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

Governing Body Agenda

August 14, 2018
6:00 PM

Mayor: Michelle De La Isla

Councilmembers

Karen A. Hiller	District No. 1	Brendan Jensen	District No. 6
Sandra Clear	District No. 2	Aaron Mays	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Coen	District No. 8
Tony Emerson	District No. 4	Michael Lesser	District No. 9
Mike Padilla	District No. 5		

City Manager: Brent Trout

Addressing the Governing Body: No person shall address the Governing Body during a Governing Body Meeting, unless they have notified the City Clerk at (785)368-3940 or by email at cclerk@topeka.org by 5:00 P.M. on the day of any Governing Body Meeting or sign up to speak at the meeting by 6:00 P.M. This limitation shall not apply to items added during the course of a meeting. The Governing Body 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 Governing Body.

Persons addressing the Governing Body will be limited to four (4) consecutive minutes on a particular agenda item. Debate, question/answer dialogue or discussion between Governing Body members will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Governing Body or by an affirmative vote of five (5) Governing Body members may extend the four (4) minute limitation. The requirement to notify the City Clerk will not apply towards public hearings required by State and Federal law.

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 https://www.topeka.org)

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PRESENTATIONS:

"Finance Quarterly Report"
"Planning Quarterly Report"

2. ROLL CALL:

3. CONSENT AGENDA:

A. MINUTES of the regular meeting of August 7, 2018

B. APPLICATIONS:

4. ACTION ITEMS:

A. Ordinance - Combined Utility Revenue Bonds Series 2018-A

ORDINANCE introduced by City Manager Brent Trout authorizing and providing for the issuance of $46,710,000 aggregate principal amount of Combined Utility Revenue Bonds, Series 2018-A, of the City of Topeka, Kansas; making certain covenants and agreements to provide for the payment and security thereof and authorizing certain other documents and actions in connection therewith.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would allow the City to move forward with permanently financing $46,710,000 in previously authorized improvements.)

B. Resolution - Combined Utility Revenue Bonds Series 2018-A

RESOLUTION introduced by City Manager Brent Trout prescribing the form and details of and authorizing and directing the sale and delivery of $46,710,000 aggregate principal amount of Combined Utility Revenue Bonds, Series 2018-A, of the City of Topeka, Kansas, previously authorized by ordinance of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would allow the City to move forward with permanently financing $46,710,000 in previously authorized improvements.)

C. Ordinance - College Hill Apartments, L.L.C. (PUD06/01C)

ORDINANCE introduced by City Manager Brent Trout, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for amendment of the Planned Unit Development Master Plan for the College Hill Redevelopment Subdivision to allow for the construction and operation of a dog park and pet exercise area as an interim use with the underlying PUD land use of eight attached residential townhomes to remain in place for future construction on vacant property located at 1423 SW Lane Street. *(PUD06/01C) (Council District No.1) (Deferred from the meeting of August 7, 2018.)*

Voting Requirements:
(1) Approve the Ordinance - 6 votes
(2) Remand back to the Planning Commission - 6 votes
(3) Amend the Planning Commission's Recommendation - 7 votes
(4) Deny the Planning Commission's Recommendation - 7 votes

(Approval would allow a dog park for interim use by residents of the College Hill Apartments.)

D. Ordinance - Kathleen and John Belt (Z18/03)

ORDINANCE introduced by City Manager Brent Trout, amending the "District Map" referred to and made a part of the Zoning Ordinance by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 412 SW Jackson Street from "I-1" Light Industrial District to "D-1" Downtown District. *(Z18/03) (Council District No.1)*

Voting Requirements:
(1) Approve the Ordinance - 6 votes
(2) Remand back to the Planning Commission - 6 votes
(3) Amend the Planning Commission's Recommendation - 7 votes
(4) Deny the Planning Commission's Recommendation - 7 votes

(Approval would allow the building to be used for residential uses.)

E. Ordinance - Kanza Education and Science Park Master PUD Plan - Revision No. 3 (PUD11/5C)

AN ORDINANCE introduced by City Manager Brent Trout, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, approving a major amendment to the Planned Unit Development (PUD) Master Plan for Kanza Education and Science Park to allow the additional use of multiple family residential on Lot 1, Block C and further described as 'Area A' all contained on property located at 3001 SW Kanza Drive. *(PUD11/5C) (Council District No. 1)*

Voting Requirements:
(1) Approve the Ordinance - 6 votes
(2) Remand back to the Planning Commission - 6 votes
(3) Amend the Planning Commission's Recommendation - 7 votes
(4) Deny the Planning Commission's Recommendation - 7 votes

(Approval would allow for the development of a 132-unit apartment complex.)

F. Ordinance - Frito Lay ASRS Master PUD Plan (PUD18/1)

ORDINANCE introduced by City Manager Brent Trout, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at the southwest intersection of SW Kirklawn Road and SW 42nd Street from "I-1" Light Industrial District TO "PUD" Planned Unit Development District (I-1 use group). *(PUD18/1) (Council District No. 5)*

Voting Requirements:
(1) Approve the Ordinance - 6 votes
(2) Remand back to the Planning Commission - 6 votes
(3) Amend the Planning Commission's Recommendation - 7 votes
(4) Deny the Planning Commission's Recommendation - 7 votes

(Approval would allow for the construction of three automated storage and retrieval system warehouses "ASRS" in three phases along with truck staging and parking. The PUD is needed to allow for the building height's up to a maximum of 125 feet, which exceeds the 70 foot height limit in the "I-1" zoning district.)

G. Final Plat - Frito Lay Subdivision No. 3 (P18/13)

FINAL PLAT for Frito Lay Subdivision No. 3 on property lying between and running linearly between SW 42nd Street and SW 49th Street, approximately halfway between SW Topeka Boulevard and U.S. 75 Highway with the northwest corner lying adjacent with the Kansas Turnpike, all being within the City of Topeka, Shawnee County, Kansas. *(P18/13)(Council District No. 5)*

Voting Requirement: Majority vote of the Governing Body (6)

(Approval would dedicate rights-of-way and easements and would accommodate a two-lot subdivision to provide for the re-alignment of SW 42nd Street/SW Wenger Road connecting to SW 49th Street as an industrial collector street. Lot 1 is the subject of the corresponding PUD18/01 application. Lot 2 remains zoned I-1 and there is no development planned for Lot 2 in the near future.)

H. 2019 Consolidated Annual Action Plan - Approval

APPROVAL of the City of Topeka 2019 Consolidated Annual Action Plan.

Voting Requirement: Majority vote of the Governing Body (6)

(Approval of the 2019 Consolidated Annual Action Plan includes program plans for approximately $6.2 million in HUD grant funding, City General Fund dollars and Capital Improvement Budget funding for the plan period 2019.)

I. Appropriation Ordinance - 2019 City of Topeka Operating Budget

AN APPROPRIATION ORDINANCE introduced by City Manager Brent Trout, approving and adopting the operating budget for calendar year 2019 and appropriating the amounts for the purpose set forth therein.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would adopt the City's 2019 Operating Budget.)

5. ANNOUNCEMENTS:

6. PUBLIC COMMENT:

7. EXECUTIVE SESSION:

8. ADJOURNMENT:

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 14, 2018

DATE:	**August 14, 2018**	
CONTACT PERSON:		**DOCUMENT #:**
SECOND PARTY/SUBJECT:		**PROJECT #:**
CATEGORY/SUBCATEGORY		
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

"Finance Quarterly Report"
"Planning Quarterly Report"

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Finance Report
Planning Report

city of topeka

2018 ADOPTED budget

2nd quarter report for 6 months ending june 30, 2018

quality of life | neighborhoods | public safety | infrastructure

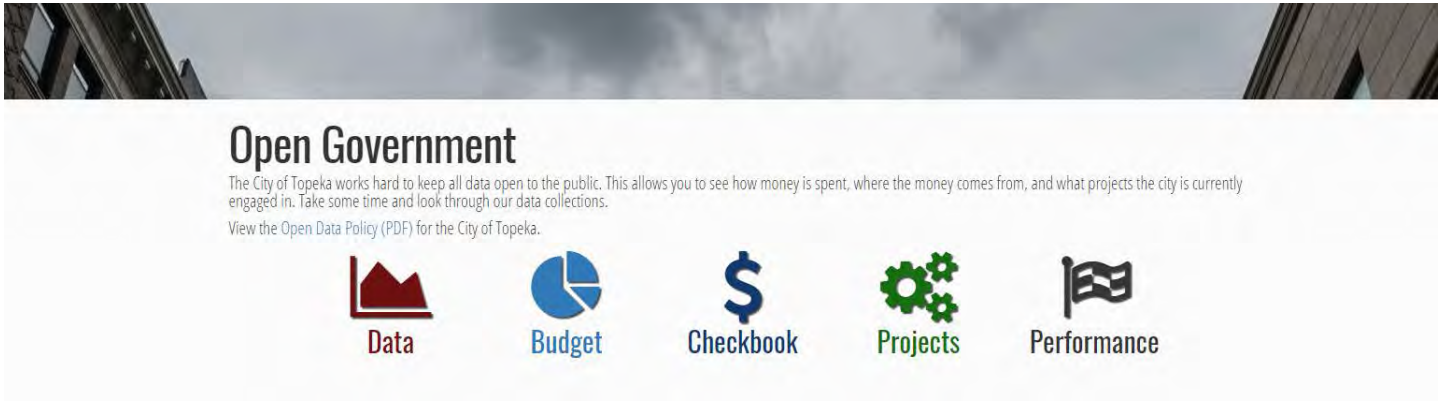
Revenues

- Total revenues up 4.14%
- General Fund revenues up 1.2%
- Property tax up 1%
- General Fund sales tax increased slightly .76%
- Water Fees up 8.3%
- Wastewater fees up 7.2%
- Franchise Fees up 5%
- Stormwater Fee up 5.2%
- Special Highway Flat

Expenditures

- Total expenses up 2%
- General Fund expenses up 3%
- Water expenses up 5%
- Stormwater expenses flat
- Wastewater expenses up 5%

Additional Information



Topeka Kansas

Development and Growth Management Report

2018 YTD

2nd Quarter 2018

WASHBURN UNIVERSITY TECH™

EAST

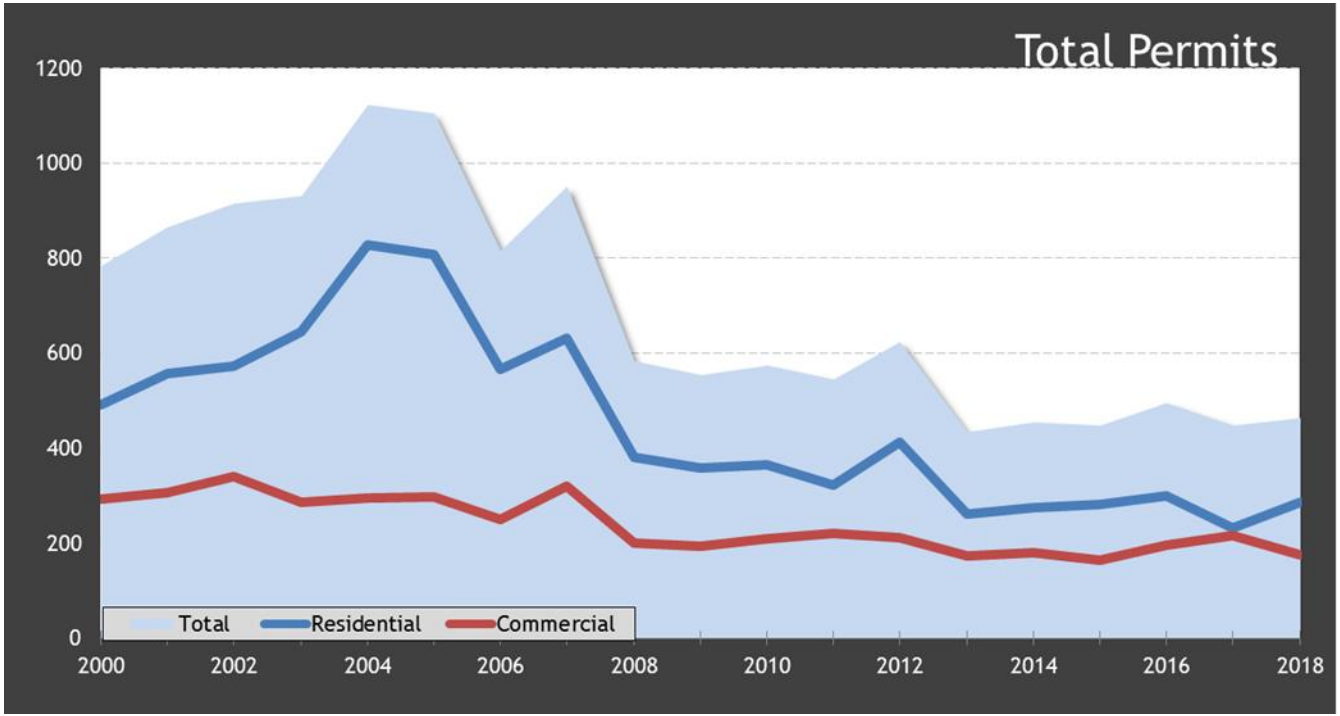
2018 Permits Projected = 462

- Vs. 2017 Permits = 448

3.1%

- Vs. 5 yr. average = 455

1.5%



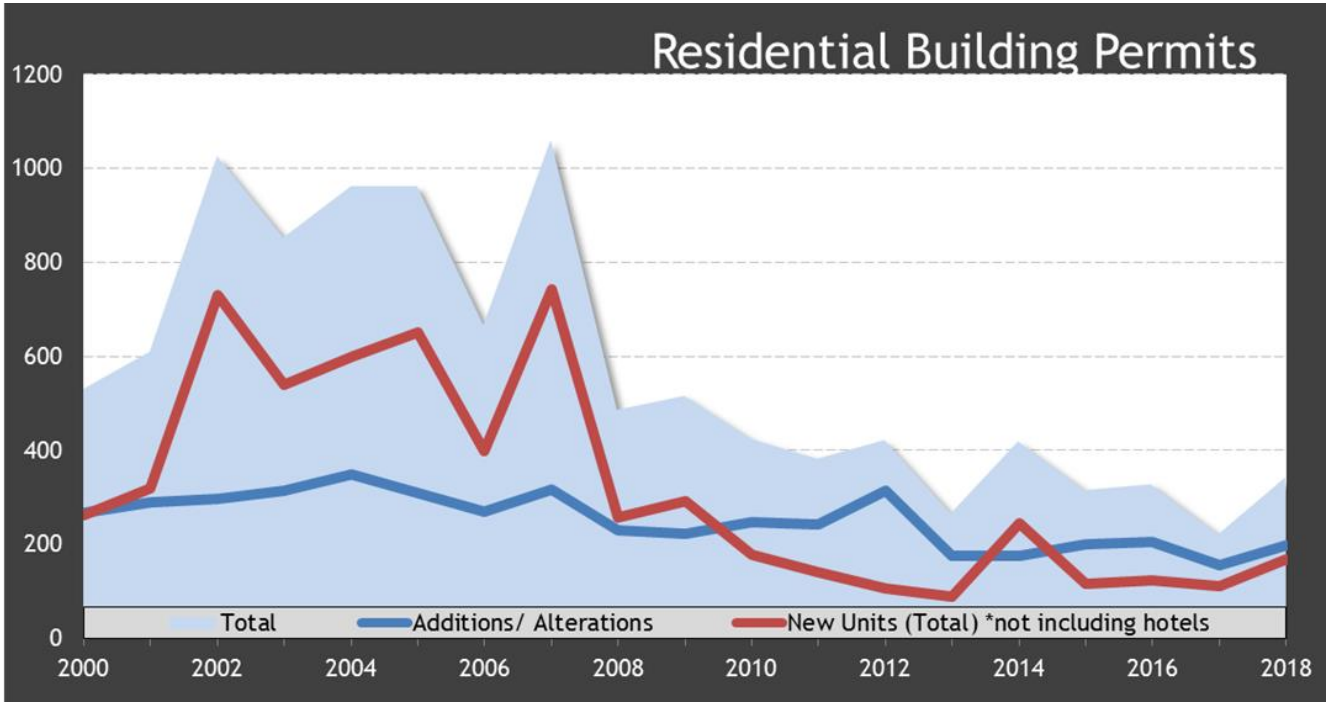
2018 New Units Projected = 168

- Vs. 2017 Units = 110

52.7%

- Vs. 5 yr. average = 137

22.6%



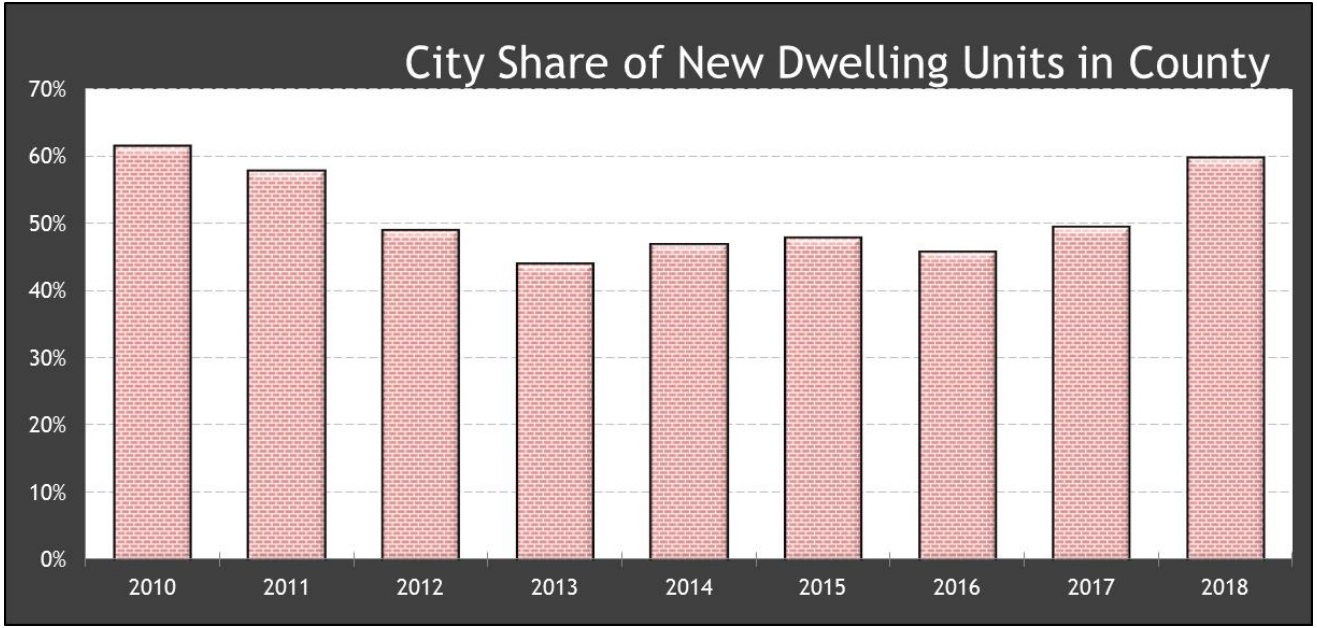
2018 New Unit Share
City = 59.7%

- Vs. 2017 = 47.8%

24.9%

- Vs. 5 yr. avg = 47.9%

24.6%



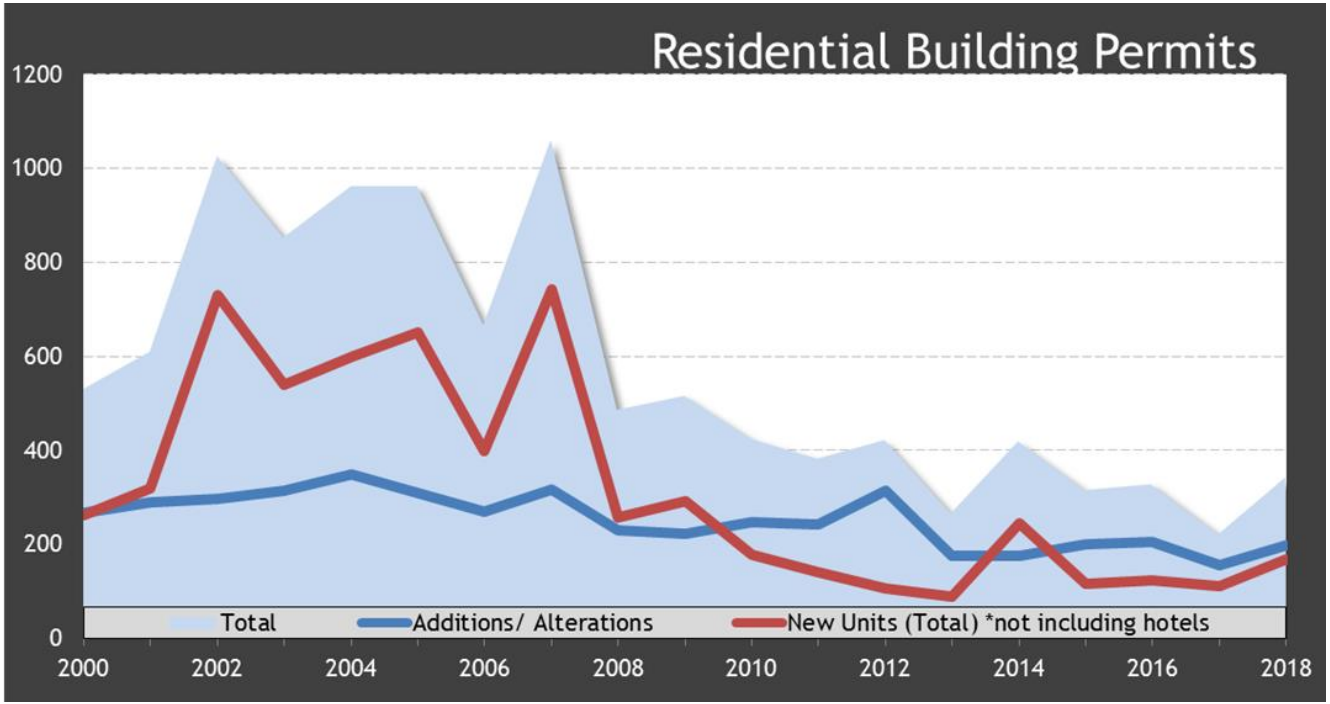
2018 Additions/ Alterations Projected = 198

