anticipated that \$300k could be spent used for general aesthetic improvements such as seating, update to the dias, lighting, and/or flooring.

Topeka Performing Arts Center (TPAC) Support – The Topeka Performing Arts Center has requested funds from the City to assist with 2016 cash flow. A separate memo will provide additional history and background on City funding of TPAC. The proposed \$100k would sustain TPAC for several months.

City Hall/TPAC Steps Budget Amendment— The TPAC/City Hall Steps Project was included in the 2017-2021 CIP for \$473,800. Originally, the City was going to apply for a Heritage Grant for this project. However, the renovation will gain greater financial support through receiving State Historic Tax Credits (approximately \$135,000). The Kansas State Tax Credit is equal to 25 percent of qualifying expenses incurred during the renovation of the TPAC steps. Tax credits will be received at approximately \$.90 on the dollar upon completion and submission to the Kansas Historical Society. As such, the City will be responsible for costs until the work is completed. An additional transfer of \$100k may be needed to complete the project and be eligible for tax credits.

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Interim City Manager Douglas Gerber, authorizing
4 the use of excess funds from unreserved fund balances.

5
6 WHEREAS, Resolution No. 8824 establishes a policy for reserve balances that
7 requires governing body authorization to use or transfer excess unreserved balances;
8 and

9 WHEREAS, excess unreserved balances may be used for one or more of the
10 following items:

- 11 • Debt reduction.
- 12 • One-time expenditures that do not increase recurring operating costs that
13 cannot be funded through current revenues.
- 14 • Establishment of or increase in reserves for risk management programs,
15 equipment replacement, capital projects, emergencies, or disaster
16 recovery.
- 17 • Fund accrued liabilities, including but not limited to other post-
18 employment benefits.
- 19 • Increase the balance of the reserve levels if known that a future draw
20 down could occur.

21 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
22 CITY OF TOPEKA, KANSAS, that:

23 1. There are unreserved balances at the end of the 2016 fiscal year that
24 exceed the minimum balance requirements in the General Fund, Fleet Fund,
25 Unemployment Fund and Debt Service Fund.

26 2. Pursuant to Resolution No. 8824, the Governing Body authorizes the
27 following uses or transfers:

28 A. An amount not to exceed \$400,000 from the General Fund for

water main replacement project T-281078.00.

B. An amount not to exceed \$700,000 from the General Fund to establish a Fleet Reserve Fund.

C. An amount not to exceed \$300,000 from the General Fund for a project to renovate Municipal Court/Council Chambers.

D. An amount not to exceed \$100,000 from the General Fund to the Topeka Performing Arts Center to support operations.

E. An amount not to exceed \$100,000 from the General Fund to the Topeka Performing Arts Center/City Hall Steps Project T- 131042.00.

3. All of the above-referenced uses or transfers of excess unreserved fund balances meet one or more of the conditions stated in Resolution No. 8824.

ADOPTED and APPROVED by the Governing Body _____
_____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Interim City Manager Douglas Gerber, authorizing
4 the use of excess funds from unreserved fund balances.

5
6 WHEREAS, Resolution No. 8824 establishes a policy for reserve balances that
7 requires governing body authorization to use or transfer excess unreserved balances;
8 and

9 WHEREAS, excess unreserved balances may be used for one or more of the
10 following items:

- 11 • Debt reduction.
- 12 • One-time expenditures that do not increase recurring operating costs that
13 cannot be funded through current revenues.
- 14 • Establishment of or increase in reserves for risk management programs,
15 equipment replacement, capital projects, emergencies, or disaster
16 recovery.
- 17 • Fund accrued liabilities, including but not limited to other post-
18 employment benefits.
- 19 • Increase the balance of the reserve levels if known that a future draw
20 down could occur.

21 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
22 CITY OF TOPEKA, KANSAS, that:

23 1. There are unreserved balances at the end of the 2016 fiscal year that
24 exceed the minimum balance requirements in the General Fund, Fleet Fund,
25 Unemployment Fund and Debt Service Fund.