- Vs. 2017 Units = 155

27.7%

- Vs. 5 yr. average = 182

8.8%



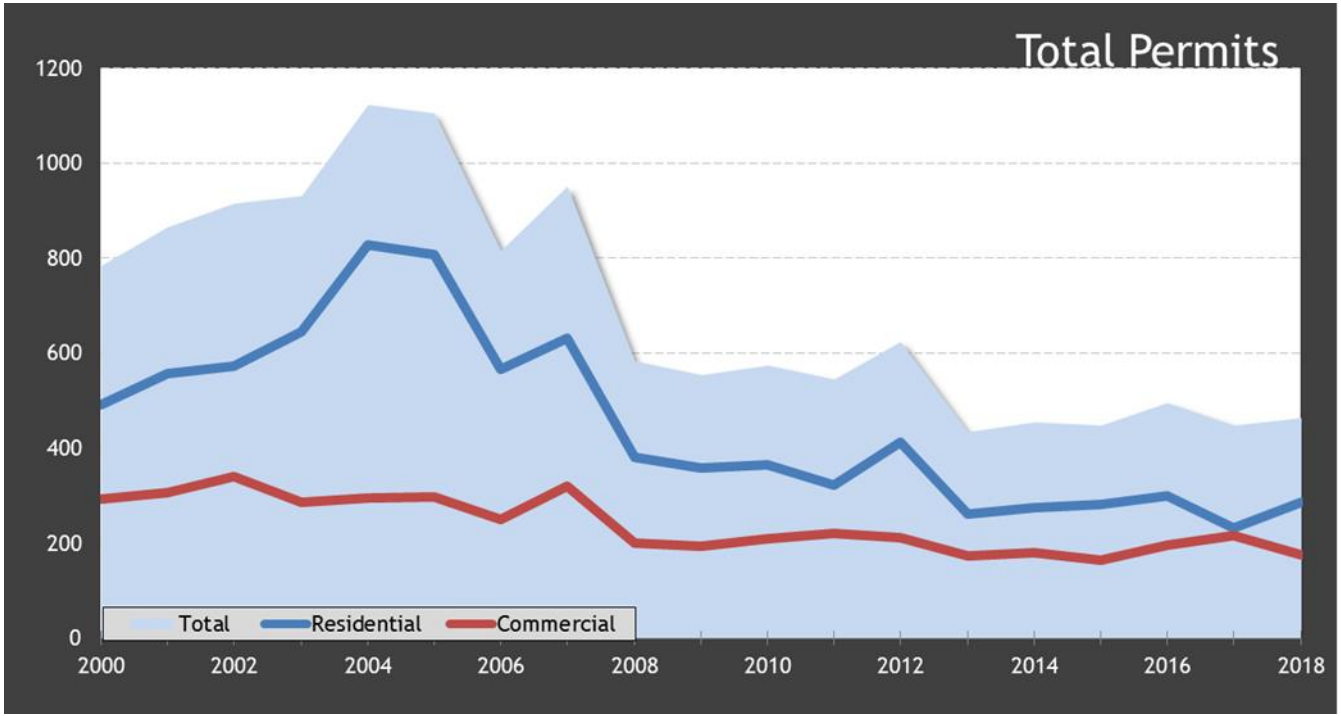
2018 Commercial Permits Projected = 176

- Vs. 2017 = 216

-18.5%

- Vs. 5 yr. avg = 186

-5.4%



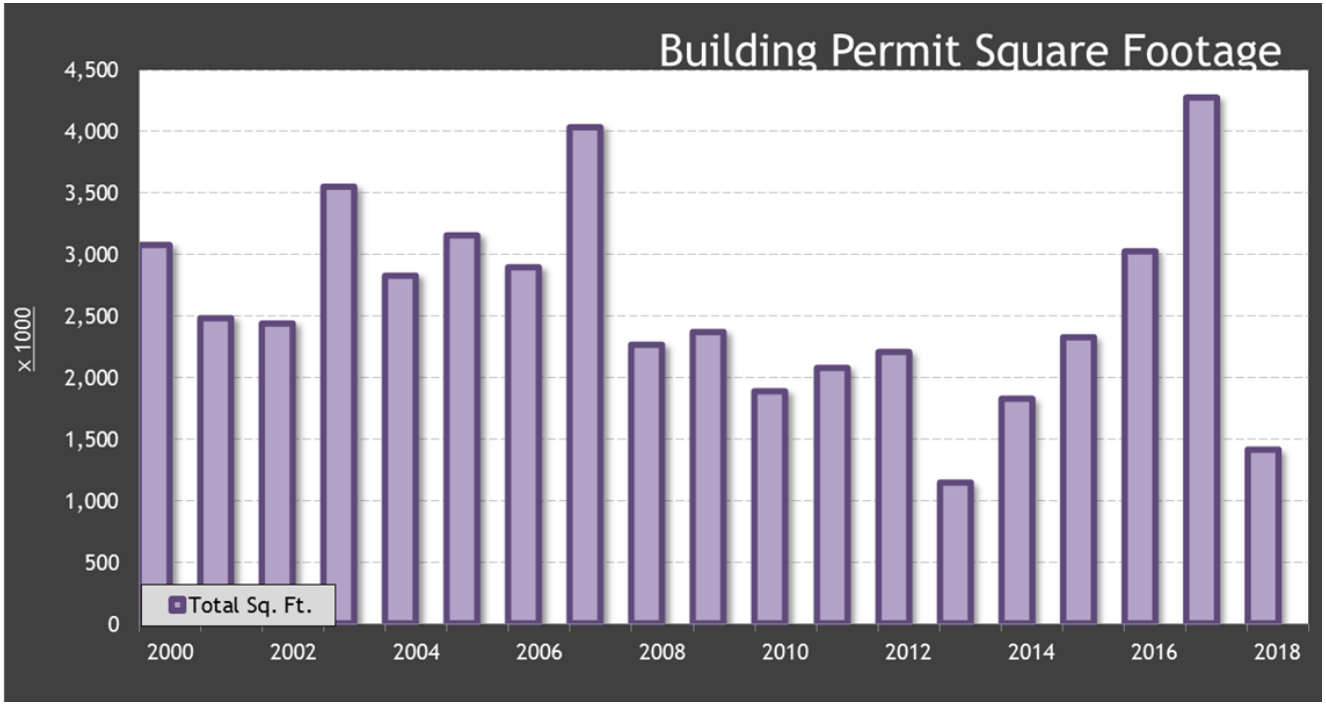
2018 Sq. Ft.
Projected = 1.4M

- Vs. 2017 Sq. Ft = 4.3M

-67.1%

- Vs. 5 yr. avg = 2.5M

-44.1%



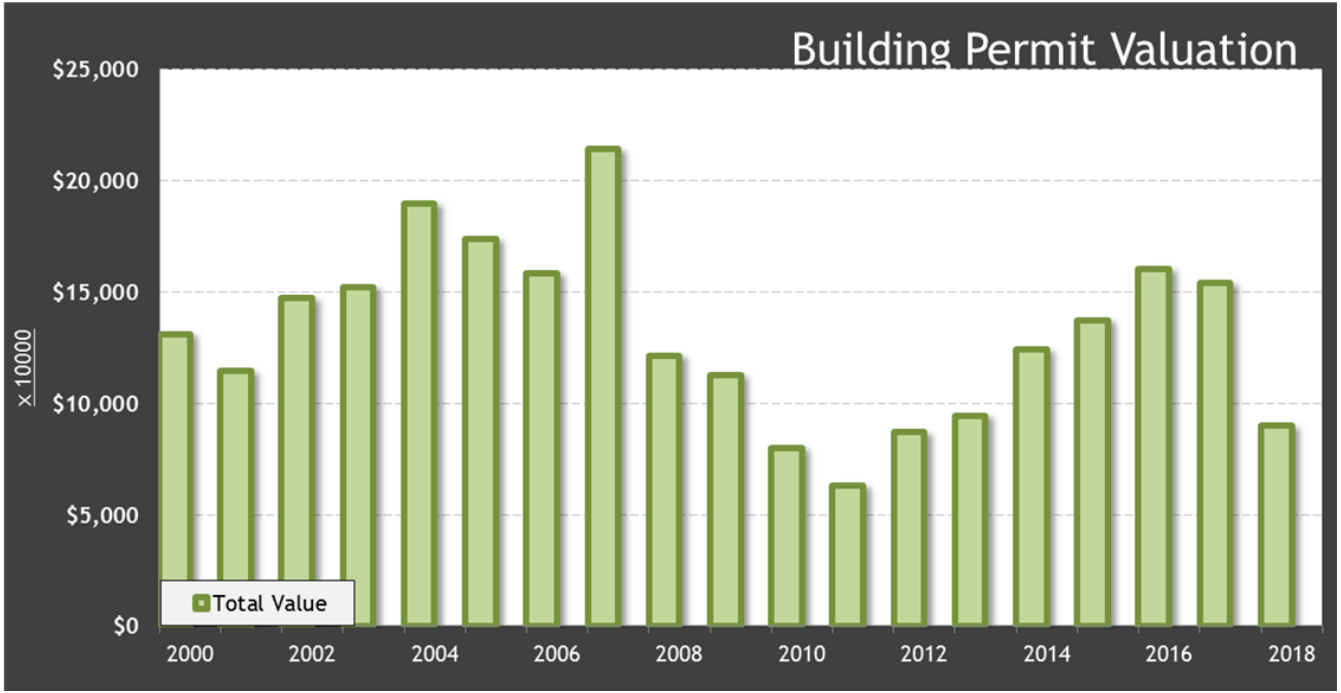
2018 Permit Value Projected= $89.6M

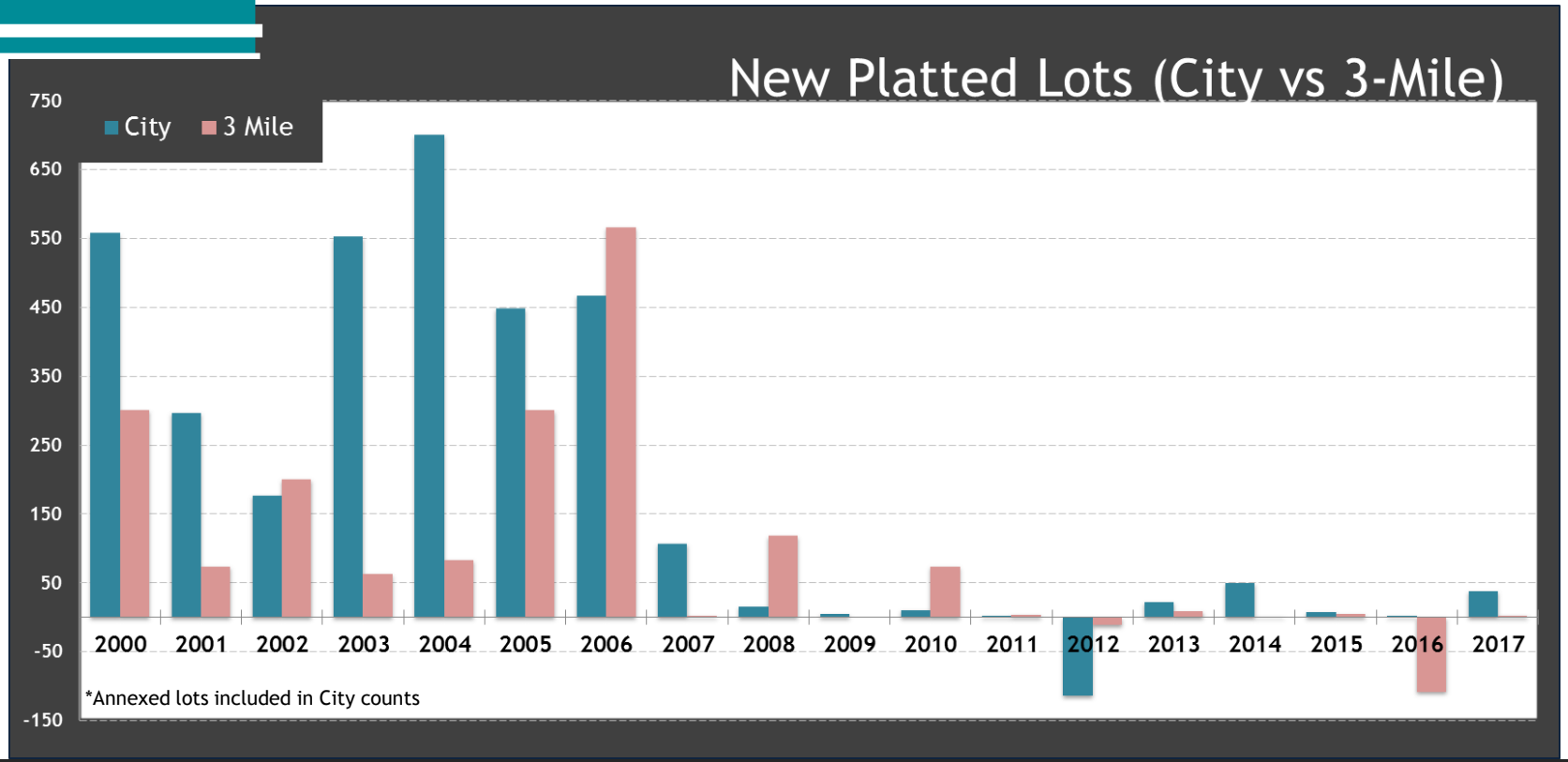
- Vs. 2017 = $154.1M

-41.6%

- Vs. 5 yr. avg = $134.1M

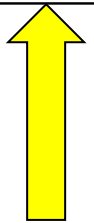
-33%

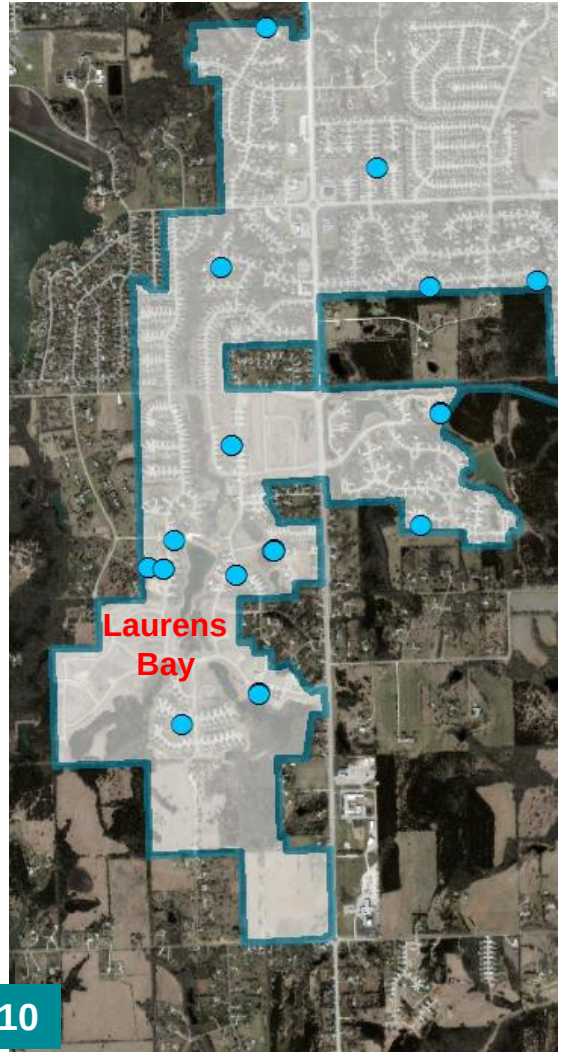


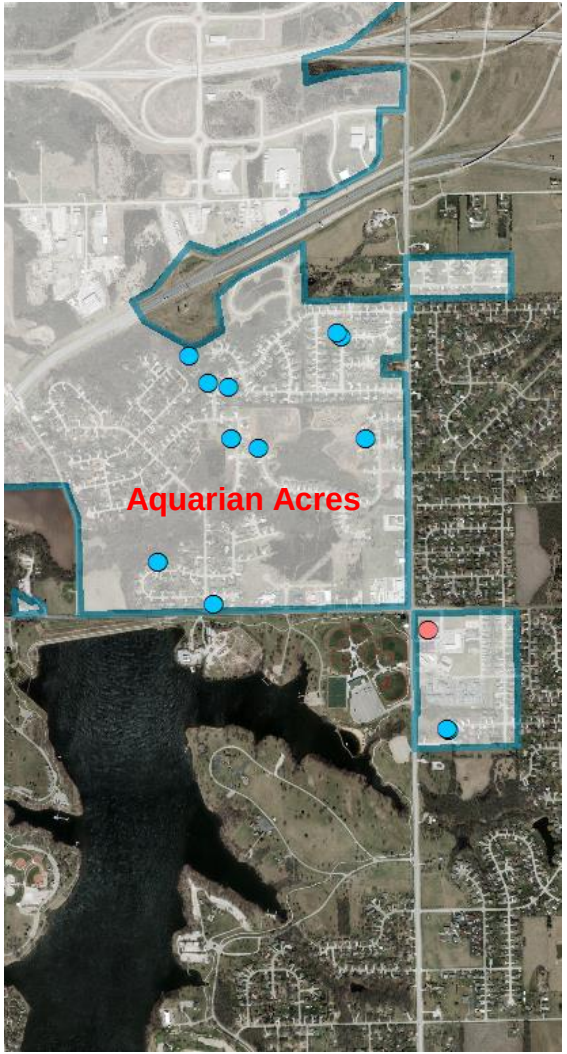

New Platted Lots (City vs 3-Mile)
City
3 Mile
750
650
550
450
350
250
150
50
-50
-150
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
*Annexed lots included in City counts

- ***Buildable Prime Vacant Lots (BPVL)* = 914**
- **Single/Two-Family Lots Platted since 1970 w/ streets or benefit district**
- **10.21 years of single/two-family housing inventory**
- **Expect inventory to go down before new growth areas need developed**

2018	1st Qt.	2nd Qt.	3rd Qt.	4th Qt.
Beginning Balance	944	929	914	-
Net New Lots	0	0	-	-
Building Permits	15	15	-	-
Ending BPVL Balance	929	914	-	-
2-yr avg single/two family bldg permits	89.50/yr	89.50/yr	-	-
BPVL housing growth supply	10.37 years	10.21 years	-	-




Laurens
Bay


Aquarian Acres

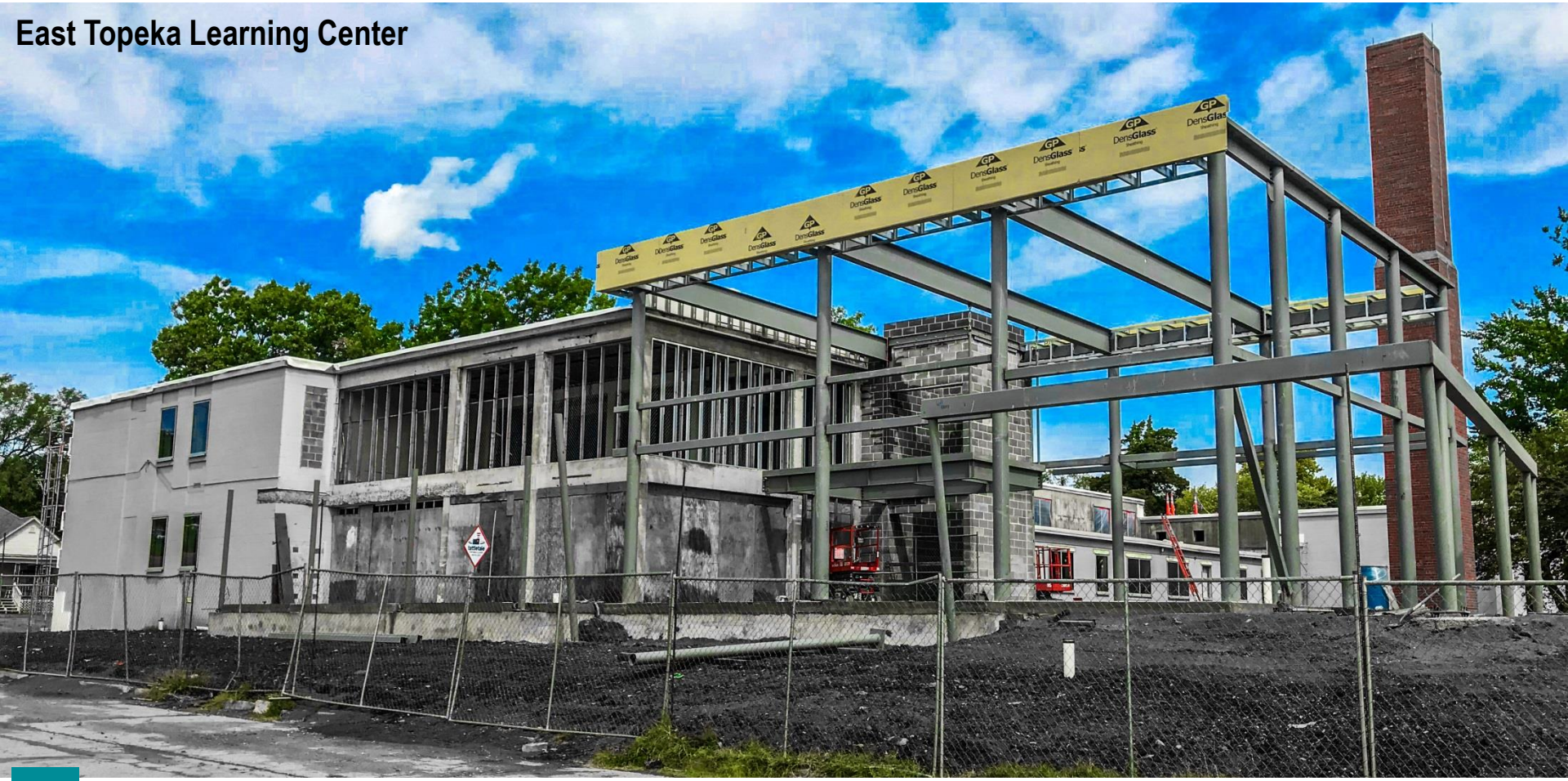
Millers Glen
Millers Reserve
Sherwood Park

Kansas Ave Lofts (BEFORE)

Kansas Ave Lofts (DURING)

Highland Park Central Elementary Storm Shelter

East Topeka Learning Center



McDonalds Rebuild SW 21st St and SW Belle

Grace Med Capitol Family Clinic

TOP 10 PERMITS YEAR TO DATE		
101 N KANSAS AVE	KANSAS AVE LOFTS	$4,200,000
2717 ILLINOIS AVE	HIGHLAND PARK CENTRAL ELEMENTARY STORM SHELTER	$3,200,000
2014 SE WASHINGTON ST	EAST TOPEKA LEARNING CENTER	$3,183,235
5525 SW 21ST ST	MCDONALDS REBUILD -5525 SW 21ST ST	$2,209,937
1400 SW HUNTOON ST	GRACE MED CAPITOL FAMILY CLINIC	$2,00,0000
823 SW MULVANE ST	STORMONT VAIL PAIN MANAGEMENT CLINIC	$1,765,000
1800 NW BRICKYARD RD	BETTIS EQUIPMENT STORAGE BUILDING	$1,700,000
2915 SW GAGE BLVD	BIOMAT USA, INC TENANT FINISH	$1,500,000
705 S KANSAS AVE	IRON RAIL BREWERY	$1,300,000
1140 SW FAIRLAWN RD	DEUTSCHER ROTTINGHAUS OPTOMETRISTS OFFICE	$1,300,000

topeka.org/planning
("DGM Reports" under "Resources")

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 14, 2018

DATE:	**August 14, 2018**	
CONTACT PERSON:	**Nickie Lee, Director of Finance**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**2018-A Revenue Bonds**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 012 Bond Ordinances**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout authorizing and providing for the issuance of $46,710,000 aggregate principal amount of Combined Utility Revenue Bonds, Series 2018-A, of the City of Topeka, Kansas; making certain covenants and agreements to provide for the payment and security thereof and authorizing certain other documents and actions in connection therewith.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would allow the City to move forward with permanently financing $46,710,000 in previously authorized improvements.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6).

POLICY ISSUE:

Approval would allow the City to move forward with permanently financing $46,710,000 in previously authorized utility system improvements.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The bond would permanently finance improvements associated with water main replacement, water extension on Fairlawn, Layne Station Phase II, Main Crane at Jefferson, Main California 33rd-41st, Main SE 37th Kentucky-California, Crane-Harrison/Branner/Jefferson, Rehab East Filter at Treatment Plant, Rehab East Filter Phase II, 24th NE Straight NE Seward to SE 6th, water treatment plant rehab, water meter replacement,

SCADA system upgrades, pipe replacement storm conveyance, South Kansas River Pump Station, Adams Street Interceptor, Lining Repair, Wastewater replacement program, wastewater pump station rehab, sanitary sewer rehab, and wastewater facility rehab.

BUDGETARY IMPACT:

Debt service for permanently financed improvements would be scheduled over a 30 year period and payments would be structured through the appropriate utility fund.

SOURCE OF FUNDING:

Debt service is paid through the respective utility fund and is funded by fees associated with each utility.

ATTACHMENTS:

Description

Ordinance
2018-A Project List

(PUBLISHED IN THE ***TOPEKA METRO NEWS*** ON AUGUST __, 2018)

ORDINANCE NO. [____]

AN ORDINANCE INTRODUCED BY CITY MANAGER BRENT TROUT AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF [$46,710,000] AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTITLITY REVENUE BONDS, SERIES 2018-A, OF THE CITY OF TOPEKA, KANSAS; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Topeka, Kansas (the "City") is a city of the first class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City is authorized under the provisions of the K.S.A. 10-1201 *et seq*. (the "Act"), to issue and sell revenue bonds for the purpose of paying all or part of the cost of the acquisition, construction, reconstruction, alteration, repair, improvement, extension or enlargement of the City's stormwater, wastewater and water supply utility systems (collectively, the "System"), provided that the principal of and interest on such revenue bonds shall be payable solely from the Net Revenues derived by the City from the operation of the System; and

WHEREAS, the governing body of the City has pursuant to Ordinance Nos. [____], [____] and [____], and Resolution Nos. [____], [____] and [____], declared its intention under the Act to acquire, construct, reconstruct, alter, repair, improve, extend or enlarge the System, all as more fully listed on ***Schedule I*** to the hereinafter defined Bond Resolution (collectively, the "Project"), at an estimated cost of [$46,710,000], and to issue its Combined Utility Revenue Bonds in an amount of not to exceed [$46,710,000]; notices of such intention were published one time in the official newspaper of the City and no sufficient written protest thereto was filed with the Clerk within fifteen (15) days after the dates of said publications, all as set forth in the Act; and

WHEREAS, the City is authorized under the Act to issue it Combined Utility Revenue Bonds, Series 2018-A (the "Series 2018-A Bonds") in an amount not to exceed [$46,710,000] in order to finance all or a portion of the costs of the Project, make necessary deposits to a bond reserve account and pay the costs of issuance for the Series 2018-A Bonds; and

WHEREAS, the Parity Resolution provides the City may issue Additional Bonds which constitute Parity Bonds upon the satisfaction of certain conditions; and

WHEREAS, prior to or simultaneously with the issuance of the Series 2018-A Bonds, such terms and conditions will be satisfied.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural

and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

"Act" means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq*., and K.S.A. 10-1201 *et seq.*, all as amended and supplemented from time to time.

"Additional Bonds" means any bonds secured by the Net Revenues hereafter issued pursuant to the Bond Resolution.

"Additional Obligations" means any leases or other obligations of the City payable from the Gross Revenues or Net Revenues, other than Permitted Loans and the Bonds.

"Bond Resolution" means the resolution to be adopted by the governing body of the City prescribing the terms and details of the Series 2018-A Bonds and making covenants with respect thereto.

"Bonds" means the Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds, Series 2017-A Bonds; Series 2018-A Bonds and any Additional Bonds.

"City" means the City of Topeka, Kansas.

"Clerk" means the duly appointed and acting Clerk of the City or, in the Clerk's absence, the duly appointed Deputy, Assistant or Acting Clerk.

"Director of Financial Services" means the duly appointed and acting Director of Financial Services of the City or, in the Director of Financial Services' absence, the duly appointed Deputy, Assistant or Acting Director of Financial Services of the City.

"Expenses" means the sum of (a) ordinary expenses of maintenance, operation and repair, (b) administrative expenses, (c) reasonable pension fund contributions, (d) insurance expense, (e) legal expense and (f) payments on Permitted Loans; provided, however, Expenses shall not include payment in lieu of taxes, debt service payments on System Indebtedness, depreciation, amortization or other non-cash items.

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

"Gross Revenues" means all receipts and revenues derived by the City from the operation of the Combined Utility, including investment earnings, [Net Revenues on deposit in the Revenue Fund derived in a prior Fiscal Year] and any amounts deposited in escrow in connection with the acquisition, construction, remodeling, renovation and equipping of facilities to be applied during the period of determination to pay interest on System Indebtedness, but excluding any grants, proceeds of bond issues and/or insurance proceeds, any profits or losses on the early extinguishment of debt or on the sale or other disposition, not in the ordinary course of business, of investments or fixed or capital assets.

"Junior Lien Obligations" means any Additional Bonds or Additional Obligations payable from, and secured by a lien on the Net Revenues, which lien is junior to that of any Parity Bonds, but senior to that of the Subordinate Lien Bonds.

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

"Net Revenues" means, for the period of determination, Gross Revenues of the Combined Utility minus the sum of (a) Expenses and (b) any required deposits to the Rebate Fund as required under the Bond Resolution, or any other Rebate Fund created in connection with the issuance of the Bonds.

"Ordinance" means this Ordinance authorizing the issuance of the Series 2018-A Bonds.

"Parity Bonds" means the Outstanding Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds, Series 2017-A Bonds, Series 2018-A Bonds, and any Additional Bonds hereafter issued pursuant to the Bond Resolution and standing on a parity and equality with the Series 2018-A Bonds with respect to the lien on the Net Revenues.

"Parity Resolution" means collectively each ordinance and resolution which authorized the issuance of the Parity Bonds, the Bond Resolution and the ordinances and/or resolutions under which any Additional Bonds which constitute Parity Bonds are hereafter issued.

"Permitted Loans" means any State Revolving loans between the Kansas Department of Health and Environment and the City for public drinking water improvements, pollution control improvements, or stormwater improvements

"Project" means the acquisition, construction, reconstruction, alterations, repair, improvements, extensions or enlargements of the System described in the Preamble to this Ordinance, and ***Schedule I*** to the Bond Resolution, or any Substitute Project.

"Refunded Notes" means that portion of the Series 2017-A Notes paid from the proceeds of the Series 2018-A Bonds and other available funds of the Issuer.

"Revenue Fund" means the Water, Water Pollution Control, and Stormwater Utility Revenue Fund referred to in the Bond Resolution.

"Series 2010-A Bonds" means the City's Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Payment to Issuer), Series 2010-A, dated [September 22, 2010].

"Series 2010-B Bonds" means the City's Taxable Combined Utility Improvement Revenue Bonds (Recover Zone Economic Development Bonds), Series 2010-B, dated [September 22, 2010].

"Series 2010-C Bonds" means the City's Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C, dated [September 22, 2010].

"Series 2011-A Bonds" means the City's Combined Utility Improvement and Refunding Revenue Bonds, Series 2011-A, dated [September 29, 2011].

"Series 2012-A Bonds" means the City's Combined Utility Refunding Revenue Bonds, Series 2012-A, dated [June 12, 2012].

"Series 2013-A Bonds" means the City's Combined Utility Refunding Revenue Bonds, Series 2013-A, dated [May 21, 2013].

"Series 2014-A Bonds" means the City's Combined Utility Improvement and Refunding Revenue Bonds, Series 2014-A, dated [December 23, 2014].

"Series 2016-A Bonds" means the City's Combined Utility Improvement and Refunding Revenue Bonds, Series 2016-A, dated [September 6, 2016].

"Series 2016-B Bonds" means the City's Taxable Combined Utility Refunding Revenue Bonds, Series 2016-B, dated [September 6, 2016].

"Series 2017-A Bonds" means the City's Combined Utility Revenue Bonds, Series 2017-A, dated [September 5, 2017].

"Series 2017-A Notes" means the City's General Obligation Temporary Notes, Series 2017-A, dated September 5, 2017.

"Series 2018-A Bonds" means the City's Combined Utility Revenue Bonds, Series 2018-A, authorized by this Ordinance.

"State" means the State of Kansas.

"Subordinate Lien Bonds" means any Additional Bonds or Additional Obligations payable from the Net Revenues on a subordinate lien basis to any Parity Bonds and Junior Lien Obligations, and which constitute general obligations of the City.

"Substitute Project" means a substitute or additional project of the System authorized in the manner set forth in the Bond Resolution.

"System" or "Combined Utility System" means the combined water, water pollution control and stormwater utility facilities of the City, including the entire waterworks plant and system owned and operated by the City for the production, storage, treatment and distribution of drinking water, the water pollution control plant and system owned and operated by the City for the collection, treatment and disposal of sanitary and stormwater waste, and the City's stormwater inlets, pipes, levees, creeks and rivers and publicly owned or maintained ditches, channels, detention ponds and stormwater quality best management practices, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

"System Indebtedness" means collectively all Bonds and Additional Obligations, which are payable out of, or secured by an interest in, the Gross Revenues, except Permitted Loans.

Section 2. Authorization of the Series 2018-A Bonds. There shall be issued and are hereby authorized and directed to be issued the Combined Utility Revenue Bonds, Series 2018-A, of the City in the aggregate principal amount of $[46,710,000] for the purpose of providing funds to: (a) pay costs of the Project; (b) pay costs of issuance of the Series 2018-A Bonds; (c) retire a portion of the Refunded Notes; and (d) make a deposit to the Bond Reserve Account.

Section 3. Security for the Series 2018-A Bonds. The Series 2018-A Bonds shall be special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues, and the City hereby pledges said Net Revenues to the payment of the principal of and interest on the Series 2018-A Bonds. The Series 2018-A Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning

of any constitutional, statutory or charter provision, limitation or restriction, and the taxing power of the City is not pledged to the payment of the Series 2018-A Bonds, either as to principal or interest.

The covenants and agreements of the City contained herein and in the Series 2018-A Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Series 2018-A Bonds, all of which Series 2018-A Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Series 2018-A Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Ordinance. The Series 2018-A Bonds shall stand on a parity and be equally and ratably secured with respect to the payment of principal and interest from the Net Revenues with any Parity Bonds. The Series 2018-A Bonds shall not have any priority with respect to the payment of principal or interest from said Net Revenues or otherwise over the Parity Bonds; and the Parity Bonds shall not have any priority with respect to the payment of principal or interest from said Net Revenues or otherwise over the Series 2018-A Bonds.

Section 4. Terms, Details and Conditions of the Series 2018-A Bonds. The Series 2018-A Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the City.

Section 5. Rate Covenant. The City will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, including all repairs, alterations, extensions, reconstructions, enlargements or improvements thereto hereafter constructed or acquired by the City, as will produce Revenues sufficient to (a) pay Expenses; (b) pay the principal of and interest on the Bonds as and when the same become due; and (c) provide reasonable and adequate reserves for the payment of the Bonds and the interest thereon and for the protection and benefit of the System as provided in this Ordinance and the Bond Resolution, provided, however, that such rates, fees and charges of the water, water pollution control and stormwater utilities shall not be set or otherwise established so that the rates, fees or charges of one such division subsidize the other. The Bond Resolution may establish requirements in excess of the requirements set forth herein.

Section 6. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Series 2018-A Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

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PASSED AND APPROVED by the Governing Body on August 14, 2018 and **SIGNED** by the Mayor.

(SEAL)

_____
Mayor

ATTEST:

_____
Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on August 14, 2018; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in the ***Topeka Metro News*** on August __, 2018.

DATED: August 14, 2018.

_____
Clerk

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

Summary of Projects included in 2018 GO and Revenue Bond Issuances

Project Number	Description	Temp Note	GO Bond	Revenue Bond
Special Assessments				
T-601048.00	St Impr Miller's Reserve		$ 899,218.00	
T-401062.00	San Swr 36 Lots Horseshoe Bend		$ 239,630.00	
T-601066.00	St Impr - Horseshoe Bend		$ 724,734.00	
T-601067.00	St Impr - SW 43rd & SW Misty Harbor		$ 331,052.00	
Public Safety				
T-801005.00	Aerial #8		$ 1,300,000.00	
Neighborhoods				
T-601075.00	2018 Neighborhood Infrastructure		$ 1,400,000.00	
Traffic				
T-141020.00	2018 Traffic Signal Replacement		$ 885,000.00	
T-601076.00	2018 Traffic Safety Project		$ 220,000.00	
Facilities				
T-131036.00	Municipal Bldg Renov/Mech Sys	$ 4,400,000.00		
Streets				
T-241038.00	2018 Citywide Infill Sidewalks		$ 600,000.00	
T-601077.00	2018 Complete Streets		$ 100,000.00	
T-601078.00	2018 Citywide Infrastructure		$ 200,000.00	
T-701014.00	SW Huntoon/I470/Arvonia Pl	$ 4,000,000.00		
T-861022.00	Wayfinding Signs Package B		$ 500,000.00	
Quality of Life				
T-301049.00	Kay's Garden		$ 4,827,343.00	
T-301052.00	Zoo Parking Lot Resurfacing Ph I		$ 416,079.00	
T-301056.00	Zoo Storm Drainage,Parking, Group Ent	$ 1,000,000.00		
Utilities				
T-281028.00	Water Extension Fairlawn			$ 1,800,000.00
T-281032.01	Layne Station Ph II	.`		$ 950,000.00
T-281055.00	2MG West Elevated Tank	$ 500,000.00		
T-281079.00	Main Crane @ Jefferson			$ 4,883,565.00
T-281082.00	Main California 33rd-41st			$ 1,350,000.00
T-281085.00	Main SE 37th Kentucky - Calif			$ 1,200,000.00
T-281086.00	Crane-Harrison/Branner/Jefferson			$ 3,250,000.00
T-281090.00	18" Indian Hills SW 29th to SW 21st	$ 200,000.00		
T-281091.00	2.2 MGD Meriden Booster Station	$ 500,000.00		
T-281102.00	Rehab East Filter @ Treatment Plant			$ 1,600,000.00
T-281102.01	Rehab East Filter Phase II			$ 5,185,000.00
T-281104.00	24" NE Strait NE Seward to SE 6th			$ 2,700,000.00
T-281112.00	2019 Water Main Replacement			$ 2,640,000.00
T-281114.00	2019 Water Treatment Plant Rehab			$ 880,000.00
T-281141.01	Water Meter Replacement/AMI Upgrade Year 1			$ 3,520,000.00
T-281158.00	2019 SCADA System Upgrades			$ 682,000.00
T-281160.00	Water Treatment Modifications	$ 1,000,000.00		
T-151016.01	Pipe Replace SE 29th Ph II			$ 792,000.00
T-501012.00	Levee Repairs Replacement	$ 1,100,000.00		
T-501035.00	2018 Storm Convey Sys Rehab			$ 2,200,000.00
T-291003.01	S Kansas River Pump Station			$ 1,276,000.00
T-291018.12	Solids Handling Ph II - Wastewater	$ 6,500,000.00		
T-291018.22	Solids Handling Ph II - Biogas	$ 3,500,000.00		
T-291041.00	Adams St Intercepter Rehab			$ 1,760,000.00
T-291043.00	Lining Repair - NTWWTP Wanamker PS			$ 1,320,000.00
T-291048.00	2018 WW Replacement Program			$ 1,760,000.00
T-291050.00	Eastside IS Relief CSO	$ 4,000,000.00		
T-291056.00	Wanamaker Force Main Rehab	$ 600,000.00		
T-291057.00	Ash St Force Main Replacement	$ 8,000,000.00		
T-291058.00	Shunga Pump Station Rehab	$ 1,100,000.00		
T-291059.00	WW PS VFD Replacement	$ 600,000.00		
T-291060.00	Oakland Aerator & Mixing Replace	$ 6,000,000.00		
T-291061.00	Grant/Jefferson Pump Station	$ 1,000,000.00		
T-291062.00	Ultraviolet Expansion Oakland	$ 5,000,000.00		
T-291065.00	2017 Small WW PS Rehab			$ 1,320,000.00
T-291066.00	2017 San Swr Interceptor Rehab			$ 1,320,000.00
T-291069.00	2018 WPC Facility Rehab Program			$ 880,000.00
T-291088.00	2019 WPC Scada Sysem Upgrade			$ 713,000.00
	Total Projects	$ 49,000,000	$ 12,643,056	$ 43,981,565

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 14, 2018

DATE:	**August 14, 2018**	
CONTACT PERSON:	**Nickie Lee, Director of Finance**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**2018-A Revenue Bonds**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**020 Resolutions / 004 Public Improvements**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Brent Trout prescribing the form and details of and authorizing and directing the sale and delivery of $46,710,000 aggregate principal amount of Combined Utility Revenue Bonds, Series 2018-A, of the City of Topeka, Kansas, previously authorized by ordinance of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would allow the City to move forward with permanently financing $46,710,000 in previously authorized improvements.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6).

POLICY ISSUE:

The resolution sets up the detail procedures for the issuance of the Series 2018-A revenue bonds. Approval would allow the City to move forward with permanently financing $46,710,000 in previously authorized utility system improvements.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The bond would permanently finance improvements associated with water main replacement, water extension on Fairlawn, Layne Station Phase II, Main Crane at Jefferson, Main California 33rd-41st, Main SE 37th

Kentucky-California, Crane-Harrison/Branner/Jefferson, Rehab East Filter at Treatment Plant, Rehab East Filter Phase II, 24th NE Straight NE Seward to SE 6th, water treatment plant rehab, water meter replacement, SCADA system upgrades, pipe replacement storm conveyance, South Kansas River Pump Station, Adams Street Interceptor, Lining Repair, Wastewater replacement program, wastewater pump station rehab, sanitary sewer rehab, and wastewater facility rehab.

BUDGETARY IMPACT:

Debt service for permanently financed improvements would be scheduled over a 30 year period and payments would be structured through the appropriate utility fund.

SOURCE OF FUNDING:

Debt service is paid through the respective utility fund and is funded by fees associated with each utility.

ATTACHMENTS:

Description

2018-A Project List
Resolution

Summary of Projects included in 2018 GO and Revenue Bond Issuances

Project Number	Description	Temp Note	GO Bond	Revenue Bond
Special Assessments				
T-601048.00	St Impr Miller's Reserve		$ 899,218.00	
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	Total Projects	$ 49,000,000	$ 12,643,056	$ 43,981,565

Gilmore & Bell, P.C.
08/01/2018

RESOLUTION NO. [____]

OF

THE CITY OF TOPEKA, KANSAS

ADOPTED

AUGUST 14, 2018

$[46,710,000]
COMBINED UTILITY REVENUE BONDS
SERIES 2018-A

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RESOLUTION NO. [____]

A RESOLUTION INTRODUCED BY CITY MANAGER BRENT TROUT PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF [$46,710,000] AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY REVENUE BONDS, SERIES 2018-A, OF THE CITY OF TOPEKA, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. [____] OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has heretofore passed the Ordinance authorizing the issuance of the Series 2018-A Bonds; and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Series 2018-A Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein and in the Parity Resolution, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

"Act" means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq*., and K.S.A. 10-1201 *et seq*., all as amended and supplemented from time to time.