26 2. Pursuant to Resolution No. 8824, the Governing Body authorizes the
27 following uses or transfers:

28 A. An amount not to exceed \$300,000 from the Fleet Fund to

29 establish a Fleet Reserve Fund.

30 B. An amount not to exceed \$360,000 from the Unemployment Fund
31 to the Risk Reserve Fund.

32 C. An amount not to exceed \$240,000 from the Debt Service Fund for
33 the Zoo Fire Hydrant project T-301050.00.

34 3. All of the above-referenced uses or transfers of excess unreserved fund
35 balances meet one or more of the conditions stated in Resolution No. 8824.

36 ADOPTED and APPROVED by the Governing Body _____
37 _____.

38 CITY OF TOPEKA, KANSAS
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43 _____
44 Larry E. Wolgast, Mayor
45

46 ATTEST:
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50 _____
51 Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 13, 2016

DATE: December 13, 2016
CONTACT PERSON: Nickie Lee
SECOND PARTY/SUBJECT:
DOCUMENT #:
PROJECT #: T-281078.00; T-301050.00; T-131042.00
CATEGORY/SUBCATEGORY 004 Budgets or Appropriations / 004 Project Budget - Capital Project
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION related to project budget amendments.

(Approval would authorize additional funds for three separate projects as outlined in each separate project resolution.)

POLICY ISSUE:

The Governing Body must amend project budgets which require higher expenditure than original authorities granted in the capital improvement plan.

STAFF RECOMMENDATION:

Staff recommends the Governing Body discuss the project budget amendments, and move to approve the amended project budget and resolutions on December 20th.

BACKGROUND:

Water Main Project: Water main breaks are becoming more prevalent due to aging infrastructure. Based on historic studies and experience in the United States, the average useful life for water mains ranges between 75-100 years, depending upon local (soil and environmental) conditions. Topeka's water distribution system consists of almost 861 miles of transmission and neighborhood distribution water mains ranging in size from 2 to 48 inches in diameter. Cast iron mains, the oldest water mains, make up a significant portion of the City's distribution system.

The 2015 project is being amended because the additional funding is allowing extension of a 6th Avenue project originally included in the 2015 program.

Zoo Fire Hydrant Project: Currently only one fire hydrant exists in Gage Park. During a recent planning

evaluation of the zoo property, it was realized that there are no fire hydrants within the current zoo grounds. As such, new development may not occur. This project installs three hydrants on or adjacent to zoo property which will allow new construction to be within 400 feet of a hydrant to meet City Code. Originally, this project was in the 2017-2021 CIP for a total of \$150,000. Through studying this project and the development of a fire hydrant master plan for the zoo, it was determined that this project will be the first of three phases to fully meet the zoo's needs. To accommodate this larger project budget, staff is recommending that we eliminate the Zoo Service Road Repair Project and transfer that project budget to this line as well as reduce the project budget for the Zoo Greenhouse and Storage building by the amount needed to fund this project.

TPAC Steps: This project was approved in the 2017-2021 CIP to repair the steps and entryway for Topeka Performing Arts Center and City Hall. Originally, the City was going to apply for a Heritage Grant for this project. However, the renovation will gain greater financial support through receiving State Historic Tax Credits (approximately \$135,000). The Kansas State Tax Credit is equal to 25 percent of qualifying expenses incurred during the renovation of the TPAC steps. Tax credits will be received at approximately \$.90 on the dollar upon completion and submission to the Kansas Historical Society. As such, the City will be responsible for costs until the work is completed.

BUDGETARY IMPACT:

Water Main Project: The approved budget in the Capital Improvement Program for 2015 was \$2,500,000. The budget amendment would provide an additional \$400k in General Funds to supplement funding for this program. The total requested budget amount is \$2,900,000.

Zoo Fire Hydrant Project: The approved budget in the Capital Improvement Program for 2017 is \$150,000. The budget amendment would provide an additional \$349,077 in Funds to supplement the project for a total of \$499,077. The additional funds would be reallocated from the Zoo Greenhouse Project (\$54k), Zoo Service Road Project (\$206,724), and Debt Service Cash (88,353).