"Additional Bonds" means any bonds secured by the Net Revenues hereafter issued pursuant to ***Article IX*** hereof.

"Authorized Denomination" means $5,000 or any integral multiples thereof.

"Balloon Indebtedness" means Long-Term Indebtedness, 25% or more of the original principal amount of which becomes due (either by maturity or mandatory redemption) during any consecutive twelve-month period if such principal amount becoming due is not required to be amortized below such percentage by mandatory redemption or prepayment prior to such twelve-month period.

"Beneficial Owner" of Bonds includes any Owner of Bonds and any other Person who, directly or indirectly has the investment power with respect to any such Bonds.

"Bond Counsel" means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

"Bond Insurer" means with respect to Additional Bonds, the entity set forth in the supplemental resolution authorizing such Additional Bonds.

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

"Bond Reserve Account" means the Bond Reserve Account for the Series 2018-A Bonds created by ***Section 501*** hereof.

"Bond Reserve Requirement" means an amount equal to Maximum Annual Debt Service attributable to the Parity Bonds, provided, however, that the Bond Reserve Requirement may not exceed the lesser of (a) 125% of the average annual Debt Service Requirements for the Parity Bonds over the term of all such bonds, (b) the aggregate of 10% of the original stated principal amount of each Series of Parity Bonds or (c) the Maximum Annual Debt Service for all Parity Bonds during any Fiscal Year. If the aggregate initial offering price of any series of Bonds to the public is less than 98% or more than 102% of par, such offering price shall be used in clause (a) in lieu of the stated principal amount. When calculating the Bond Reserve Requirement in conjunction with the issuance of the Bonds described in ***Section 906*** hereof, the debt service of refunded and defeased bonds shall be deducted and disregarded in said calculations.

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

"Bond Registrar" means: (a) with respect to the Series 2018-A Bonds, the State Treasurer, and its successors and assigns; and (b) with respect to Additional Bonds, the entity designated as Bond Registrar in the supplemental resolution authorizing such Additional Bonds.

"Bond Resolution" means this resolution relating to the Series 2018-A Bonds, and any supplemental resolution authorizing any Additional Bonds.

"Bonds" means the Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds and Series 2017-A Bonds the Series 2018-A Bonds and any Additional Bonds.

"Business Day" means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

"Cede & Co." means Cede & Co., as nominee of DTC and any successor nominee of DTC.

"City" means the City of Topeka, Kansas.

"City Engineer" means the person serving as the city engineer as defined in Section 2-148 of the Code of the City.

"Clerk" means the duly appointed and acting Clerk of the City or, in the Clerk's absence, the duly appointed Deputy, Assistant or Acting Clerk.

"Code" means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

"Construction Fund" means the Water, Water Pollution Control and Stormwater Utility Construction Fund ratified pursuant to ***Article V*** hereof.

"Consultant" means the Consulting Engineer, the Independent Accountant, or an independent consultant qualified and having a favorable reputation for skill and experience in financial affairs selected by the Issuer for the purpose of carrying out the duties imposed on the Consultant by the Bond Resolution.

"Consulting Engineer" means an independent engineer or engineering firm or architect or architectural firm, having a favorable reputation for skill and experience in the construction, financing and operation of public utilities, at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Consulting Engineer by the Bond Resolution.

"Costs of Issuance" means all costs of issuing any series of Bonds, including all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving financial ratings on any series of Bonds, and any premiums or expenses incurred in obtaining any credit enhancement.

"Costs of Issuance Account" means the Costs of Issuance Account for Series 2018-A Bonds, created pursuant to ***Section 501*** hereof.

"Dated Date" means September 11, 2018.

"Debt Service Coverage Ratio" means: (a) with respect to the covenants contained in ***Section 802*** hereof, the ratio determined by dividing (i) a numerator equal to the Net Revenues for each Fiscal Year, as reflected by information provided by the Independent Accountant, by (ii) a denominator equal to the applicable Debt Service Requirements for the next succeeding Fiscal Year, provided that with respect to the Debt Service Coverage Ratio on Parity Bonds, Debt Service Requirements on Junior Lien Bonds and Subordinate Lien Bonds shall be disregarded; and further provided that with respect to the Debt Service Coverage Ratio on Junior Lien Bonds, Debt Service Requirements on Subordinate Lien Bonds shall be disregarded; (b) with respect to the covenants contained in ***Section 902(b)*** hereof, the ratio determined by dividing (i) a numerator equal to the Net Revenues for the Fiscal Year next preceding the issuance of additional Permitted Loans, as reflected by information provided by the Independent Accountant, by (ii) a denominator equal to the Maximum Annual Debt Service on all Parity Bonds in the then current or any succeeding Fiscal Year; and (c) with respect to the covenants contained in ***Section 903(b)(1)(i)*** hereof, the ratio determined by dividing (i) a numerator equal to the Net Revenues for the Fiscal Year next preceding the issuance of Additional Bonds, as reflected by information provided by the Independent Accountant, by (ii) a denominator equal to the Maximum Annual Debt Service in the then current or any succeeding Fiscal Year on all Parity Bonds, including any Additional Bonds proposed to be issued as Parity Bonds.

"Debt Service Requirements" means, for Bonds, or component thereof, as applicable, the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated;

provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

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

"Defeasance Obligations" means any of the following obligations:

(a) Cash; or

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

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

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

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

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

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

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

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

"Derivative" means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

"Director of Financial Services" means the duly appointed and acting Director of Financial Services of the City or, in the Director of Financial Services' absence, the duly appointed Deputy, Assistant or Acting Director of Financial Services of the City.

"Director of Public Works" means the person serving as the director of public works as defined in Section 2-147 of the Code of the City.

"Disclosure Undertaking" means the Issuer's Continuing Disclosure Certificate relating to the Series 2018-A Bonds, dated September 11, 2018, as may be amended and supplemented, relating to certain obligations contained in the SEC Rule.

"Discount Indebtedness" means Long-Term Indebtedness that is originally sold at a price (excluding accrued interest, but without deduction of any underwriters' discount) of less than 75% of the maturity amount including the amount of principal and interest to accrete at maturity of such Long-Term Indebtedness.

"DTC" means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

"Event of Default" means, so long as any of the Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds and Series 2017-A Bonds remain Outstanding, each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise; or

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

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution (other than the covenants relating to continuing disclosure contained herein and in the Disclosure Undertaking) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

"Expenses" means the sum of (a) ordinary expenses of maintenance, operation and repair, (b) administrative expenses, (c) reasonable pension fund contributions, (d) insurance expense, (e) legal expense and (f) payments on Permitted Loans; provided, however, Expenses shall not include payment in lieu of taxes, debt service payments on Bonds, depreciation, amortization or other non-cash items.

"Federal Tax Certificate" means the Issuer's Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

"Financeable Costs" means the amount of expenditure for a Project which has been duly authorized by action of the governing body of the Issuer to be financed by Bonds, less: (a) the amount of any Bonds of the Issuer which is currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

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

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

"Gross Revenues" means all receipts and revenues derived by the City from the operation of the Combined Utility, including investment earnings, [Net Revenues on deposit in the Revenue Fund derived in a prior Fiscal Year] and any amounts deposited in escrow in connection with the acquisition, construction, remodeling, renovation and equipping of facilities to be applied during the period of determination to pay interest on Bonds, but excluding any grants, proceeds of bond issues and/or insurance proceeds, any profits or losses on the early extinguishment of debt or on the sale or other disposition, not in the ordinary course of business, of investments or fixed or capital assets.

"Independent Accountant" means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by the Bond Resolution.

"Index Rate" means, at the time of calculation, the rate of interest set forth in *The Bond Buyer* Revenue Bond Index (or, in the event that *The Bond Buyer* does not compile such index or ceases publication, another comparable publication recognized in the municipal bond market) published for the week immediately preceding the date of determination.

"Insurance Consultant" means an individual or firm selected by the Issuer qualified to survey risks and to recommend insurance coverage for entities engaged in operations similar to those of the System and having a favorable reputation for skill and experience in making such surveys and recommendations.

"Interest Payment Date(s)" means: (a) with respect to the Series 2018-A Bonds, the Stated Maturity of an installment of interest on the Series 2018-A Bonds which shall be February 1 and August 1 of each year, commencing February 1, 2019; and (b) with respect to Additional Bonds, the Stated Maturity of an installment of interest on such Additional Bonds, as set forth in the supplemental resolution authorizing such Additional Bonds.

"Interim Indebtedness" means Bonds having a term not less than thirteen months, and not in excess of five years, incurred or assumed in anticipation of being refinanced or refunded with Long-Term Indebtedness.

"Issue Date" means the date when the Issuer delivers any series of Bonds to the Purchaser in exchange for the Purchase Price.

"Issuer" means the City and any successors or assigns.

"Junior Lien Bonds" means any Additional Bonds payable from, and secured by a lien on the Net Revenues, which lien is junior to that of any Parity Bonds, but senior to that of the Subordinate Lien Bonds.

"Long-Term Indebtedness" means Bonds having an original stated maturity or term greater than five years, or renewable or extendible at the option of the Issuer for a period greater than one year from the date of original issuance or incurrence thereof.

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

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

"Maximum Annual Debt Service" means the maximum amount of Debt Service Requirements as computed for the then current or any future Fiscal Year; provided that the Debt Service Requirements in the final Stated Maturity of any series of Bonds shall be reduced by the value of cash and Permitted Investments on deposit in any bond reserve account established for said series of Bonds, so long as, at the time of calculation, the value of cash and Permitted Investments on deposit in bond reserve accounts for all Parity Bonds equals or exceeds the Bond Reserve Requirement.

"Net Revenues" means, for the period of determination, Gross Revenues of the Combined Utility minus the sum of (a) Expenses and (b) any required deposits to the Rebate Fund as required under the Bond Resolution, or any other Rebate Fund created in connection with the issuance of the Bonds.

"Notice Address" means with respect to the following entities:

(a) To the Issuer at:

Department of Finance
215 SE 7th Street
Topeka, Kansas 66603-3914
Fax: (785) 368-3943

(b) To the Paying Agent at:

Series 2018-A Bonds:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976]

Additional Bonds:

The address set forth in the supplemental resolution authorizing such Additional Bonds.

(c) To the Purchaser:

Series 2018-A Bonds:

[Series 2018-A Purchaser]
[Purchaser Address]
[Purchaser City, State]
Fax: [Purchaser Fax]

Additional Bonds:

The address set forth in the supplemental resolution authorizing such Additional Bonds.

(d) To the Rating Agency(ies):

Moody's Municipal Rating Desk
7 World Trade Center
250 Greenwich Street
23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

"Notice Representative" means:

(a) With respect to the Issuer, the Director of Financial Services.

(b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.

(c) With respect to any Purchaser, the manager of its Municipal Bond Department.

(d) With respect to any Rating Agency, any Vice President thereof.

"**NRSRO**" or "**Nationally Recognized Statistical Rating Organization**" means a credit rating agency registered with the United States Securities and Exchange Commission or its successor pursuant to the Securities Exchange Act of 1934, as amended.

"Official Statement" means Issuer's Official Statement relating to the Series 2018-A Bonds.

"Ordinance" means Ordinance No. ____ of the Issuer authorizing the issuance of the Series 2018-A Bonds, as amended from time to time.

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

(a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation pursuant to the Bond Resolution;

(b) Bonds deemed to be paid in accordance with the provisions of ***Section 1101*** of the Bond Resolution; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered under the Bond Resolution.

"Owner" when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

"Parity Bonds" means the Outstanding Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds, Series 2017-A Bonds, Series 2018-A Bonds, and any

Additional Bonds hereafter issued pursuant to the Bond Resolution and standing on a parity and equality with the Series 2018-A Bonds with respect to the lien on the Net Revenues

"Parity Resolution" means collectively each ordinance and resolution which authorized the issuance of the Parity Bonds, the Bond Resolution and the ordinances and/or resolutions under which any Additional Bonds which constitute Parity Bonds are hereafter issued.

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

"Paying Agent" means: (a) with respect to the Series 2018-A Bonds, the State Treasurer, and its successors and assigns; and (b) with respect to Additional Bonds, the entity designated as Paying Agent in the supplemental resolution authorizing such Additional Bonds.

"Permitted Investments" shall mean the investments that, at the time of their purchase, were authorized by K.S.A. 10-131 or any additional or successor State law applicable to the investment of the Bond proceeds.

"Permitted Loans" means any State revolving loans between the Kansas Department of Health and Environment and the City for public drinking water improvements, pollution control improvements, or stormwater improvements

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

"Principal and Interest Account" means the Principal and Interest Account for the Series 2018-A Bonds, created by ***Section 501*** hereof.

"Project" shall mean the repairs, alterations, extensions, reconstructions, enlargements or improvements to the System referred to in the preamble to the Ordinance, and ***Schedule I*** to this Bond Resolution, or any Substitute Project.

"Projected Debt Service Coverage Ratio" means with respect to the covenants contained in ***Section 902(c)*** and ***Section 903(b)(1)(ii)*** hereof, the ratio determined by dividing (i) Projected Net Revenues by (ii) a denominator equal to the Maximum Annual Debt Service in the then current or any succeeding Fiscal Year on all Parity Bonds, including any Additional Bonds proposed to be issued as Parity Bonds.

"Projected Net Revenues" means either (a) projected Net Revenues for the Fiscal Year immediately following the issuance or incurrence of any additional Permitted Loans or Additional Bonds, set forth in a report of a Consulting Engineer or an Independent Accountant, based on a detailed investigation and report of such Consulting Engineer or Independent Accountant, as to the amount of annual Net Revenues expected in such Fiscal Year, which projected Net Revenues as defined and certified by such Consulting Engineer or Independent Accountant shall govern in determining the right of the Issuer to issue additional Permitted Loans payable out of the Gross Revenues of the System that are superior in lien and security to the Parity Bonds, or to issue Additional Bonds payable out of the Net Revenues of the System on a parity or equality with the Parity Bonds, or (b) Net Revenues, as reflected by information provided by the Independent Accountant, for the Fiscal Year next preceding the issuance of additional Permitted Loans or Additional Bonds. In determining Projected Net Revenues under the

preceding subsection (a), the maximum amount payable in any succeeding Fiscal Year on the proposed additional Permitted Loan shall be treated as an Expense in the Fiscal Year for which the Projected Net Revenues are being computed.

"Purchase Price" means: (a) with respect to the Series 2018-A Bonds the principal amount of the Series 2018-A Bonds plus accrued interest to the date of delivery[, plus a premium of $_____] [, less an underwriting discount of $_____] [, less an original issue discount of $_____]]; and (b) with respect to Additional Bonds, the amount set forth in the supplemental resolution authorizing such Additional Bonds.

"Purchaser" means: (a) with respect to the Series 2018-A Bonds, [Series 2018-A Purchaser], [Purchaser City, State], the original purchaser of the Series 2018-A Bonds, and any successor and assigns; and (b) with respect to Additional Bonds, the original purchaser of such Additional Bonds, as set forth in the supplemental resolution authorizing such Additional Bonds.

"Put Indebtedness" means Long-Term Indebtedness which is (a) payable or required to be purchased or redeemed from the holder by or on behalf of the underlying obligor, at the option of the holder thereof, prior to its stated maturity date, or (b) payable or required to be purchased or redeemed from the holder by or on behalf of the underlying obligor, other than at the option of the holder, prior to its stated maturity date, other than pursuant to any mandatory sinking fund or other similar fund, or other than by reason of acceleration upon the occurrence of an Event of Default under this Bond Resolution.

"Rating Agency" means an NRSRO that provided one or more financial ratings for a series of Bonds at the Issuer's request.

"Rebate Fund" means the Rebate Fund for Series 2018-A Bonds created pursuant to ***Section 501*** hereof.

"Record Dates" for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

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

"Redemption Fund" means the Refunded Notes Redemption Fund created pursuant to ***Section 501*** hereof.

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

"Refunded Notes" means that portion of the Series 2017-A Notes paid from the proceeds of the Series 2018-A Bonds and other available funds of the Issuer.

"Refunded Notes Paying Agent" means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent of the Refunded Notes.

"Refunded Notes Resolution" means the resolution which authorized the Refunded Notes.

"Refunding Bonds" means Bonds issued pursuant to ***Section 906*** hereof for the purpose of refunding any Outstanding Bonds.

"Renewal and Replacement Account" means the Water, Water Pollution Control and Stormwater Utility Renewal and Replacement Account ratified pursuant to ***Article V*** hereof.

"Replacement Bonds" means Bonds issued to the Beneficial Owners of the Bonds in accordance with ***Section 209*** hereof.

"Revenue Fund" means the Water, Water Pollution Control, and Stormwater Utility Revenue Fund ratified pursuant to ***Article V*** hereof.

"SEC Rule" means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

"Securities Depository" means, initially, DTC, and its successors and assigns.

"Series 2010-A Bonds" means the Issuer's Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Payment to Issuer), Series 2010-A, dated [September 22, 2010].

"Series 2010-B Bonds" means the Issuer's Taxable Combined Utility Improvement Revenue Bonds (Recover Zone Economic Development Bonds), Series 2010-B, dated [September 22, 2010].

"Series 2010-C Bonds" means the Issuer's Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C, dated [September 22, 2010].

"Series 2011-A Bonds" means the Issuer's Combined Utility Improvement and Refunding Revenue Bonds, Series 2011-A, dated [September 29, 2011].

"Series 2012-A Bonds" means the Issuer's Combined Utility Refunding Revenue Bonds, Series 2012-A, dated [June 12, 2012].

"Series 2013-A Bonds" means the Issuer's Combined Utility Refunding Revenue Bonds, Series 2013-A, dated [May 21, 2013].

"Series 2014-A Bonds" means the Issuer's Combined Utility Improvement and Refunding Revenue Bonds, Series 2014-A, dated [December 23, 2014].

"Series 2016-A Bonds" means the Issuer's Combined Utility Improvement and Refunding Revenue Bonds, Series 2016-A, dated [September 6, 2016].

"Series 2016-B Bonds" means the Issuer's Taxable Combined Utility Refunding Revenue Bonds, Series 2016-B, dated [September 6, 2016].

"Series 2017-A Bonds" means the Issuer's Combined Utility Revenue Bonds, Series 2017-A, dated [September 5, 2017].

"Series 2017-A Notes" means the City's General Obligation Temporary Notes, Series 2017-A, dated September 5, 2017.

"Series 2018-A Bonds" means the Issuer's Combined Utility Revenue Bonds, Series 2018-A, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

[**"Series 2018-A [_____] Term Bonds"** means the Series 2018-A Bonds scheduled to mature in the year ____.]

"Short-Term Indebtedness" means Bonds having an original maturity less than or equal to thirteen months from the date of original incurrence thereof, and not renewable or extendible at the option of the obligor thereon for a term greater than one year beyond the date of original issuance.

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

"State" means the state of Kansas.

"State Treasurer" means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

"Stated Maturity" when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

"Subordinate Lien Bonds" means any Additional Bonds payable from the Net Revenues on a subordinate lien basis to any Parity Bonds and Junior Lien Bonds, and which may constitute general obligations of the Issuer.

"Substitute Project" means a substitute or additional project of the System authorized in the manner set forth in ***Article V*** of this Bond Resolution.

"System" or "Combined Utility System" means the combined water, water pollution control and stormwater utility facilities of the City, including the entire waterworks plant and system owned and operated by the City for the production, storage, treatment and distribution of drinking water, the water pollution control plant and system owned and operated by the City for the collection, treatment and disposal of sanitary and stormwater waste, and the City's stormwater inlets, pipes, levees, creeks and rivers and publicly owned or maintained ditches, channels, detention ponds and stormwater quality best management practices, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

"Term Bonds" means any Bonds designated as Term Bonds in this Bond Resolution or in any supplemental resolution authorizing the issuance of Additional Bonds.

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

"United States Government Obligations" means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of

obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations.

"Variable Rate Indebtedness" means any Bonds which provides for interest to be payable thereon at a rate per annum that may vary from time to time over the term thereof in accordance with procedures provided in the instrument creating such Bonds.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Series 2018-A Bonds. The Series 2018-A Bonds have been heretofore authorized and directed to be issued pursuant to the Ordinance in the principal amount of $[46,710,000], for the purpose of providing funds to: (a) pay costs of the Project; (b) pay costs of issuance of the Series 2018-A Bonds; (c) retire a portion of the Refunded Notes; and (d) make a deposit to the Bond Reserve Account.

Section 202. Description of the Series 2018-A Bonds. The Series 2018-A Bonds shall consist of fully registered bonds in Authorized Denominations, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Series 2018-A Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, and subject to redemption and payment, prior to their Stated Maturities as provided in ***Article III*** hereof and shall bear interest at the rates per annum as follows:

[**SERIAL BONDS**]

Stated Maturity August 1	**Principal Amount**	**Annual Rate of Interest**	**Stated Maturity August 1**	**Principal Amount**	**Annual Rate of Interest**
2019	$	_____%	2035	$	_____%
2020			2036		
2021			2037		
2022			2038		
2023			2039		
2024			2040		
2025			2041		
2026			2042		
2027			2043		
2028			2044		
2029			2045		
2030			2046		
2031			2047		
2032			2048		
2034			2049		

[TERM BONDS

Stated Maturity August 1	**Principal Amount**	**Annual Rate of Interest**
20[__]	$_____	_____%]

The Series 2018-A Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in ***Section 205*** hereof. The Series 2018-A Bonds shall be issued as Book-Entry-Only Bonds and administered in accordance with the provisions of ***Section 209*** hereof.