TPAC Steps: The approved budget in the Capital Improvement Program for 2017 is \$473,800. \$90k was projected to come from the Heritage Grant and the remainder from General Fund Cash. The budget amendment would provide an additional \$126,200 in Funds to supplement the project for a total of \$600,000. Funding source will be updated to State Historic Tax Credits (\$135k) and General Fund (\$465k). The additional General Funds are proposed to be funded through 2016 year end excess General Funds.

SOURCE OF FUNDING:

Water Main Project: Utility operating funds, General Funds, Revenue Bonds, General Obligation Bonds, Temporary Notes, or Kansas Department of Health and Environment SRF Loan

Zoo Fire Hydrant Project: Debt Service Fund, Existing Projects

TPAC Steps: State Historic Tax Credits, General Fund

ATTACHMENTS:

Description

Fact Sheet - Water Main Project

Resolution - Water Main Project

Fact Sheet - TPAC-City Hall

Resolution - TPAC-City Hall Project

Fact Sheet - Zoo Fire Hydrant Project

Resolution - Zoo Fire Hydrant Project



FACT SHEET

Water Utility

T-281078.00

Water Main Replacement Program – Year 2015

Citywide

PROJECT ADMINISTRATION

Bob Sample, Interim Utilities Director

Paul Bodner, Project Manager

PROJECT SUMMARY

This comprehensive replacement program targets water mains with extensive break histories and aging infrastructure and includes necessary replacements associated with half-cent sales tax and other priority street improvements. The program's goal is to decrease annual maintenance and repair costs for the City and minimize water main break disruptions to Topeka neighborhoods and businesses in the targeted areas. Financing for the 2015 Water Main Replacement Program includes available operating funds, general funds and supplemental funding through revenue bonds as necessary for program implementation and success.

BACKGROUND

Water main breaks are becoming more prevalent due to aging infrastructure. Based on historic studies and experience in the United States, the average useful life for water mains ranges between 75-100 years, depending upon local (soil & environmental) conditions.

Topeka's water distribution system consists of almost 861 miles of transmission and neighborhood distribution water mains ranging in size from 2 to 48 inches in diameter. Cast iron mains, the oldest water mains, make up a significant portion of the city's distribution system.

The summary below shows the type and age of water main materials located throughout the City of Topeka and the percentage of breaks for each:

<u>Water Main: Type & Age</u>	<u>Miles</u>	<u>% of Breaks</u>
Cast Iron - installed pre-1900 to 1970's {most > 60 yrs. old}	379	80
Ductile Iron- used after mid-1970 to present {< 60 yrs. old}	238	15
Plastic & Concrete- used after 1996 {< 20 yrs. old}	244	5
Total	861	100

Replacement costs have risen from \$650,000 per mile in 2013 to over \$1,000,000 per mile in 2015. This rise in costs is largely due to increased prices for materials and resources. Assuming the optimal asset life span of 100 years, an annual replacement program approaching eight plus (8.0 +) miles or \$8 million per year is required to decrease progressive water main break rates in Topeka. As this program continues, annual replacement costs will stabilize and associated maintenance and repair costs will begin to diminish.

SOURCE OF FUNDING

Utility Operating Funds, Revenue Bonds, General Obligation Bonds, Temporary Notes, or Kansas Department of Health and Environment SRF Loan.

Note: \$400,000 has been identified in General Funds to supplement funding for this program.

PROJECT BUDGET

Approved Budget in CIP for 2016	\$2,000,000
Budget Amendment Request	\$ 400,000
New Budget Total	\$2,400,000

COUNCIL DISTRICT IMPACTED BY CONSTRUCTION EFFORTS

Citywide

DESIGN BY

To be determined by Qualification Statement submittals

CONTRACTOR

To be determined by Competitive Bids

PROJECT SCHEDULE

Design	2015-2016
Construction	2015-2017



PROJECT BUDGET

T-281078.00

Water Main Replacement Program - Year 2015

Citywide

LOCATION:

Throughout the Topeka water service area

DESCRIPTION OF PROJECT:

This program involves replacing water mains with extensive break histories and deteriorating infrastructure. The program will include needed replacements associated with half-cent sales tax and other priority street infrastructure. Program efforts allow for necessary improvements to Topeka's water infrastructure that will decrease maintenance and repair costs and minimize water main break disruptions to neighborhoods and targeted areas. Individual replacement projects will be financed through available operating funds supplemented by revenue bonds as necessary for the success of this program.

SOURCE OF FUNDS:

Utility Operating Funds, Revenue Bonds, General Obligation Bonds, Temporary Notes, or Kansas Health and Environment SRF Loan.

Note: \$400,000 has been identified in General Funds to supplement funding for this program.

	<u>City Funds</u>	<u>Amendments</u>
<u>COST ESTIMATE:</u>		
Construction:	\$1,321,230	\$340,000
Design:	\$208,200	\$60,000
Construction Service Fees:		
Construction Staking (5%)	\$66,062	
Construction Inspection (8%)	\$105,698	
City of Topeka Admin. (2%)	\$26,425	
Geotechnical Report	\$34,500	
Right-of Way Acquisition:		
Property Acquisition	\$0	\$0
Contingency Amount:	\$0	\$0
Temporary Note Interest	\$26,432	\$0
COI (2%)	\$35,242	\$0
Bond Reserve (10%)	\$176,211	\$0
Total:	\$2,000,000	\$400,000

PUBLIC HEARING:

PROJECT AUTHORITY:

- a. Statutes: _____
- b. Capital Budget Year: _____ 2015 _____
- c. Improvement District: _____
- d. City at Large: _____
- e. Method of Assessment: _____

PROJECT ENGINEER: _____ Paul Bodner _____

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Interim City Manager Douglas Gerber, amending and
4 authorizing the project budget approved by Resolution No. 8625 for
5 Improvement Project No. T-281078.00 which provides for the 2015
6 Water Main Replacement Program.
7

8 WHEREAS, Resolution No. 8625, adopted and approved June 3, 2013, authorized
9 Improvement Project No. T-281078.00 with a project budget of two million dollars
10 (\$2,000,000.00); and

11 WHEREAS, Resolution No. 8625 provides that project budgets cannot exceed the
12 amount identified in the capital improvement plan (CIP) without Council approval; and

13 WHEREAS, as a result of increasing project costs, the project budget must be
14 increased to two million four hundred thousand dollars (\$2,400,000.00).

15 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
16 CITY OF TOPEKA, KANSAS:

17 Section 1. That it deems advisable and necessary Improvement Project No. T-
18 281078.00 and also hereby authorizes, pursuant to § A12-1 of the Code of the City of
19 Topeka, that the public improvement be made as follows and as set forth in the revised
20 project budget attached hereto:

21 A. GENERAL NATURE OF IMPROVEMENT:
22

23 This comprehensive replacement program targets water mains with
24 extensive break histories and aging infrastructure and includes necessary
25 replacements associated with half-cent sales tax and other priority street
26 improvements. The program's goal is to decrease annual maintenance and
27 repair costs for the City and minimize water main break disruptions to
28 Topeka neighborhoods and businesses in the targeted areas.
29

30 B. TOTAL PROJECT BUDGET COST:

31
32 Original Amount: \$2,000,000

33 Additional Amount: \$ 400,000

34
35 \$2,400,000

36
37 C. SOURCE OF ADDITIONAL FUNDS:

38
39 General Fund Cash or any other lawfully available funds.

40
41 Section 2. That the cost estimate and any other part of the project budget
42 approved by Resolution No. 8625 which is in conflict with this Resolution and revised
43 project budget is hereby specifically repealed.

44 Section 3. That this Resolution shall take effect and be in force from and after its
45 adoption by the Governing Body.