Each of the Series 2018-A Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as ***Exhibit A*** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Series 2018-A Bonds and Bond Registrar with respect to the registration, transfer and exchange of the Series 2018-A Bonds. The Mayor of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Series 2018-A Bonds.

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

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

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

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

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner or (b) in the case of an interest payment to any Owner of $1,000,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special

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

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

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

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

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

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

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to ***Section 303*** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its

intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to ***Section 205*** hereof.

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

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

Section 206. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Clerk and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Paying Agent for authentication.

The Series 2018-A Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as ***Exhibit A*** hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Series 2018-A Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Series 2018-A Bond shall be conclusive evidence that such Series 2018-A Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Series 2018-A Bond to the Purchaser upon instructions of the Issuer or its representative.

Section 207. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute

and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

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

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

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

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

Section 209. Book-Entry Bonds; Securities Depository. Any series of Bonds may be issued as Book-Entry-Only Bonds. If so, such series of Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, or (b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to owners requesting the same, and the Bond Registrar shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period

of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

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

Section 210. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 211. Calculation of Debt Service Requirements.

(a) ***Debt Service Requirements on Balloon, Put, Short-Term and Interim Indebtedness***.

(1) The principal of Balloon Indebtedness, Put Indebtedness or Short-Term Indebtedness being treated as Long-Term Indebtedness under ***Section 902*** hereof, or Interim Indebtedness shall be deemed due and payable at its Stated Maturity; provided, however, that at the election of the Issuer for the purpose of any computation of Debt Service Requirements, whether historical or projected, the principal deemed payable on Balloon Indebtedness, Put Indebtedness or Short-Term Indebtedness being treated as Long-Term Indebtedness under ***Section 902*** hereof, or Interim Indebtedness, shall be deemed to be payable as set forth below:

(A) If the Issuer has obtained a binding commitment of a bank or other financial institution (whose senior debt obligations, or the senior debt obligations of the holding company of which such bank or financial institution is the principal subsidiary, are

then rated in the third highest category (without respect to modifier) or better by any NRSRO) to refinance such Balloon Indebtedness, Put Indebtedness, Short-Term Indebtedness or Interim Indebtedness, or a portion thereof, including without limitation, a letter of credit or a line of credit, the Balloon Indebtedness, Put Indebtedness, Short-Term Indebtedness or Interim Indebtedness, or portion thereof to be refinanced, may be deemed to be payable in accordance with the terms of the refinancing arrangement;

(B) If the Issuer has entered into a binding agreement providing for the deposit by the Issuer with a bank or other financial institution (whose senior debt obligations, or the senior debt obligations of the holding company of which such bank or financial institution is the principal subsidiary, are then rated in the third highest category (without respect to modifier) or better by any NRSRO), in trust (herein called a "Special Redemption Fund") of amounts, less investment earnings realized and retained in the Special Redemption Fund, equal in aggregate to the principal amount of such Balloon Indebtedness, Put Indebtedness, Short-Term Indebtedness or Interim Indebtedness, or a portion thereof, when due from the sums so deposited and investment earnings realized thereon, then the principal amount of the Balloon Indebtedness, Put Indebtedness, Short-Term Indebtedness or Interim Indebtedness, or portion thereof, may be deemed to be payable in accordance with the terms of such agreement;

(C) If the Issuer has entered into arrangements or agreements with respect to the principal amount of such Balloon Indebtedness, Put Indebtedness, Short-Term Indebtedness or Interim Indebtedness, other than those referred to in subsections (A) and (B) above, which a Consultant in a certificate filed with the Issuer determines, taking into account the interests of the Owners of Bonds, provides adequate assurances that the Issuer will be able to meet the Debt Service Requirements due on such Indebtedness, the Balloon Indebtedness, Put Indebtedness, Short-Term Indebtedness or Interim Indebtedness may be deemed to be payable in accordance with the terms of such arrangement or agreement; or

(D) Such Balloon Indebtedness, Put Indebtedness, Short-Term Indebtedness or Interim Indebtedness may be deemed to be Bonds which, at the date of its original incurrence, was payable over a term not to exceed twenty (20) years in equal annual installments of principal and interest at the Index Rate.

A Consultant shall deliver to the Issuer a certificate stating that it is reasonable to assume that installment obligations of such term of the Issuer can be incurred and stating the interest rate then applicable to installment obligations of such term of comparable quality. Interim Indebtedness may be deemed to be Indebtedness which, at the date of its original incurrence, would meet the conditions specified in the statement of the Consultant as required in ***Section 902****;* provided that the Consultant shall for each annual period that the Debt Service Requirement is computed, provide a supplemental statement that at such period, the certifications contained in the statement are reasonable.

(2) Interest that is payable prior to the Stated Maturity of any Balloon Indebtedness, Put Indebtedness, Short-Term Indebtedness or Interim Indebtedness shall be taken into account for such appropriate period in computation of Debt Service Requirements. Interest payable at maturity or early redemption on Balloon Indebtedness, Put Indebtedness, Short-Term Indebtedness or Interim Indebtedness may either be amortized over the anticipated maturity or such longer period as is permitted under ***Section 902*** or ***Section 211(a)(1)(D)*** or may be treated as principal payable on the principal maturity date of such Balloon Indebtedness, Put Indebtedness, Short-Term Indebtedness or Interim Indebtedness.

(3) In measuring compliance with the applicable tests hereunder in connection with incurring Put Indebtedness and generally for purposes of determining the Debt Service Requirements relating thereto, Put Indebtedness shall be deemed to mature based upon the actual amortization requirements for the Put Indebtedness, only to the extent that the Issuer has a commitment to refinance such Put Indebtedness.

(b) ***Debt Service Requirements on Discount Indebtedness.*** At the election of the Issuer for the purpose of any computation of Debt Service Requirements, whether historical or projected, the principal and interest deemed payable on Discount Indebtedness shall be deemed to be payable as set forth below:

(1) If the Issuer has obtained a binding commitment of a bank or other financial institution (whose senior debt obligations, or the senior debt obligations of the holding company of which such bank or financial institution is the principal subsidiary, are then rated in the third highest category (without respect to modifier) or better by any NRSRO) to refinance such Discount Indebtedness, or a portion thereof, including without limitation, a letter of credit or a line of credit, the Discount Indebtedness, or portion thereof to be refinanced, may be deemed to be payable in accordance with the terms of the refinancing arrangement;

(2) If the Issuer has entered into a binding agreement providing for the deposit with a bank or other financial institution (whose senior debt obligations, or the senior debt obligations of the holding company of which such bank or financial institution is the principal subsidiary, are then rated in the third highest category (without respect to modifier) or better by any NRSRO), in trust (herein called a "Special Redemption Fund") of amounts, less investment earnings realized and retained in the Special Redemption Fund, equal in aggregate to the principal amount of such Discount Indebtedness, or a portion thereof, and providing for the payment of such principal amount when due from the sums so deposited, and investment earnings realized thereon, then the Discount Indebtedness, or portion thereof, may be deemed to be payable in accordance with the terms of such agreement;

(3) If the Issuer has entered into arrangements or agreements with respect to the principal amount of such Discount Indebtedness, other than those referred to in subsections (1) and (2) above, which a Consultant in a certificate filed with the Issuer determines, taking into account the interests of the holders of Bonds, provides adequate assurances that the Issuer will be able to meet the Debt Service Requirements due on such Indebtedness, the Discount Indebtedness may be deemed to be payable in accordance with the terms of such arrangement or agreement; or

(4) As of any time the maturity amount represented by Discount Indebtedness shall be deemed to be the accreted value of such Indebtedness computed on the basis of a constant yield to maturity.

(c) ***Debt Service Requirements on Variable Rate Indebtedness.*** When calculating interest requirements on Variable Rate Indebtedness which bears a variable rate of interest for periods as to which the rate of interest has not been determined, the rate of interest on Outstanding Variable Rate Indebtedness shall be the average annual rate of interest which was payable on such Variable Rate Indebtedness during the twelve (12) months immediately preceding the date as of which the calculation is made; and the rate of interest on Variable Rate Indebtedness to be incurred (or incurred less than twelve (12) months preceding such date) shall be the average annual rate of interest which would have been payable on such Variable Rate Indebtedness had it been outstanding for a period of twelve (12) months

immediately preceding the date as of which the calculation is made, as evidenced in a certificate of a Consultant, delivered to the Issuer.

Section 212. Preliminary and Final Official Statement. The Preliminary Official Statement dated August 7, 2018 is hereby ratified and approved. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be "final" as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the appropriate officers of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the SEC Rule.

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

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Series 2018-A Bonds. The sale of the Series 2018-A Bonds to the Purchaser is hereby ratified and confirmed. The Mayor and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Series 2018-A Bonds shall be made to the Purchaser as soon as practicable after the adoption of this Bond Resolution, upon payment of the Purchase Price.

Section 214. Parity Bond Certification.
The Issuer hereby represents and covenants that the Series 2018-A Bonds directed to be issued by this Resolution are so issued in full compliance with the restrictions and conditions upon which the Issuer may issue Additional Bonds which stand on a parity of lien with the Net Revenues with the Parity Bonds heretofore issued and Outstanding, as set forth and contained in the Outstanding Parity Bond Resolution, and that the Series 2018-A Bonds herein directed to be issued are so issued in all respects on a parity and equality with the Parity Bonds heretofore issued and Outstanding.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer. The Bonds shall be subject to redemption and payment prior to their Stated Maturity, as follows:

(a) ***Optional Redemption***.

(1) *Series 2018-A Bonds*. At the option of the Issuer, Series 2018-A Bonds maturing on August 1, in the years 2027 and thereafter will be subject to redemption and payment prior to their Stated Maturity on August 1, 2026, and thereafter, as a whole or in part (selection of maturities and the amount of Series 2018-A Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

(2) *Additional Bonds*. Additional Bonds are subject to redemption and payment prior to Stated Maturity in accordance with the provisions of the supplemental resolution authorizing the issuance of such Additional Bonds.

(b) ***Mandatory Redemption***.

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

(2) *The Series 2018-A [-_____] Term Bonds*. [There are **no** Series 2018-A Term Bonds.] [The Issuer shall from the payments specified in ***Section 602(a)*** hereof which are to be deposited into the Principal and Interest Account redeem on August 1 in each year, the following principal amounts of Series 2018-A [-_____] Term Bonds:

Principal Amount	**Year**
	*

*Final Maturity

(3) *Additional Bonds*. Additional Bonds designated as Term Bonds shall be subject to mandatory redemption in accordance with the provisions of the supplemental resolution authorizing such Additional Bonds.

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

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

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. The foregoing provisions of this paragraph shall not apply in the case of any mandatory redemption of Term Bonds hereunder, and Term Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the Issuer and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the State Treasurer and the Purchaser. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

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

(a) the Redemption Date;

(b) the Redemption Price;

(c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;

(d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

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

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

For so long as the Securities Depository is effecting book-entry transfers of any series of Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

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

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

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

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be special obligations of the Issuer payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues, and the Issuer hereby pledges said Net Revenues to the payment of the principal of and interest on the Bonds. Except for Subordinate Lien Bonds, the Bonds shall not be or constitute a general obligation of the Issuer , nor shall they constitute an indebtedness of the Issuer within the meaning of any constitutional, statutory or charter provision, limitation or restriction, and the taxing power of the Issuer is not pledged to the payment of the Bonds, either as to principal or interest.

The Bonds shall be junior and subordinate with respect to the payment of principal and interest and in all other respects to the Permitted Loans. The covenants and agreements of the Issuer contained herein and in the Parity Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Parity Bonds, all of which Parity Bonds shall be of equal rank and without preference or priority of one Parity Bond over any other Parity Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Parity Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. The Series 2018-A Bonds shall stand on a parity and be equally and ratably secured with respect to the payment of principal and interest from the Net Revenues and in all other respects with any Parity Bonds. The Series 2018-A Bonds shall not have any priority with respect to the payment of principal or interest from said net income and revenues or otherwise over the Parity Bonds and the Parity Bonds shall not have any priority with respect to the payment of principal or interest from said net income and revenues or otherwise over the Series 2018-A Bonds.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS AND OTHER MONEYS

Section 501. Ratification; Creation of Funds and Accounts. The following separate Funds and Accounts created and established in the treasury of the Issuer are hereby ratified and confirmed:

(a) Water, Water Pollution Control, and Stormwater Utility Revenue Fund.

(b) Water, Water Pollution Control, and Stormwater Utility Construction Fund.

(c) Water, Water Pollution Control, and Stormwater Utility Renewal and Replacement Account.

So long as the Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds and Series 2017-A Bonds remain Outstanding, the Funds and Accounts referred to in this paragraph shall be administered in accordance with the provisions of the Parity Resolution pursuant to which the such Parity Bonds were issued, and thereafter in accordance with this Bond Resolution.

Simultaneously with the issuance of the Series 2018-A Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

(a) Principal and Interest Account for Combined Utility Revenue Bonds, Series 2018-A.

(b) Bond Reserve Account for Combined Utility Revenue Bonds, Series 2018-A.

(c) Costs of Issuance Account for Combined Utility Revenue Bonds, Series 2018-A.

(d) Rebate Fund for Combined Utility Revenue Bonds, Series 2018-A.

(e) Refunded Notes Redemption Fund.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Series 2018-A Bonds are Outstanding.

Section 502. Deposit of Series 2018-A Bond Proceeds and Other Moneys. The net proceeds received from the sale of the Series 2018-A Bonds and certain other moneys shall be deposited simultaneously with the delivery of the Series 2018-A Bonds as follows:

(a) An amount to pay Costs of Issuance $(_____) shall be deposited in the Costs of Issuance Account.

(b) An amount necessary to meet the Bond Reserve Requirement $(_____) shall be deposited in the Bond Reserve Account.

(c) The sum of $[_____] shall be deposited in the Refunded Notes Redemption Fund, along with [unspent proceeds of the Series 2017-A Notes in the amount of $_____].

(d) The remaining balance of the proceeds derived from the sale of the Series 2018-A Bonds ($_____) shall be deposited in the Construction Fund.

Section 503. Application of Moneys in the Construction Fund. Moneys in the Construction Fund shall be used for the purpose of: (a) paying costs of the Project, in accordance with the plans and specifications therefor prepared by the City Engineer or Consulting Engineer, heretofore approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable by the City Engineer or

Consulting Engineer and approved by the governing body of the Issuer; (b) paying Costs of Issuance; and (c) transferring any amounts to the Rebate Fund required by ***Section 505*** hereof.

Withdrawals from the Construction Fund shall be made only when authorized by executed warrants therefore accompanied by a certificate executed by the Director of Public Works that such payment is being made for a purpose within the scope of this Resolution and that the amount of such payment represents only the contract price of the property, equipment, labor, materials or service being paid for, or if such payment is not being made pursuant to an express contract, that such payment is not in excess of the reasonable value thereof. Nothing herein contained shall prevent the payment out of the Construction Fund of Costs of Issuance of the Series 2018-A Bonds without a certificate from the Director of Public Works of the City. Upon completion of the Project, any surplus of the Series 2018-A Bond proceeds, including earnings thereon, remaining in the Construction Fund shall be deposited in the Principal and Interest Account.

Section 504. Substitute Project; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other System improvements to be financed with proceeds of the Series 2018-A Bonds provided the following conditions are met: (1) the Substitute Project and the issuance of Bonds to pay the cost of the Substitute Project has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution or ordinance authorizing the use of the proceeds of the Series 2018-A Bonds to pay the Financeable Costs of the Substitute Project has been duly adopted by the governing body of the Issuer pursuant to this Section, (3) the Attorney General of the State has approved the amendment made by such resolution or ordinance to the transcript of proceedings for the Series 2018-A Bonds to include the Substitute Project; and (4) the use of the proceeds of the Series 2018-A Bonds to pay the Financeable Cost of the Substitute Project will not adversely affect the tax-exempt status of the Series 2018-A Bonds under State or federal law.

(b) The Issuer may reallocate expenditure of Series 2018-A Bond proceeds among all Projects financed by the Series 2018-A Bonds; provided the following conditions are met: (1) the reallocation is approved by the governing body of the Issuer; (2) the reallocation shall not cause the proceeds of the Series 2018-A Bonds allocated to any Project to exceed the Financeable Costs of the Project; and (3) the reallocation will not adversely affect the tax-exempt status of the Series 2018-A Bonds under State or federal law.

Section 505. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Series 2018-A Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the rebatable arbitrage, if any, under Code § 148(f) in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Series 2018-A Bonds and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Revenue Fund.

(c) Notwithstanding any other provision of this Bond Resolution, including in particular ***Article XI*** hereof, the obligation to pay rebatable arbitrage to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Series 2018-A Bonds.

Section 506. Application of Moneys in the Costs of Issuance Account. Moneys in the Costs of Issuance Account shall be used by the Issuer to pay the Costs of Issuance. Any funds remaining in the Costs of Issuance Account, after payment of all Costs of Issuance, but not later than 30 days prior to the first Interest Payment Date, shall be transferred to the Construction Fund until completion of the Project and thereafter to the Principal and Interest Account.

Section 507. Application of Moneys in the Refunded Notes Redemption Fund. Moneys in the Refunded Notes Redemption Fund shall be paid and transferred to the Refunded Notes Paying Agent, with irrevocable instructions to apply such amount to the payment of the Refunded Notes on October 1, 2018. Any moneys remaining in the Refunded Notes Redemption Fund not needed to retire the Refunded Notes shall be transferred to the Construction Fund until completion of the Project and thereafter to the Principal and Interest Account.

ARTICLE VI

COLLECTION AND APPLICATION OF REVENUES

Section 601. Revenue Fund. The Issuer covenants and agrees that from and after the delivery of the Series 2018-A Bonds, and continuing as long as any of the Bonds remain Outstanding hereunder, all Gross Revenues shall as and when received be deposited into the Revenue Fund. The Revenue Fund shall be administered and applied solely for the purposes and in the manner provided in this Bond Resolution, except as may be modified by the provisions of the Parity Resolution. The Issuer shall first pay from the Revenue Fund the Expenses of the Combined Utility System and of keeping the same in good repair and working order. After paying and providing for the payment of the Expenses, including the Permitted Loans, and any required deposits to the Rebate Fund as provided herein, the Issuer further covenants and agrees that it will allocate, pay and credit the Net Revenues at the time in the Revenue Fund as provided in ***Section 602***, in such amounts so that at all times the Issuer will have sufficient money to meet and pay the requirements of the Principal and Interest Account, Bond Reserve Account and any other obligations of the Combined Utility System, on a parity with the Series 2018-A Bonds.

Section 602. Application of Moneys in Funds and Accounts. The Issuer covenants and agrees that from and after the delivery of the Series 2018-A Bonds and continuing so long as any of the Bonds shall remain Outstanding, it will each month administer and allocate all of the Net Revenues then held in the Revenue Fund as follows:

(a) ***Parity Resolutions***. The following transfers shall be made on a parity of lien basis with the transfers and requirements of the Parity Resolutions.

(1) ***Principal and Interest Account***. There shall be paid and credited monthly to the Principal and Interest Account, to the extent necessary to meet on each Bond Payment Date the payment of all interest on and principal of the Series 2018-A Bonds, the following sums:

(i) Beginning on or before October 1, 2018, and continuing on the first day of each month thereafter an equal pro rata portion of the interest that will become due on the Series 2018-

A Bonds on February 1, 2019; and beginning on February 1, 2019, and continuing on the first day of each month thereafter, so long as any of the Series 2018-A Bonds remain Outstanding, an equal pro rata portion of the interest that will become due on the Series 2018-A Bonds on the next succeeding Interest Payment Date; and

(ii) Beginning on or before October 1, 2018, and continuing on the first day of each month thereafter an equal pro rata portion of the principal that will become due on the Series 2018-A Bonds on August 1, 2019; and beginning on August 1, 2019, and continuing on the first day of each month thereafter, so long as any of the Series 2018-A Bonds remain Outstanding, an equal pro rata portion of the amount of principal that will become due on the Series 2018-A Bonds on the next succeeding Maturity date.

The amounts required to be paid and credited to the Principal and Interest Account pursuant to this Section shall be made at the same time and on a parity with the amounts at the time required to be paid and credited to the principal and interest accounts established for the payment of the Debt Service Requirements on Parity Bonds under the provisions of the Parity Resolution(s).

Any amounts deposited in the Principal and Interest Account in accordance with ***Section 502*** hereof shall be credited against the Issuer's payment obligations as set forth in subsection (a)(1)(i) of this Section.

All amounts paid and credited to the Principal and Interest Account shall be expended and used by the Issuer for the sole purpose of paying the Debt Service Requirements of the Series 2018-A Bonds as and when the same become due at Maturity and on each Interest Payment Date, and paying the related fees of the Paying Agent.

If at any time the moneys in the Revenue Fund are insufficient to make in full the payments and credits at the time required to be made to the Principal and Interest Account and to the principal and interest accounts established to pay the principal of and interest on any Parity Bonds, the available moneys in the Revenue Fund shall be divided among such principal and interest accounts in proportion to the respective principal amounts of said Parity Bonds at the time Outstanding which are payable from the moneys in said principal and interest accounts.

(2) ***Bond Reserve Account.*** Except as hereinafter provided in this Section, all amounts paid and credited to the Bond Reserve Account shall be expended and used by the Issuer solely to prevent any default in the payment of interest on or principal of the Series 2018-A Bonds on any Maturity date or Interest Payment Date if the moneys in the respective Principal and Interest Account are insufficient to pay the Debt Service Requirements of said Series 2018-A Bonds as they become due. So long as the Bond Reserve Account aggregates the Bond Reserve Requirement, no further payments into said Account shall be required, but if the Issuer is ever required to expend and use a part of the moneys in said Account for the purpose herein authorized and such expenditure reduces the amount of the Bond Reserve Account below the Bond Reserve Requirement, or if the valuation of the Bond Reserve Account as provided in ***Section 701(b)*** establishes that the value of the Bond Reserve Account is below the Bond Reserve Requirement, the Issuer shall, after making all payments and credits at the time required to be made by it under the preceding provisions of this Section, make monthly payments or credits to the Bond Reserve Account in such amount as are sufficient to replenish the account to its required balance within eighteen (18) of the shortfall therein.

If all of the Series 2018-A Bonds Outstanding at any time are called for redemption and payment or are refunded and defeased as is provided in this Bond Resolution, amounts in the Bond Reserve

Account may be used or expended by the Issuer to call and redeem, or defease, said Series 2018-A Bonds for payment prior to their Maturity.

(b) ***Debt Service Accounts-Junior Lien Bonds***. There shall next be paid and credited monthly to the debt service account(s) for any Junior Lien Bonds, to the extent necessary to meet on each Bond Payment Date an amount equal to the payment of all interest on and principal of any Junior Lien Bonds. The amounts required to be paid and credited to the debt service account(s) for any Junior Lien Bonds shall be made at the same time and on a parity with the amounts at the time required to be paid and credited to other debt service accounts established for the payment of the Debt Service Requirements on any Junior Lien Bonds.

(c) ***Debt Service Accounts-Subordinate Lien Bonds***. There shall next be paid and credited monthly to the debt service account(s) for any Subordinate Lien Bonds, to the extent necessary to meet on each Bond Payment Date an amount equal to the payment of all interest on and principal of any Subordinate Lien Bonds. The amounts required to be paid and credited to the debt service account(s) for any Subordinate Lien Bonds shall be made at the same time and on a parity with the amounts at the time required to be paid and credited to other debt service accounts established for the payment of the Debt Service Requirements on any Subordinate Lien Bonds.

(d) ***Renewal and Replacement Account***. After making all payments and credits from the Revenue Fund at the time required to be made under the preceding provisions, all remaining moneys in the Revenue Fund which shall not be required for the operating and maintenance of the System for the ensuring forty-five (45) day period shall be deposited into the Renewal and Replacement Account and may be used by the Issuer for any one or more of the following purposes as determined by both the Director of Public Works and the Director of Financial Services.

(1) to pay the cost of extraordinary repairs and maintenance of the System

(2) for capital improvements to the System; and

(3) to pay Expenses of the System if sufficient funds are not available in the Revenue Fund.

(e) ***Deficiency of Payments into Funds and Accounts***. If at any time the Gross Revenues or Net Revenues are insufficient to make any payment on the date or dates hereinbefore specified, the Issuer will make good the amount of such deficiency by making additional payments or credits out of the first available Gross Revenues or Net Revenues, as applicable, such payments and credits being made and applied in the order hereinbefore specified in this Section.

Section 603. Transfer of Funds to Paying Agent. The Treasurer of the Issuer is hereby authorized and directed to withdraw from the Principal and Interest Account, and, to the extent necessary to prevent a default in the payment of either principal of or interest on the Series 2018-A Bonds, from the Bond Reserve Account, as provided in ***Section 602*** hereof, sums sufficient to pay the principal of and interest on the Series 2018-A Bonds as and when the same become due on any Bond Payment Date, and to forward such sums to the Paying Agent in a manner which ensures the Paying Agent will have available funds in such amounts on or before the Business Day immediately preceding each Bond Payment Date. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution.

Section 604. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or

interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

ARTICLE VII

DEPOSIT AND INVESTMENT OF MONEYS

Section 701. Deposits and Investment of Moneys.

(a) Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States: (a) which has a main or branch office located in the Issuer; or (b) if no such entity has a main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositaries shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

(b) Moneys held in any Fund or Account may be invested in accordance with this Bond Resolution and the Federal Tax Certificate, in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created; and provided, further, that Permitted Investments in the Bond Reserve Account shall have an average aggregate weighted term to maturity not greater than five years. All earnings on any investments held in any Fund or Account shall accrue to and become a part of the Revenue Fund, except that all earnings on investments held in the Bond Reserve Account shall accrue to and become a part of the Bond Reserve Account until the amount on deposit in the Bond Reserve Account shall aggregate the Bond Reserve Requirement.

In determining the amount held in any Fund or Account under any of the provisions of this Bond Resolution, Permitted Investments shall be valued at the lower of the par value or the market value thereof. Such valuation shall be made as of the final Stated Maturity of principal of any Fiscal Year that the Series 2018-A Bonds remain Outstanding and may be made in conjunction with redemption of any Bonds. If and when the amount held in any Fund or Account shall be in excess of the amount required by the provisions of this Bond Resolution, the Issuer shall direct that such excess be paid and credited to the Revenue Fund.

(c) So long as any of the Parity Bonds remain Outstanding, any investments made pursuant to this Section shall be subject to any restrictions in the Parity Resolution with respect to the Funds and Accounts created by and referred to in the Parity Resolution.

ARTICLE VIII

GENERAL COVENANTS AND PROVISIONS

The Issuer covenants and agrees with each of the Owners of any of the Bonds that so long as any of the Bonds remain Outstanding and unpaid it will comply with each of the following covenants:

Section 801. Efficient and Economical Operation. The Issuer will continuously own and will operate the System as a revenue producing facility in an efficient and economical manner and will keep and maintain the same in good repair and working order.

Section 802. Rate Covenant. The Issuer, in accordance with and subject to applicable legal requirements, will fix, establish, maintain and collect such rates and charges for the use and services furnished by or through the System, including all extensions, improvements and enlargements thereto hereafter constructed or acquired by the Issuer, as will produce Revenues sufficient to (a) pay the Expenses; (b) pay the Debt Service Requirements on the Bonds as and when the same become due at the Maturity thereof or on any Interest Payment Date; (c) enable the Issuer to have a Debt Service Coverage Ratio of not less than 1.25 on all Parity Bonds at the time Outstanding, a Debt Service Coverage Ratio as set forth in the bond resolution for any Junior Lien Bonds at the time Outstanding, and a Debt Service Coverage Ratio as set forth in the bond resolution on any Subordinate Lien Bonds at the time Outstanding; and (d) provide reasonable and adequate reserves for the payment of the Bonds and the interest thereon and for the protection and benefit of the System as provided in this Bond Resolution, provided, however, that such rates, fees and charges of the water, water pollution control and stormwater utilities shall not be set or otherwise established so that the rates, fees or charges of one such division subsidize the other. The Issuer will require the prompt payment of accounts for service rendered by or through the System and will promptly take whatever action is legally permissible to enforce and collect delinquent charges. As soon as possible after the end of each Fiscal Year, the annual audit and report made for such Fiscal Year pursuant to provisions of this Bond Resolution shall be presented to and considered by the Issuer's governing body and if it shall appear that an increase in existing rates, fees or charges for the services of the Combined Utility System is necessary in order to satisfy the obligations of the Issuer under provisions of this Bond Resolution, the governing body of the Issuer shall promptly make such increase and shall cause the same to be effective within ninety (90) days thereafter. If prior to the end of a then current Fiscal Year, any interim operating statements of the Combined Utility System shall indicate that an increase in the existing rates, fees or charges is necessary to satisfy the obligations of the Issuer under provisions of this Bond Resolution, the governing body of the Issuer shall promptly make such increase and shall cause the same to be effective within ninety (90) days thereafter.

Section 803. Reasonable Charges for all Services. None of the facilities or services provided by the System will be furnished to any user without a reasonable charge being made therefor.

Section 804. Restrictions on Mortgage or Sale of System. The Issuer will not mortgage, pledge or otherwise encumber the System or any part thereof, nor will it sell, lease or otherwise dispose of the System or any material part thereof; provided, however, the Issuer may:

(a) So long as any of the Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds and Series 2017-A Bonds remain Outstanding, dispose of any property which has become obsolete and non-productive or otherwise unusable to the advantage of the Issuer, and

any cash proceeds derived from the Issuer's sale of such property shall be used by the Issuer to improve, extend or enlarge the System; and

(b) When none of the Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds and Series 2017-A Bonds remain Outstanding:

(1) sell at fair market value any portion of the System which has been replaced by other similar property of at least equal value, or which ceases to be necessary for the efficient operation of the System, and in the event of sale, the Issuer will apply the proceeds to either (i) redemption of Outstanding Bonds in accordance with the provisions governing repayment of Bonds in advance of Stated Maturity, or (ii) replacement of the property so disposed of by other property the revenues of which shall be incorporated into the System as hereinbefore provided;

(2) cease to operate, abandon or otherwise dispose of any property which has become obsolete, nonproductive or otherwise unusable to the advantage of the Issuer;

(3) grant a security interest in equipment to be purchased with the proceeds of any loan, lease or other obligation undertaken in accordance with ***Article IX*** hereof; or

(4) sell, lease or convey all or substantially all of the System to another entity or enter into a management contract with another entity if:

(i) The transferee entity is a political subdivision organized and existing under the laws of the State, or instrumentality thereof, or an organization described in Code § 501(c)(3), and expressly assumes in writing the due and punctual payment of the principal of and premium, if any, and interest on all outstanding Permitted Loans or Bonds according to their tenor, and the due and punctual performance and observance of all of the covenants and conditions of this Bond Resolution;

(ii) If there remains unpaid any Permitted Loans or Bonds which bears interest that is not includable in gross income under the Code, the Issuer receives an opinion of Bond Counsel, in form and substance satisfactory to the Issuer, to the effect that under then existing law the consummation of such sale, lease or conveyance, whether or not contemplated on any date of the delivery of such Permitted Loans or Bonds, would not cause the interest payable on such Permitted Loans or Bonds to become includable in gross income under the Code;

(iii) The Issuer receives a certificate of the Consultant which demonstrates and certifies that immediately upon such sale or conveyance the transferee entity will not, as a result thereof, be in default in the performance or observance of any covenant or agreement to be performed or observed by it under this Bond Resolution;

(iv) Such transferee entity possesses such licenses to operate the System as may be required if it is to operate the System; and

(v) The Issuer receives an opinion of Bond Counsel, in form and substance satisfactory to the Issuer, as conclusive evidence that any such sale, lease or conveyance, and any such assumption, is permitted by law and complies with the provisions of this Section.

Section 805. Insurance. The Issuer will carry and maintain a reasonable amount of all risk insurance upon the properties forming part of the System insofar as they are of an insurable

nature, the amount of such insurance being the amount as would normally be carried by a municipal corporation engaged in a similar type of utility enterprise. In the event of loss or damage, the Issuer, with all reasonable dispatch, will use the proceeds of such insurance to reconstruct and replace the property damaged or destroyed or, if such reconstruction or replacement be unnecessary, then either improve, extend or enlarge the System or to redeem or purchase in the open market the Outstanding Bonds. The Issuer in operating the System will carry and maintain public liability and worker's compensation insurance in such amounts as would normally be maintained by a municipal corporation engaged in a similar type of utility enterprise, provided, however, the amount of such liability insurance shall be in amounts not less than the then maximum liability of a governmental entity for claims arising out of a single occurrence, as provided by the State's tort claims act or other similar future law (currently $500,000 per occurrence). The proceeds derived from any of such public liability and worker's compensation policies shall be used in paying the claims on the account of which such proceeds were received. Notwithstanding the foregoing, the Issuer may, under applicable law, elect to be self-insured for all or any part of the foregoing requirements if (a) the Issuer annually obtains a written evaluation with respect to such self-insurance program from an Insurance Consultant, (b) the evaluation is to the effect that the self-insurance program is actuarially sound, (c) unless the evaluation states that such reserves are not necessary, the Issuer deposits and maintains adequate reserves for the self-insurance program with a corporate trustee, who may also be the Paying Agent, and (d) in the case of workers' compensation, adequate reserves created by the Issuer for such self-insurance program are deposited and maintained in such amount and manner as are acceptable to the State. The cost of all insurance referred to in this paragraph, including Insurance Consultant fees and expenses, shall be paid as an operating Expense out of the Gross Revenues of the Combined Utility System.

Section 806. Books, Records and Accounts. The Issuer will install and maintain proper books, records and accounts (entirely separate from all other records and accounts of the Issuer) in which complete and correct entries will be made of all dealings and transactions of or in relation to the properties, business and affairs of the System. Such accounts shall show the amount of revenues received from the System, the application of such funds, and all financial transactions in connection therewith. Said books shall be kept by the Issuer according to standard accounting practices as applicable to the operation of municipal utilities.

Section 807. Annual Budget. Prior to the commencement of each Fiscal Year, the Issuer will cause to be prepared and filed with the Clerk a budget setting forth the estimated receipts and expenditures of the System for the next succeeding Fiscal Year. Said annual budget shall be prepared in accordance with the requirements of the laws of the State and shall contain all information that is required by such laws, including:

(a) An estimate of the Gross Revenues from the System during the next ensuing Fiscal Year.

(b) A statement of the estimated Expenses during the next ensuing Fiscal Year.

(c) A statement of any anticipated unusual Expenses for the System during the next Fiscal Year.

(d) A statement of any necessary repairs or replacements to the System which may be anticipated during the next Fiscal Year.

(e) A statement of the amount of Debt Service Requirements to be paid on Outstanding Bonds to be paid from Net Revenues during the next Fiscal Year.

(f) A statement of the estimated Net Revenues during the next Fiscal Year.

Section 808. Annual Audit. Annually, as soon as possible after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements System for the preceding Fiscal Year by an Independent Accountant to be employed for that purpose and paid from the Gross Revenues. Said annual audit shall cover in reasonable detail the operation of the System during such Fiscal Year. The report of said annual audit shall include:

(a) a classified statement of the Gross Revenues received, of Expenses for operation and maintenance, of expenditures for all other purposes, and the amount of any capital expenditures made from such Gross Revenues made during the Fiscal Year;

(b) A complete balance sheet as of the end of each Fiscal Year with the amount on hand at the end of such Fiscal Year in each of the Funds and Accounts created by and referred to in this Bond Resolution;

(c) a statement showing gain or loss for such Fiscal Year;

(d) a statement of the Bonds redeemed, purchased or paid during the preceding Fiscal Year, and a statement of all interest paid during such year on the Bonds;

(e) A statement of the number of customers served by the System at the beginning and the end of such Fiscal Year;

(f) A statement showing the amount and character of the insurance carried on the property constituting the System and showing the names of the insurers, the expiration dates of the policies and the premiums thereon;

(g) the opinion of the Independent Accountant as to whether or not the Issuer is meeting the requirements of ***Section 802*** of this Bond Resolution by maintaining and collecting adequate rates, fees and charges for System services furnished by the Issuer; and

(h) Such remarks and recommendations regarding the practices and procedures of operating the System and its accounting practices as said Independent Accountant may deem appropriate.

Within 30 days after the completion of each such annual audit, a copy of the report of thereof shall be filed in the office of the Clerk. Such audit reports shall at all times during the usual business hours be open to the examination and inspection by any user of the services of the System, any Owner of any of the Bonds, or by anyone acting for or on behalf of such user or Owner.

As provided in ***Section 802*** hereof, as soon as possible after the completion of the annual audit, the governing body of the Issuer shall review the report of such audit, and if the audit report discloses that proper provision has not been made for all of the requirements of this Bond Resolution and the Act, the Issuer will promptly cure such deficiency and will promptly proceed to modify the rates and charges to be charged for the use and services furnished by the System or take such other action as may be necessary to adequately provide for such requirements.

Section 809. Internal Rate Review. The Issuer shall semiannually conduct an internal rate review for the purpose of determining the sufficiency of the water, water pollution control and stormwater utility rates and charges of the Issuer, in view of the covenants herein and heretofore made.

Section 810. Payments in Lieu of Taxes. As long as the Bonds are Outstanding, any payments in lieu of taxes made to the Issuer from the Net Revenues of the System shall not exceed an amount based on the method currently in effect in the Issuer, such method being based on the net value of the equity of the Issuer in the System located within the corporate limits of the Issuer. Further, such payment in lieu of taxes will not be made if the Issuer is in default in paying the Debt Service Requirements on any Parity Bonds , or if such payment would cause the Issuer to default in the payment of the Debt Service Requirements on the Parity Bonds.

Section 811. Performance of Duties and Covenants. The Issuer will faithfully and punctually perform all duties, covenants and obligations with respect to the operation of the System now or hereafter imposed upon the Issuer by the Constitution and laws of the State and by the provisions of this Bond Resolution.

Section 812. Parity Bond Certification. The Issuer hereby represents and covenants that the Series 2018-A Bonds directed to be issued by this Bond Resolution are so issued in full compliance with the restrictions and conditions upon which the Issuer may issue Additional Bonds payable out of the Net Revenues derived from the operation of the System and which stand on a parity with the Parity Bonds heretofore issued and Outstanding, as set forth and contained in the Parity Resolution, and that the Series 2018-A Bonds herein directed to be issued are so issued in all respects on a parity and equality with the Parity Bonds heretofore issued and Outstanding.

ARTICLE IX

ADDITIONAL BONDS AND OBLIGATIONS

Section 901. Senior Lien Bonds. Other than additional Permitted Loans, the Issuer covenants and agrees that so long as any of the Parity Bonds remain Outstanding, the Issuer will not issue any Bonds payable out of the Gross Revenues or which is superior to the Parity Bonds with respect to the lien on the Net Revenues.

Section 902. Additional Permitted Loans. Except as hereinafter provided, the Issuer hereby covenants and agrees that so long as any of the Parity Bonds remain outstanding and unpaid, it will not issue or incur any additional Permitted Loans payable out of the Gross Revenues of the System that are superior in lien and security to the Parity Bonds unless each of the following conditions are met:

(a) The Issuer shall not be in default in making any of the payments at the time required to be made in connection with any outstanding Permitted Loans or into the respective Funds or Accounts created to or referred to in this Bond Resolution, or the performance of any covenant contained therein.

(b) The Debt Service Coverage Ratio shall be not less than 1.25.

(c) In addition, the Projected Debt Service Coverage Ratio shall be not less than 1.25

Section 903. Parity Bonds.

Except as hereinafter provided, the Issuer hereby covenants and agrees that so long as the Bonds remain outstanding and unpaid it will not issue any Additional Bonds payable out of the Net Revenues of the System which stand on a parity or equality with the Parity Bonds unless each of the following conditions is met:

(a) The Issuer shall not be in default in making any of the payments at the time required to be made by it into the respective Funds or Accounts created or referred to in this Bond Resolution or any Parity Resolution, or in performance of any covenant contained herein or therein.

(b) The Issuer shall deliver the following:

(1) ***Long-Term Indebtedness***. A certificate signed by the Issuer evidencing the following:

(i) The Debt Service Coverage Ratio shall be not less than 1.25.

(ii) In addition, the Projected Debt Service Coverage Ratio shall be not less than 1.25, provided that if the issuance of the proposed Additional Bonds shall not increase the Debt Service Requirements on all Parity Bonds, including any Additional Bonds proposed to be issued, in any Fiscal Year, the requirement of this subsection (ii) shall be inapplicable.

(2) ***Short-Term Indebtedness***. For so long as any of the Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds and Series 2017-A Bonds remain Outstanding, the following provision shall not be applicable, but thereafter:

A certificate signed by the Issuer evidencing any ***one*** of the following:

(i) The principal amount of all Outstanding Short-Term Indebtedness does not exceed 15% of the Gross Revenues for the most recently ended Fiscal Year for which financial information is available from the Independent Accountant;

(ii) The Short-Term Indebtedness could be incurred under ***subsection (b)(1)*** hereof assuming it was Long-Term Indebtedness.

(iii) There is delivered to the Issuer a certificate of a Consultant to the effect that it is such Consultant's opinion that it is reasonable to assume that the Issuer will be able to refinance such Short-Term Indebtedness prior to its Stated Maturity in compliance with the provisions of this Section and the conditions described in ***subsection (b)(1)*** are met with respect to such Short-Term Indebtedness when it is assumed that such Short-Term Indebtedness is Long-Term Indebtedness maturing over 20 years (or such shorter period as such Consultant indicates is reasonable to assume in such statement) from the date of issuance of the Short-Term Indebtedness and bears interest on the unpaid principal balance at the Index Rate and is payable on a level annual debt service basis over a 20-year period (or such shorter period as such Consultant indicates is reasonable to assume in such statement).

(3) ***Interim Indebtedness***. For so long as any of the Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds and Series 2017-A Bonds remain Outstanding, the following provision shall not be applicable, but thereafter:

A certificate signed by the Issuer evidencing ***either*** of the following:

(i) The Interim Indebtedness could be incurred under ***subsection (b)(1)*** hereof assuming it was Long-Term Indebtedness.

(ii) There is delivered to the Issuer a certificate of a Consultant to the effect that it is such Consultant's opinion that it is reasonable to assume that the Issuer will be able to refinance such Interim Indebtedness prior to its Stated Maturity in compliance with the provisions of this Section and the conditions described in ***subsection (b)(1)*** are met with respect to such Interim Indebtedness when it is assumed that such Interim Indebtedness is Long-Term Indebtedness maturing over 20 years (or such shorter period as such Consultant indicates is reasonable to assume in such statement) from the date of issuance of the Interim Indebtedness and bears interest on the unpaid principal balance at the Index Rate and is payable on a level annual debt service basis over a 20-year period (or such shorter period as such Consultant indicates is reasonable to assume in such statement).

(c) When the issuance of Bonds of equal stature and priority is permitted by the Statutes of the State.

(d) With respect to the issuance of Additional Bonds, an additional deposit to the Bond Reserve Account shall be made to bring the Bond Reserve Account to an amount equal to the Bond Reserve Requirement. In addition, if the Issuer receives an opinion of Bond Counsel to the effect that the Bond Reserve Requirement must be reduced in connection with the issuance of Additional Bonds in order that the amounts on deposit in bond reserve accounts may continue to be invested without yield restriction under the Code, the amount held in such bond reserve account or accounts shall be reduced in conformity with said opinion

(e) The ordinance and/or resolution authorizing such Bonds shall contain or provide for substantially the same terms, conditions, covenants and procedures as established in this Bond Resolution.