46 ADOPTED and APPROVED by the Governing Body _____.

47 CITY OF TOPEKA, KANSAS

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52 Larry E. Wolgast, Mayor

53 ATTEST:

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56 _____
57 Brenda Younger, City Clerk



City of Topeka

Capital Improvement Project Summary

1. Project Title:	Steps for TPAC & City Hall (Formerly "Heritage Foundation Grant for TPAC & City Hall")	2. Project #: T-131042.00
3. Dept/Div:	Public Works	4. Project Year(s): 2017
5. Type:	New Repair/Replace X	6. Project Location TPAC & City Hall
7. Contact Name:	Vince Schuetz	8. Contact Phone: 368-3934

9. Project Description: (1). Repair the steps and entryway for Topeka Performing Arts Center and City Hall. Originally, the City was going to apply for a Heritage Grant for this project. However, the renovation will gain greater financial support through receiving State Historic Tax Credits (approximately \$135,000). The Kansas State Tax Credit is equal to 25 percent of qualifying expenses incurred during the renovation of the TPAC steps. Tax credits will be received at approximately \$.90 on the dollar upon completion and submission to the Kansas Historical Society. As such, the City will be responsible for costs until the work is completed.

10. Project Schedule and Estimate

	Year	Amount
a. Design/Administrative Fees		\$ -
b. Right-of Way		\$ -
c. Construction/Service Fees		\$ 529,000
d. Contingency		\$ 71,000
e. Technology		\$ -
f. Financing Costs (Temp Notes)		\$ -
g. Cost of Issuance (Rev/GO Bonds)		\$ -
h. Debt Reserve Fund (Rev Bonds)		\$ -
i. Capitalized Interest		\$ -
Project Total		\$ 600,000
Estimated Life of Item (years):	70	
Source of Estimate/Year:	Contractor - 2016	

11. Estimated Annual Operating Cost

Basis for Cost Estimate and Funding Source:
 Estimated construction cost from Schwerdt Design Group, Inc. was \$529,000.
 The City is responsible for all costs initially, and upon completion of the project, will receive 25 percent of the total costs at approximately \$.90 on the dollar through State Historic Tax Credits. Total commitment from the City following receipt of tax credits is estimated at \$394,000 assuming original cost estimate holds.

12. Amount by source of financing

	1. State Historic Tax Credits	2. General Fund Cash	3.	4.	5.	TOTAL
2017	135,000	465,000				\$600,000
2018						\$0
2019						\$0
2020						\$0
2021						\$0
TOTAL	\$135,000	\$465,000		\$0	\$0	\$600,000



City of Topeka

Capital Improvement Project Summary

1. Project Title: Heritage Foundation Grant for TPAC & City Hall 2. Project #: T-131042.00
 3. Dept/Div: Public Works 4. Project Year(s): 2017
 5. Type: New Repair/Replace X 6. Project Location TPAC & City Hall
 7. Contact Name: Vince Schuetz 8. Contact Phone: 368-3934

9. Project Description: (1). Repair the steps and entryway for Topeka Performing Arts Center and City Hall. 2015 is the first year that this property was qualified for this grant. If chosen, City of Topeka is required to match 20% of the cost to repair and the Heritage Foundation will cover the other 80%. Grant recipients are chosen near the end of the year for participation in the following year but we must show that we have our match in monies.

10. Project Schedule and Estimate

	<u>Year</u>	<u>Amount</u>
a. Design/Administrative Fees	\$	-
b. Right-of Way	\$	-
c. Construction/Service Fees	\$	412,000
d. Contingency	\$	61,800
e. Technology	\$	-
f. Financing Costs (Temp Notes)	\$	-
g. Cost of Issuance (Rev/GO Bonds)	\$	-
h. Debt Reserve Fund (Rev Bonds)	\$	-
i. Capitalized Interest	\$	-
Project Total	\$	473,800

Estimated Life of Item (years): 70

Source of Estimate/Year: Contractor - 2015

11. Estimated Annual Operating Cost

Basis for Cost Estimate and Funding Source:
 Estimate from mason contractor came in at \$400,000.00

12. Amount by source of financing

	1. Heritage Grant	2. General Fund Cash	3.	4.	5.	TOTAL
2017	90,000	383,800				\$473,800
2018						\$0
2019						\$0
2020						\$0
2021						\$0
TOTAL	\$90,000	\$383,800		\$0	\$0	\$473,800

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Interim City Manager Douglas Gerber, amending and
4 authorizing the project budget approved by Resolution No. 8755 for
5 Improvement Project No. T-131042.00 which provides for repairing
6 the steps and entryway for the Topeka Performing Arts Center and
7 City Hall.
8