When none of the Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds and Series 2017-A Bonds remain Outstanding, and notwithstanding the foregoing restrictions, Additional Bonds may be issued under this Section if it is necessary: (1) in the opinion of the Consulting Engineer to do so to repair the System if damaged or destroyed by disaster to such extent necessary to keep it in good operating condition; or (2) in the opinion of the Issuer's legal counsel to remedy any deficiency of the System relating to environmental pollution matters or to comply with the requirements of any governmental agency having jurisdiction over the Issuer with respect thereto.

Additional Bonds issued under the conditions set forth in this Section shall stand on a parity with the Parity Bonds and shall enjoy complete equality or lien on and claim against the Net Revenues, and the Issuer may make equal provision for paying the Debt Service Requirements on such Bonds out of the Revenue Fund and may likewise provide for the creation of reasonable principal and interest accounts and Bond Reserve Accounts for the payment of the Debt Service Requirements on such Bonds and the interest thereon out of moneys in the Revenue Fund.

Section 904. Junior Lien Bonds. Nothing in this Article shall prohibit or restrict the right of the Issuer to issue Junior Lien Bonds for any lawful purpose in connection with the operation of and benefiting the System and to provide that the Debt Service Requirements on such Junior Lien Bonds shall be payable out of the Net Revenues, provided at the time of the issuance of such Junior Lien Bonds the Issuer is not in default in the performance of any covenant or agreement contained in the Parity

Resolution (unless such Bonds shall be issued to cure such default and shall be junior and subordinate to the Parity Bonds) so that if at any time the Issuer shall be in default in paying either interest on or principal of the Parity Bonds, or if the Issuer is in default in making debt service, operation and maintenance or bond reserve account deposits or payments required to be made by it under the Parity Resolution, the Issuer shall make no payments of either principal of or interest on said Junior Lien Bonds until said default or defaults be cured.

Section 905. Subordinate Lien Bonds. Nothing in this Article shall prohibit or restrict the right of the Issuer to issue Subordinate Lien Bonds for any lawful purpose in connection with the operation of and benefiting the System and to provide that the Debt Service Requirements on such Subordinate Lien Bonds shall be payable out of the Net Revenues, provided at the time of the issuance of such Subordinate Lien Bonds the Issuer is not in default in the performance of any covenant or agreement contained in the Parity Resolution (unless such Bonds shall be issued to cure such default and shall be junior and subordinate to the Parity Bonds and Junior Lien Bonds) so that if at any time the Issuer shall be in default in paying either interest on or principal of the Parity Bonds and Junior Lien Bonds, or of the Issuer is in default in making debt service, operation and maintenance or bond reserve account deposits or payments required to be made by it under the Parity Resolution, the Issuer shall make no payments of either principal of or interest on said Subordinate Lien Bonds until said default or defaults be cured. Such Subordinate Lien Bonds may also constitute general obligations of the Issuer.

Section 906. Refunding Bonds. When none of the Series 2010-A Bonds, Series 2010-B Bonds, Series 2010-C Bonds, Series 2011-A Bonds, Series 2012-A Bonds, Series 2013-A Bonds, Series 2014-A Bonds, Series 2016-A Bonds, Series 2016-B Bonds and Series 2017-A Bonds remain Outstanding, the Issuer shall have the right, without complying with the provisions of ***Section 902*** hereof:

(a) to issue Refunding Bonds for the purpose of refunding any complete series then Outstanding of the Bonds under the provisions of any law then available, and the Refunding Bonds so issued shall enjoy complete equality of pledge as did the Bonds that was refunded;

(b) to issue Refunding Bonds for the purpose of refunding any partial series then Outstanding of the Bonds under the provisions of any law then available, and the Refunding Bonds so issued shall enjoy complete equality of pledge as did the Bonds that was refunded; provided such Refunding Bonds must produce debt service payment savings in total and provided that such consent is not needed from Owners of Subordinate Lien Bonds or Junior Lien Bonds.

ARTICLE X

DEFAULT AND REMEDIES

Section 1001. Remedies. The provisions of this Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

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

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

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

The Issuer hereby directs the Paying Agent to notify the Owners and Bond Insurer of any Event of Default of which it has actual notice.

Section 1002. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds of any series shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the Funds and Accounts herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners of such Outstanding Bonds.

Section 1003. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 1004. No Obligation to Levy Taxes. Nothing contained in this Bond Resolution shall be construed as imposing on the Issuer any duty or obligation to levy any taxes either to meet any obligation incurred herein or to pay the principal of or interest on the Bonds.

Section 1005. [Intentionally Omitted]

ARTICLE XI

DEFEASANCE

Section 1101. Defeasance. When any or all of the Series 2018-A Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Net Revenues hereunder and all other rights granted hereby shall terminate with respect to the Series 2018-A Bonds or scheduled interest payments thereon so paid and discharged. The Series 2018-A Bonds, redemption premium, if any, or

scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Series 2018-A Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Series 2018-A Bonds, no such satisfaction shall occur until: (a) the Issuer has elected to redeem such Series 2018-A Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with ***Section 303*** of this Bond Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Series 2018-A Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Series 2018-A Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution.

ARTICLE XII

TAX COVENANTS

Section 1201. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Series 2018-A Bonds; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor and Director of Financial Services are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Series 2018-A Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer. The Series 2018-A Bonds are not designated as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code.

Section 1202. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Series 2018-A Bonds pursuant to ***Article XI*** hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE XIII

CONTINUING DISCLOSURE REQUIREMENTS

Section 1301. Disclosure Requirements. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 1302. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. The Purchaser or Beneficial Owner shall provide a copy of any such demand or notice to any Bond Insurer.

ARTICLE XIV

MISCELLANEOUS PROVISIONS

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

(a) extend the maturity of any payment of principal or interest due upon any Bond;

(b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;

(c) permit preference or priority of any Bond over any other Bond;

(d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution; or

(e) permit the creation of a lien on the Gross Revenues prior or equal to the lien of the Parity Bonds.

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

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Project, to reallocate proceeds of the Bonds among Project, to provide for Substitute Project, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the governing body of the Issuer amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental resolution or ordinance, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or ordinance of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

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

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

Section 1402. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

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

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

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution, Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners

know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 1403. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent]. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1404. Inconsistent Provisions. In case any one or more of the provisions of this Bond Resolution or of the Bonds issued hereunder shall for any reason be inconsistent with the provisions of any Parity Resolution or any Parity Bonds: (a) the provisions of any Parity Resolution adopted prior to this Bond Resolution shall prevail with respect to Parity Bonds issued prior in time, so long as such Parity Bonds are Outstanding; and (b) the provisions of this Bond Resolution shall prevail with respect to any Parity Resolution adopted subsequent to the Bond Resolution, so long as any Parity Bonds issued under this Bond Resolution are Outstanding.

Section 1405. Electronic Transactions. The issuance of the Series 2018-A Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 1406. Further Authority. The officers and officials of the Issuer, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1407. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 1408. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1409. Effective Date.
This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the Issuer on August 14, 2018.

(SEAL)

Mayor

ATTEST:

Clerk

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of Resolution No. _____ (the "Bond Resolution") of the City of Topeka, Kansas, adopted by the governing body on August 14, 2018, as the same appears of record in my office, and that the Bond Resolution has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: August 14, 2018.

Clerk

EXHIBIT A

(FORM OF SERIES 2018-A BONDS)

REGISTERED **REGISTERED**
NUMBER ___ **$____**

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

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF SHAWNEE
CITY OF TOPEKA
COMBINED UTILITY REVENUE BOND
SERIES 2018-A

Interest Rate:	**Maturity Date:**	**Dated Date: September 11, 2018**	**CUSIP:**

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Topeka, in the County of Shawnee, State of Kansas (the "Issuer"), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to said Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on February 1 and August 1 of each year, commencing February 1, 2019 (the "Interest Payment Dates"), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Series 2018-A Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Series 2018-A Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Series 2018-A Bond at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The interest payable on this Series 2018-A Bond on any Interest Payment Date shall be paid to the person in whose name this Series 2018-A Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s) for such interest,

which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner or, (b) in the case of an interest payment to any Registered Owner of $500,000 or more in aggregate principal amount of Series 2018-A Bonds, by electronic transfer to such Registered Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Series 2018-A Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

ADDITIONAL PROVISIONS OF THIS SERIES 2018-A BOND ARE CONTINUED ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

Authentication. This Series 2018-A Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Series 2018-A Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation, and that provision has been duly made for the collection and segregation of the Gross Revenues of the combined water, water pollution control and stormwater utility facilities of the Issuer (the "System") and for the application of the same as provided in the hereinafter defined Bond Resolution.

IN WITNESS WHEREOF, the Issuer has caused this Series 2018-A Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

CITY OF TOPEKA, KANSAS

(Facsimile Seal) (facsimile)
Mayor

ATTEST:

By (facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Series 2018-A Bond is one of a series of Combine Utility Revenue Bonds, Series 2018-A, of the City of Topeka, Kansas, described in the within-mentioned Bond Resolution.

Registration Date: _____

Office of the State Treasurer,
Topeka, Kansas,
as Bond Registrar and Paying Agent

By _____

Registration Number: _____

(FORM OF REVERSE SIDE OF BOND)

ADDITIONAL PROVISIONS

Authorization of Series 2018-A Bonds. This Series 2018-a Bond is one of an authorized series of bonds of the Issuer designated "Combined Utility Revenue Bonds, Series 2018-A," aggregating the principal amount of [$46,710,000] (the "Series 2018-A Bonds") issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Series 2018-A Bonds and the Resolution of the Issuer prescribing the form and details of the Series 2018-A Bonds (collectively, the "Bond Resolution"). The Series 2018-A Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-620 *et seq*. and K.S.A. 10-1201 *et seq*., as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

Special Obligations. The Series 2018-A Bonds are special obligations of the Issuer payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues, and the taxing power of the Issuer is not pledged to the payment of the Series 2018-A Bonds either as to principal or interest. The Series 2018-A Bonds shall not be or constitute a general obligation of the Issuer, nor shall they constitute an indebtedness of the Issuer within the meaning of any constitutional, statutory or charter provision, limitation or restriction. The Series 2018-A Bonds stand on a parity and are equally and ratably secured with respect to the payment of principal and interest from the Net Revenues and in all other respects with the Issuer's Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Payment to Issuer), Series 2010-A, Taxable Combined Utility Improvement Revenue Bonds (Recover Zone Economic Development Bonds), Series 2010-B, Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C, Combined Utility Improvement and Refunding Revenue Bonds, Series 2011-A, Combined Utility Refunding Revenue Bonds, Series 2012-A, Combined Utility Refunding Revenue Bonds, Series 2013-A, Combined Utility Improvement and Refunding Revenue Bonds, Series 2014-A, Combined Utility Improvement and Refunding Revenue Bonds, Series 2016-A, Taxable Combined Utility Refunding Revenue Bonds, Series 2016-B, and Combined Utility Revenue Bonds, Series 2017-A. ***Under the conditions set forth in the Bond Resolution, the Issuer has the right to issue additional System Indebtedness payable from the same***

source and secured by the Net Revenues on a parity with said Net Revenues; provided, however, that such additional System Indebtedness may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in the Bond Resolution.

The Issuer hereby covenants and agrees with the Registered Owner of this Series 2018-A Bond that it will keep and perform all covenants and agreements contained in the Bond Resolution, and will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, as will produce Net Revenues sufficient to pay the costs of operation and maintenance of the System, pay the principal of and interest on the Series 2018-A Bonds as and when the same become due, and provide reasonable and adequate reserve funds. Reference is made to the Bond Resolution for a description of the covenants and agreements made by the Issuer with respect to the collection, segregation and application of the Gross Revenues, the nature and extent of the security for the Series 2018-A Bonds, the rights, duties and obligations of the Issuer with respect thereto, and the rights of the Registered Owners thereof.

Redemption Prior to Maturity. The Series 2018-A Bonds are subject to redemption prior to maturity as set forth in the Bond Resolution.

Book-Entry System. The Series 2018-A Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One certificate with respect to each date on which the Series 2018-A Bonds are stated to mature or with respect to each form of Series 2018-A Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Series 2018-A Bonds by the Securities Depository's participants, beneficial ownership of the Series 2018-A Bonds in Authorized Denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Series 2018-A Bond, as the owner of this Series 2018-A Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Series 2018-A Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to Beneficial Owners of the Series 2018-A Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such Beneficial Owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the Owner of this Series 2018-A Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Series 2018-A Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Series 2018-A Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Series 2018-A Bond together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner

or the Registered Owner's duly authorized agent, and thereupon a new Series 2018-A Bond or Series 2018-A Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Series 2018-A Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Series 2018-A Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Series 2018-A Bonds are issued in fully registered form in Authorized Denominations.

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Series 2018-A Bonds:

GILMORE & BELL, P.C.
Attorneys at Law
100 N. Main Suite 800
Wichita, Kansas 67202

(PRINTED LEGAL OPINION)

BOND ASSIGNMENT

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

_____
(Name and Address)

_____
(Social Security or Taxpayer Identification No.)

the Series 2018-A Bond to which this assignment is affixed in the outstanding principal amount of $_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Series 2018-A Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

_____
Name

_____
Social Security or
Taxpayer Identification No.

_____
Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF SHAWNEE)

The undersigned, Clerk of the City of Topeka, Kansas, does hereby certify that the within Series 2018-A Bond has been duly registered in my office according to law as of September 11, 2018.

WITNESS my hand and official seal.

(Facsimile Seal) (facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

JAKE LATURNER, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Series 2018-A Bond has been filed in the office of the State Treasurer, and that this Series 2018-A Bond was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Facsimile Seal) By: (facsimile)
Treasurer of the State of Kansas

SCHEDULE I

LIST OF PROJECTS

CITY OF TOPEKA, KANSAS
COMBINED UTILITY REVENUE BONDS
SERIES 2018-A

Project Number	Res. No.	Description of Project	Total Cost Authorized*	Project Amount*	Unspent Note Proceeds	Other Legally Available Funds	Net Amount to be Bonded
T-281028.00		Water Extension Fairlawn	$2,670,000.00	$2,055,321.49			
T-281032.01		Layne Station Ph II	1,402,500.00	1,027,661.26			
T-281079.00		Main Crane @ Jefferson	4,883,565.00	4,883,565.00			
T-281082.00		Main California 33rd-41st	1,464,400.00	1,350,000.00			
T-281085.00		Main SE 37th Kentucky - Calif	1,558,700.00	1,200,000.00			
T-281086.00		Crane-Harrison/Branner/Jefferson	3,250,000.00	3,250,000.00			
T-281102.00		Rehab East Filter @ Treatment Plant	1,600,000.00	1,600,000.00			
T-281102.01		Rehab East Filter Phase II	5,185,000.00	5,185,000.00			
T-281104.00		24" NE Strait NE Seward to SE 6th	2,700,000.00	2,700,000.00			
T-281112.00		2019 Water Main Replacement	3,500,000.00	2,640,000.00			
T-281114.00		2019 Water Treatment Plant Rehab	1,000,000.00	880,000.00			
T-281141.01		Water Meter Replacement/AMI Upgrade Year 1	4,000,000.00	3,520,000.00			
T-281158.00		2019 SCADA System Upgrades	775,000.00	682,000.00			
T-151016.01		Pipe Replace SE 29th Ph II	900,000.00	792,000.00			
T-501035.00		2018 Storm Convey Sys Rehab	2,500,000.00	2,200,000.00			
T-291003.01		S Kansas River Pump Station	1,449,740.00	1,438,724.73			
T-291041.00		Adams St Interceptor Rehab	2,000,000.00	1,849,789.23			
T-291043.00		Lining Repair - NTWWTP Wanamaker PS	1,500,000.00	1,320,000.00			
T-291048.00		2018 WW Replacement Program	2,000,000.00	1,760,000.00			
T-291065.00		2017 Small WW PS Rehab	1,500,000.00	1,320,000.00			
T-291066.00		2017 San Swr Interceptor Rehab	1,500,000.00	1,320,000.00			
T-291069.00		2018 WPC Facility Rehab Program	1,000,000.00	880,000.00			
T-291088.00		2019 WPC Scada System Upgrade	810,000.00	713,000.00			
						SUBTOTAL	
						ROUNDING	
						BOND RESERVE DEPOSIT	
						COSTS OF ISSUANCE	
						CAPITALIZED INTEREST	
						UNDERWRITING DISCOUNT	
						TOTAL SERIES 2018-A BONDS	

*Construction and acquisition cost only, and does not include necessary interest, costs of issuance, underwriting costs and rounding.

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 14, 2018

DATE:	**August 14, 2018**		
CONTACT PERSON:	**Bill Fiander**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Mark Boyd, SBB Engineering**	**PROJECT #:**	**PUD06/01C**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 007 Zoning**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**Defer One Week. 8-7-18**	**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for amendment of the Planned Unit Development Master Plan for the College Hill Redevelopment Subdivision to allow for the construction and operation of a dog park and pet exercise area as an interim use with the underlying PUD land use of eight attached residential townhomes to remain in place for future construction on vacant property located at 1423 SW Lane Street. *(PUD06/01C) (Council District No.1) (Deferred from the meeting of August 7, 2018.)*

Voting Requirements:
(1) Approve the Ordinance - 6 votes
(2) Remand back to the Planning Commission - 6 votes
(3) Amend the Planning Commission's Recommendation - 7 votes
(4) Deny the Planning Commission's Recommendation - 7 votes

(Approval would allow a dog park for interim use by residents of the College Hill Apartments.)

VOTING REQUIREMENTS:

1. Approve the Planning Commission's recommendation. A minimum of 6 votes is required.

2. Amend the Planning Commission's recommendation. A minimum of 7 votes is required.

3. Disapprove the Planning Commission's recommendation. A minimum of 7 votes is required.

4. Remand to the Planning Commission for further consideration, with a statement specifying the basis for the

governing body's failure to approve or disapprove. A minimum of 6 votes is required.

POLICY ISSUE:

The primary issue of the proposed amendment, allowing a dog park for use by residents of the College Hill Apartments as an interim use, is whether the dog park will discourage the development of the property as eight (8) residential townhomes as originally intended. The proposed dog park will be an amenity for College Hill Lofts residents while the owner waits for an increase in market demand for residential townhomes or apartments. As a solution the entitlement to develop residential townhomes remains while the recommended amended PUD master plan limits the dog park to three (3) years from the date the PUD Master Plan Amendment is recorded unless, upon request by the owner, the PUD master plan is amended. Such an amendment will be processed as a "major amendment" requiring a public hearing by the Planning Commission and approval by the Governing Body.

STAFF RECOMMENDATION:

Staff recommend the Governing Body move to adopt the Ordinance.

BACKGROUND:

The College Hill Redevelopment PUD Master Plan for the entire area of the PUD provides for 183 residential apartments and 33 attached townhomes, in addition to approximately 24,000 square feet of commercial retail space. The PUD Amendment proposed by the current property owner of the College Hill Apartments is for a dog park as an interim use on the 0.52 acre subject site (a part of the College Hill PUD area) that is entitled for development of 8 attached townhomes pursuant to the PUD Master Plan.

The PUD amendment for the dog park is recommended for approval with the conditions related to its operation and with the condition that the use of a dog park is limited to a duration of three (3) years from the recordation of approved PUD Master Plan Amendment unless amended by a major PUD amendment.

The Planning Commission recommended approval of the PUD amendment by a vote of 6-2-0 after close of the public hearing on June 25, 2018. The Planning Department recommended approval per the attached staff report.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

Description

Ordinance
Planning Commission Minutes
email comment from neighbor
supplemental memo re: condition no. 3
Staff Report to Planning Commission
Aerial Map
Zoning Map
Future Land Use Map (LUGMP 2040)
Neighborhood Information Mtg. Summary & Sign-In
Amended Master Plan - Site Plan

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for amendment of the Planned Unit Development Master Plan for the College Hill Redevelopment Subdivision to allow for the construction and operation of a dog park and pet exercise area as an interim use with the underlying PUD land use of eight attached residential townhomes to remain in place for future construction on vacant property located at 1423 SW Lane Street. **(PUD06/01C) (Council District No. 1)**

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be, and the same is hereby amended, to reflect amendment of PUD Master Plan, for the following described property:

Lot 1 of Block B of the College Hill Redevelopment Subdivision.

Section 2. The construction and operation of a dog park and pet exercise area shall comprise an interim use with the underlying PUD residential land use group remaining in place pursuant to Revision No. 3 of the PUD Master Plan for the College Hill Redevelopment Subdivision as shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code.

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

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

PASSED AND APPROVED by the Council of the City of Topeka, _____, 2018

_____
Michelle De La Isla, Mayor

ATTEST:

_____
Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified ___X___

CITY OF TOPEKA
PLANNING COMMISSION
CASE MINUTES

Monday, June 25, 2018

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present:	Carole Jordan, Marc Fried, Dennis Haugh, Wiley Kannarr, Corliss Lawson, Ariane Messina, Katrina Ringler, Matt Werner (8)
Members Absent:	Brian Armstrong (1)
Staff Present:	Bill Fiander, Planning Director, Mike Hall, Planner III; Annie Driver, Planner II; John Neunuebel, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal

PUD06/01C by College Hill Apartments, LLC requesting to amend the Planned Unit Development Master Plan to provide for the construction and operation of a Dog Park, as an interim land use prior to market demand in the future for additional rental units, for use by residents of College Hill Apartments on an approximately 0.5-acre property located on the east side of SW Lane Street just south of SW 14th Street.

Mr. Neunuebel presented the staff report and reported on Neighborhood Information Meeting (NIM), explaining that there was one attendee and they had questions about parking. No additional parking is required since the proposed Dog Park is for residents of College Hill Apartments. He referred to the handout, "Supplemental Information for Planning Commission…" which includes an additional condition that staff recommends be included as "General Note #8". It states that "Interim use as a dog park shall be valid for a period of three (3) years from the date the PUD Master Plan is recorded with the Shawnee County Register of Deeds, at which time the owner shall cease operation of the dog park. At that time the owner may submit an application to amend to PUD Master Plan to continue or resume operation of the dog park. An application to continue or resume operation as a dog park shall be processed and considered as a major amendment to the PUD Master Plan." He presented the staff recommendation for approval of the PUD amendment subject to the 2 conditions listed in the staff report and the additional condition in the memo.