9 WHEREAS, Resolution No. 8755, adopted and approved April 19, 2016, authorized
10 Improvement Project No. T-131042.00 with a project budget of four hundred seventy-three
11 thousand eight hundred dollars (\$473,800.00) with \$90,000.00 from Heritage Grant funds;
12 and

13 WHEREAS, Resolution No. 8625 provides that project budgets cannot exceed the
14 amount identified in the capital improvement plan (CIP) without Council approval; and

15 WHEREAS, the estimated cost of the project has increased and the renovation will
16 gain greater financial support by foregoing the grant and receiving State Historic Tax
17 Credits; and

18 WHEREAS, the project budget needs amended to reflect these changes to the
19 project.

20 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
21 CITY OF TOPEKA, KANSAS:

22 Section 1. That it deems advisable and necessary Improvement Project No. T-
23 131042.00 and also hereby authorizes the public improvement be made as follows and as
24 set forth in the revised project budget attached hereto:

25 A. GENERAL NATURE OF IMPROVEMENT:

26 This project will repair the steps and entryway to the Topeka Performing Arts
27 Center and City Hall.
28
29

30 B. TOTAL PROJECT BUDGET COST:

31
32 Original Amount: \$473,800

33 Additional Amount: \$126,200

34
35 \$600,000

36
37 C. SOURCE OF FUNDS FOR ADDITIONAL AMOUNT:

38 General Fund Cash or any other lawfully available funds.

39
40 Section 2. That the cost estimate and any other part of the project budget
41 approved by Resolution No. 8755 which is in conflict with this Resolution and revised
42 project budget is hereby specifically repealed.

43 Section 3. That this Resolution shall take effect and be in force from and after its
44 adoption by the Governing Body.

45 ADOPTED and APPROVED by the Governing Body _____.

46 CITY OF TOPEKA, KANSAS

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51 Larry E. Wolgast, Mayor

52 ATTEST:

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55 _____
56 Brenda Younger, City Clerk



City of Topeka

Capital Improvement Project Summary

1. Project Title: Zoo Fire Hydrants 2. Project #: T-301050.00
 3. Dept/Div: Zoo 4. Project Year(s): 2017
 5. Type: New x Repair/Replace 6. Project Location Topeka Zoological Park
 7. Contact Name: Brendan Wiley 8. Contact Phone: 368-9131

9. Project Description: Currently only one fire hydrant exists in Gage Park. During a recent planning evaluation of the zoo property, it was realized that there are no fire hydrants within the current zoo grounds. As such, new development may not occur. This project installs three hydrants on or adjacent to zoo property which will allow new construction to be within 400 feet of a hydrant to meet City Code. Originally, this project was in the CIP for a total of \$150,000. Through studying this project and the development of a fire hydrant master plan for the zoo, it was determined that this project will be the first of three phases to fully meet the zoo's needs. To accommodate this larger project budget, staff is recommending that we delay the Zoo Service Road Repair Project and transfer that project budget to this line as well as reduce the project budget for the Zoo Greenhouse and Storage building by the amount needed to fund this project.

10. Project Schedule and Estimate

	<u>Year</u>	<u>Amount</u>
a. Design/Administrative Fees		\$ 142,464
b. Right-of Way		\$ -
c. Construction/Service Fees		\$ 324,284
d. Contingency		\$ 32,328
e. Technology		\$ -
f. Financing Costs (Temp Notes)		\$ -
g. Cost of Issuance (Rev/GO Bonds)		\$ -
h. Debt Reserve Fund (Rev Bonds)		\$ -
i. Capitalized Interest		\$ -
Project Total		\$ 499,077

Estimated Life of Item (years): Perpetual

Source of Estimate/Year: 2016

12. Amount by source of financing

	1. Debt Service Cash	2. Transfer from Greenhouse Project (#301045)	3. Transfer from Zoo Service Road Project (#301051)	4.	5.	TOTAL
2016	238,353	54,000	206,724			\$499,077
2017						\$0
2018						\$0
2019						\$0
2020						\$0
TOTAL	\$238,353	\$54,000	\$206,724	\$0	\$0	\$499,077



City of Topeka

Capital Improvement Project Summary

1. Project Title: Zoo Fire Hydrants 2. Project #: T-301050.00
 3. Dept/Div: Zoo 4. Project Year(s): 2017
 5. Type: New x Repair/Replace 6. Project Location Topeka Zoological Park
 7. Contact Name: Brendan Wiley 8. Contact Phone: 368-9131

9. Project Description: During a recent planning evaluation of the zoo property, it was realized that there are no fire hydrants within the current zoo grounds. As such, new development may not occur. This project installs three hydrants on zoo property which will allow all current and planned zoo buildings to be within 400 feet of a hydrant to meet City Code.

10. Project Schedule and Estimate

	<u>Year</u>	<u>Amount</u>
a. Design/Administrative Fees		\$ 10,000
b. Right-of Way		\$ -
c. Construction/Service Fees		\$ 135,000
d. Contingency		\$ 5,000
e. Technology		\$ -
f. Financing Costs (Temp Notes)		\$ -
g. Cost of Issuance (Rev/GO Bonds)		\$ -
h. Debt Reserve Fund (Rev Bonds)		\$ -
i. Capitalized Interest		\$ -
Project Total		\$ 150,000

Estimated Life of Item (years): Perpetual

Source of Estimate/Year: 2015

12. Amount by source of financing

	1. Debt Service Cash	2.	3.	4.	5.	TOTAL
2017	150,000					\$150,000
2018						\$0
2019						\$0
2020						\$0
2021						\$0
TOTAL	\$150,000		\$0	\$0	\$0	\$150,000

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Interim City Manager Douglas Gerber, amending and
4 authorizing the project budget approved by Resolution No. 8755 for
5 Improvement Project No. T-301050.00 which provides for fire hydrant
6 installation at the Topeka Zoological Park.
7

8 WHEREAS, Resolution No. 8755, adopted and approved April 19, 2016, authorized
9 Improvement Project No. T-301050.00 with a project budget of one hundred fifty thousand
10 dollars (\$150,000.00); and

11 WHEREAS, Resolution No. 8755 provides that project budgets cannot exceed the
12 amount identified in the capital improvement plan (CIP) without Council approval; and

13 WHEREAS, the cost of the project has increased and staff recommends delaying
14 the Zoo Service Road Repair Project and reducing the budget for the Zoo Greenhouse and
15 Storage Building to accommodate the larger project budget of four hundred ninety-nine
16 thousand seventy-seven dollars (\$499,077.00).

17 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
18 CITY OF TOPEKA, KANSAS:

19 Section 1. That it deems advisable and necessary Improvement Project No. T-
20 301050.00 and also hereby authorizes the public improvement be made as follows and as
21 set forth in the revised project budget attached hereto:

22 A. GENERAL NATURE OF IMPROVEMENT:
23

24 This project installs three hydrants on or adjacent to zoo property which will
25 allow new construction to be within 400 feet of a hydrant to meet City Code.
26 Through studying this project and the development of a fire hydrant master
27 plan for the zoo, it was determined that this project will be the first of three
28 phases to fully meet the zoo's needs.
29

30 B. TOTAL PROJECT BUDGET COST:

31
32 Original Amount: \$150,000

33 Additional Amount: \$349,077

34
35 \$499,077

36
37 C. SOURCE OF FUNDS FOR ADDITIONAL AMOUNT:

38 Debt Service Fund or any other lawfully available funds.

39
40 Section 2. That the cost estimate and any other part of the project budget
41 approved by Resolution No. 8755 which is in conflict with this Resolution and revised
42 project budget is hereby specifically repealed.

43 Section 3. That this Resolution shall take effect and be in force from and after its
44 adoption by the Governing Body.

45 ADOPTED and APPROVED by the Governing Body _____.

46 CITY OF TOPEKA, KANSAS

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50 _____
51 Larry E. Wolgast, Mayor

52 ATTEST:

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55 _____
56 Brenda Younger, City Clerk