Mr. Kannarr noted that he had received an email from Henry McClure about the case. Ms. Ringler stated that she had previously confirmed with Mary Feighny (attorney for COT) that since the email was sent to all Planning Commissioners, it is a matter of record and not considered ex parte communication.

Mark Boyd with SBB Engineering came forward to speak on behalf of the owners. He stated that Lou McGinnis was also present and would take questions.

Mr. Boyd stated that he's in agreement with conditions 1 & 2 but expressed concern about condition #3. He thought the condition was going to be a sunset in 5 years rather than 3 and added that he's never seen a time-frame put on a PUD. He stated that he believes it's very aggressive for the owner to be required to apply for a major amendment to the PUD every 3 years in order to extend the allowance of the dog park. He doesn't understand why a major amendment and public meeting is necessary to extend the timeframe. His proposal would be a 3 year sunset with a 2 year extension allowed by a minor amendment (e.g. administrative approval), then after 5 years the requirement for a major amendment. He feels that 5 years would give the owner time to analyze the market and determine how the site should be utilized

Mr. Haugh asked what the maximum occupancy/utilization of the site would be. Mr. McGinnis came forward and stated that currently there are a little over 200 dogs at College Hill Apartments, adding that's

what motivated them to set up a dog park. Mr. Haugh noted concern about odor and the impact that might have on neighbors.

Ms. Ringler announced that the **public hearing was open**. With none coming forward to speak, she declared the **public hearing closed.**

Mr. Werner asked if there had been discussion about perhaps view reducing fence rather than chain link. Mr. Neunuebel said no, but design standards require a black or forest green finish on the chain link.

Mr. Fried asked for clarification on the hours, expressing concern that it's not clear what hours the park can be open. Mr. Hall pointed to staff recommendation #2, explaining that the Master PUD Plan would be revised before going to Council and state that the hours of operation will be 6:30AM – 11:00PM.

Mr. Kannarr asked staff for clarification on their thought process regarding Condition #3. Mr. Neunuebel explained that staff feels 3 years is a reasonable time period; it emphasizes the interim nature of the dog park and points to the need to pay attention to the PUD Master Plan and land uses.

Ms. Ringler asked if there are other PUDs that have time limits. Mr. Neunuebel responded that he's not aware of any, but he's also not aware of other PUDs that allow for interim uses.

Mr. Hall explained that the entitlement to build eight townhomes on this site continues even with the interim use agreement.

Addressing Mr. Boyd's suggestion that an additional 2 years be allowed by a minor amendment, Mr. Hall stated that this wouldn't work well as there would be no clear indication of conditions for staff to either allow *or* deny the extension. He suggested that if Commissioners feel 3 years is too short a time, it would be better to extend it to more years than to allow 3 years with a minor amendment to allow an additional 2.

Mr. Fried asked if staff feels there's a significant reason to allow 3 years rather than 5. Mr. Fiander explained there are 2 reasons. First it's to allow for further development that should take place on the site, noting that it's in a TIF District. Second, the use may be objectionable and a shorter timeframe makes sense to staff. He added that there is no clear criteria for approving or disapproving at an administrative level so allowing for a minor amendment would not be his recommendation.

Mr. Fried stated he wondered what "interim" meant if there were no time limit so he appreciates Condition #3.

Mr. Werner suggested 4 years. Mr. Fried stated that he could agree with 3 years to see how the use works out and perhaps allow a 5 year extension next time.

Mr. Fiander explained that at a meeting with the owner/applicant, there was indication that 18-24 month time period was required for developing the property, so staff "went above that" when recommending the 3 year limit.

Mr. Kannarr stated he also would suggest putting a time limit on the interim use, and Ms. Messina stated she leans more toward 4-5 years.

Motion by Mr. Fried to recommend to the Governing Body APPROVAL of the Amendment to the Planned Unit Development PUD 06/1C along with the three staff conditions to provide for the construction and operation of a dog park and pet exercise area as an interim use with underlying PUD residential land use group remaining in place to provide for construction of residential apartments in the future. **Second** by Ms. Lawson. **APPROVAL** (6-2-0 with Mr. Werner and Ms. Messina dissenting).

Kris Wagers

From: Bill Fiander
Sent: Monday, June 25, 2018 4:41 PM
To: John Neunuebel; Kris Wagers
Subject: FW: Proposed Dog Park / 1423 SW. 14th. St / Case #PUD06/01C

Please print copies of this for PC

From: Martin Ogden [mailto:martinogden@yahoo.com]
Sent: Monday, June 25, 2018 2:15 PM
To: Bill Fiander
Subject: Proposed Dog Park / 1423 SW. 14th. St / Case #PUD06/01C

Martin Ogden
785-235-6488
martinogden@yahoo.com
1334 SW Lane Street
Topeka, KS 66604

John Neunuebel

I own two parcels of property, one that is my personal residence 1334 SW. Lane St. and one that is under remodeling 1401 SW. Lincoln, that are in very close proxcimitry to the proposed dog park. My concern is not with the suggested use of the land but rather the design and maintenance of the ground and the appearance of the property. Currently all grounds surrounding the College Hill Apartments are done in house. One never knows what quality of mowing job is preformed.

If this is going to be a chain link fence, I fear that no care will be taken to keep the base of the fence clear of growth. If this is the type of fence that is difficult to trim, in short time it will become a very unpleasant eye sore. I don't know if the 4 ft. height is adequate to prevent people from jumping over to gain access during the night. It appears there will be a 2 ft. set back. Would that be enough from the sidewalk?

Even though I will not be able to attend the meeting, I did wish to express my concerns.

Thank You

Martin Ogden
1334 SW. Lane St.
Topeka, Kansas 66604
785-235-6488
martinogden@yahoo.com

CITY OF TOPEKA

PLANNING DEPARTMENT
620 SE Madison Street, Unit 11
Topeka, Kansas 66607-1118
Tel.: (785) 368-3728

Bill Fiander, AICP, Director
Email: bfiander@topeka.org
Fax: 785-368-2535
www.topeka.org

MEMORANDUM

To: Planning Commission
From: Bill Fiander, AICP, Planning Director
Date: June 25, 2018

SUBJECT: Supplemental Information for Planning Commission Meeting Agenda Item D.2. (PUD06/01C) College Hill Apartments Dog Park

Planning Department staff are recommending one additional condition (Condition No. 3) related to the proposed PUD amendment in further emphasizing the interim nature of the proposed dog park and the need for timely implementation of the College Hill Redevelopment PUD Master Plan and its designated land uses as approved.

Proposed Condition No.3:

Add new General Note #8 that indicates the following: "Interim use as a dog park shall be valid for a period of three (3) years from the date the PUD Master Plan is recorded with the Shawnee County Register of Deeds, at which time the owner shall cease operation of the dog park. The owner may submit an application to amend the PUD Master Plan to continue or resume operation of the dog park. An application to continue or resume operation as a dog park shall be processed and considered as a major amendment to the PUD Master Plan."

STAFF REPORT – AMENDMENT OF PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, June 25, 2018

APPLICATION INFORMATION

APPLICATION CASE NUMBER/NAME:	**PUD06/01C By: College Hill Apartments LLC**
REQUESTED ACTION / CURRENT ZONING:	Amendment to the College Hill Redevelopment Planned Unit Development (PUD) Master Plan to provide for the construction and operation of a dog park and pet exercise area, as an *interim* use on vacant property (0.52 acre) located at 1423 SW Lane Street
APPLICANT/ PROPERTY OWNER:	College Hill Apartments LLC
APPLICANT REPRESENTATIVE:	Mr. Mark Boyd, SBB Engineering, LLC
PROPERTY ADDRESS & PARCEL ID:	1423 SW Lane Street 1410101020002000

PHOTOS:

View of 0.52 acre site facing east from west side of SW Lane Street with single-family residences and garages adjacent to alleyway in background

Facing south from north side of SW 14th Street with College Hill Apts. west of SW Lane Street on right, and College Hill Pizza Pub restaurant south of site in background

Facing north along eastern property boundary adjacent to alleyway and garage structures for single-family homes fronting onto SW Lincon Street (Fence and garage in background are on north side of SW 14th Street which is not visible in photo due to grade separation.)

PARCEL SIZE: 0.52 acre (22,474 sq.ft.)

STAFF PLANNER: John Neunuebel, Planner II

RECOMMENDATION: **APPROVAL** subject to conditions in the staff report

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the Amendment to the Planned Unit Development PUD 06/1C along with conditions to provide for the construction and operation of a dog park and pet exercise area as an interim use with underlying PUD residential land use group remaining in place to provide for construction of residential apartments in the future.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The College Hill Redevelopment PUD Master Plan provides for 183 residential apartments and 33 attached townhomes, in addition to approximately 24,000 square feet of commercial retail spaces. The 0.52 acre site proposed for a dog park and pet exercise area is planned for construction of 8 attached townhomes pursuant to the PUD Master Plan. The dog park will be available for use only by residents of College Hill Apartments and their guests. The dog park will include perimeter fencing 5' in height and code-access gate, as well as an 800 sq. ft. shelter structure, and additional landscape trees.

DEVELOPMENT / CASE HISTORY:

The subject site had previously been zoned M-1 Two Family Dwelling District until adoption of the College Hill Redevelopment PUD Master Plan in 2006 which earmarks residential development for the subject site in the form of eight (8) attached townhomes.

The subject PUD Master Plan has to date been amended twice, with an initial amendment approved in 2007 that allowed for a storage/maintenance building as accessory to multiple-family dwellings, and a second amendment approved in 2014 converted a portion of the commercial retail space (8,100 sq.ft.) to 10 residential apartments.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

The land to the north is zoned M-2 Multiple Family Dwelling District and is occupied by a single-family residence. The land abutting on the south is zoned C-4 Commercial and is occupied by a restaurant (College Hill Pizza Pub). The land to the east and northeast is zoned R-2 Single Familly Dwelling District and contains mainly single-family residences, while the land to the west comprises the larger portion of the subject PUD Master Plan area.

PUD AMENDMENT ELEMENTS *(PROPOSED)*:

BUILDING SETBACKS AND OTHER DIMENSIONAL STANDARDS:

As illustrated on the proposed dog park site plan comprising Revision No. 3 to the College Hill Redevelopment PUD Master Plan, all building setbacks and dimensional standards adhere to City of Topeka requirements. In regard to proposed fence height; although fencing within residential front yards such as for the future townhomes on the site are normally restricted to no more 4 feet, the proposed fence height of 5 feet is deemed necessary in order to safely and adequately confine larger dogs within the dog park. The placement of fencing is a minimum of 3 feet from property line, and has been set back approximately 23 feet from property line at the southwest corner of the park to provide for an expanded buffer area adjacent to the outdoor patio of the College Hill Pizza Pub restaurant. In addition, as proposed the fence is required to be a "decorative chain link fence… in either black or forest green."

DESIGN STANDARDS: Shelter structure shall include architectural design elements, colors, and building materials that are compatible with adjacent residential buildings and the College Hill Apartments. The proposed 5' high decorative chain link fence shall be either black or forest green in color, with the use of slat inserts prohibited.

OPERATIONAL STANDARDS: Informational sign to be included on or near the entry gate will state that the dog park is for use by College Hill Apartment residents and their guests; hours of operation; persistently barking or unsupervised dogs to be removed or impounded; and emergency contact telephone number for College Hill Apartment management.

OFF-STREET PARKING: No off-street parking is provided and none is required inasmuch as the dog park is an accessory use to the adjacent College Hill Apartments that includes required off-street parking. There are seven on-street parking spaces adjacent to the property on Lane Street and three on-street parking spaces adjacent on 14th Street. (Note: At the Neighborhood Information Meeting, the owner of the bike shop on the west side of SW Lane Street asked about the need for additional parking.)

LANDSCAPING: The amended PUD site plan for the site as proposed includes notation that a landscape plan shall be submitted and approved prior to issuance of building permit and shall include a mix of large and understory trees to be placed along SW Lane and SW 14th Streets.

SIGNAGE: An approximately 2' by 3' sign to be installed on or near the entry gate stipulates rules of use and emergency contact regarding the dog park.

OTHER: None

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

The amended PUD Master Plan establishes development standards and guidelines including the aforementioned standards.

OTHER FACTORS

SUBDIVISION PLAT: The subject site comprises Lot 1 of Block B of the College Hill Redevelopment Subdivision.

UTILITIES: City sanitary sewer and water service is available to the property.

FLOOD HAZARDS, STREAM BUFFERS: N/A

HISTORIC PROPERTIES: N/A

NEIGHBORHOOD INFORMATION MEETING:

The applicant conducted a neighborhood information meeting on Wednesday, May 23rd, at 6:00 p.m. One attendee with a retail building on the west side of SW Lane Street asked about the need for additional parking. No other concerns were raised.

ADDITIONAL COMMENTS AND CONCERNS:

A person associaed with an adjacent business spoke with Planning Department staff by phone with concerns about both the impact of the proposed dog park/pet exercise area and the potential for the PUD amendment to violate the development agreement for the College Hill Lofts project which the City and the original developer entered into in 2006. The City Attorney's office is addressing the concern regarding the development agreement apart from this proposed PUD amendment.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering: No issues identified.

Water Pollution Control: No issues identified.

Fire Department: No issues identified.

Development Services: No issues identified.

KEY DATES

SUBMITTAL: April 25, 2018

NEIGHBORHOOD INFORMATION MEETING: May 23, 2018

LEGAL NOTICE PUBLICATION: May 28, 2018

PROPERTY OWNER NOTICE MAILED: May 25, 2018

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD:

The proposed dog park and pet exercise area is an appropriate accessory use to the existing residential development comprising College Hill Apartments, and as an interim use the future development of the site with attached townhomes pursuant to the College Hill Redevelopment PUD Master Plan is not precluded. Additionally, the proposed design and conditions of operation provide increased compatibility with surrounding residential and commercial uses.

ZONING AND USE OF NEARBY PROPERTIES:
The proposed dog park as an interim accessory use for the nearby College Hill Apartments is compatible with adjacent residential and commercial uses. In particular, design standards and provisions related to fencing design and setback(s), shelter structure, landscaping, hours of operation, and other operational matters ensure that the proposed dog park will be in harmony with surrounding properties and land uses. The CUP amendment site plan also notates that it is the responsibility of the property owner to maintain the facility in good condition at all times.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION:
The subject property has remained vacant since the site was cleared for redevelopment of the college Hill area beginning in 2006. The applicant is requesting the dog park as an interim use until such time as market demand for housing enables the construction of additional housing units on the subject site pursuant to the approved PUD Master Plan.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED:
The property is suitable for the use to which it is now restricted (8 residential townhomes). However, the owner has indicated that the market does not support development of the townhomes at this time. The proposed dog park will be an attractive amenity to project residents and will provide an interim use until such time as conditions support residential development.

CONFORMANCE TO THE COMPREHENSIVE PLAN:
The Topeka Land Use and Growth Management Plan 2014 (LUGMP) includes the subject property within the Central Park Neighborhood Plan that designates future land use for the site as Medium Density Residential with zoning of "M-2" Multiple Family which is in conformance with the College Hill Redevelopment PUD Master Plan. Inasmuch as the proposed dog park is an appropriate accessory use to the existing residential development and is earmarked as an *interim* use that will not preclude the future residential development of the site, the proposed PUD amendment is in conformance with the Topeka LUGMP 2040.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES:
The proposed amendment to the PUD Master Plan does not alter previously approved conditions that address potential detrimental effects upon nearby properties because of changes to the character of the neighborhood, lighting, stormwater management, traffic impacts, or other impacts.

Designs standards and provisions related to construction and operation of the dog park will minimize potential impacts on nearby properties. For example; limiting hours of operation and stating within rules of operation that persistently barking or unsupervised pets must be removed or impounded will minimize potential impacts. So, too, a dog park/ pet exercise area is typically associated with parks and open space which are permitted uses in all zoning districts.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER:
The proposed dog park will provide a gain to the public health, safety and welfare because of the provision of a needed amenity for the residents of the College Hill Apartments as an interim use until such time as increased market demand for housing provides for construction of additional residential units on the subject property.

AVAILABILITY OF PUBLIC SERVICES:
All essential public utilities and services are readily available within the area.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:
The College Hill Redevelopment PUD Master Plan as amended establishes developments standards and guidelines as indicated.

STAFF RECOMMENDATION

Based upon the above findings and analysis, Planning staff recommend **APPROVAL** of this PUD amendment, **subject to:**

1. Add new Building and Structure Note #3 to PUD amendment site plan that indicates the following: "Lighting for shelter structure will illuminate the interior space within/ below structure only and the source of illumination shall not be visible from adjacent properties. Lighting shall not exceed three-foot candles as measured from the property line."

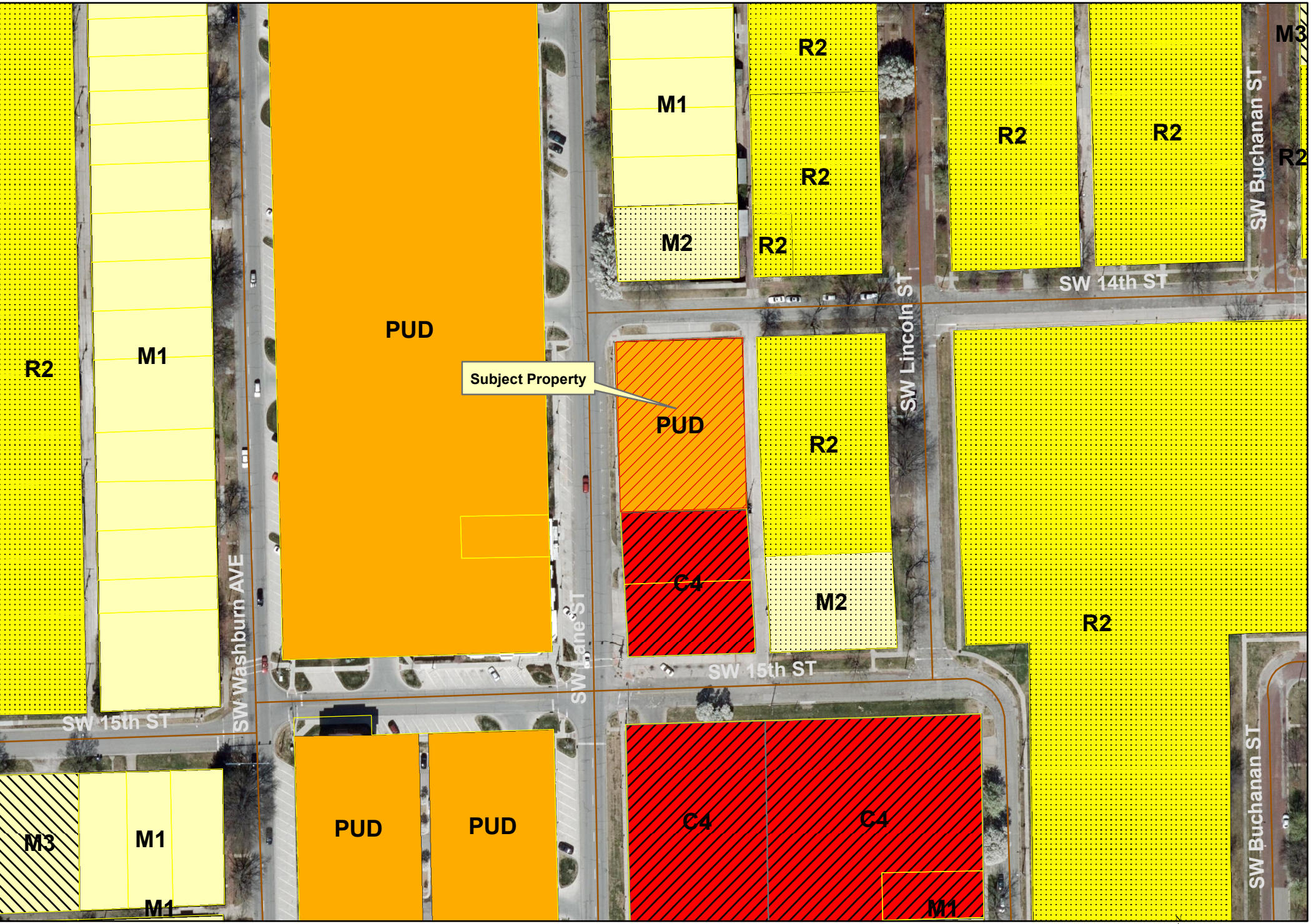
2. Revise information on PUD amendment site plan to be included on sign located on or near entry gate to indicate dog park hours of operation to be: "6:30 AM to 11:00 PM."

PLANNING COMMISSION MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the Amendment to the Planned Unit Development PUD 06/1C along with conditions to provide for the construction and operation of a dog park and pet exercise area as an interim use with underying PUD residentiial land use group remaining in place to provide for construction of residential apartments in the future.

ATTACHMENTS:
Aerial Map
Zoning Map
Future Land Use Map
PUD Master Plan Site Plan (Revision No.3) (Exhibit)
Neighborhood Information Mtg. Summary and Sign-In sheet

PUD06/01C - Aerial Map
College Hill Dog Park

Topeka Planning Department



PUD06/01C - Zoning Map
College Hill Dog Park

Topeka Planning Department

PUD06/01C - Future Land Use Map
College Hill Dog Park

Topeka Planning Department

Date: May 23, 2018
To: City of Topeka Planning Department
From: SBB Engineering, LLC
Mark A. Boyd
Re: CH Apartments – PUD06/01C
Neighborhood Meeting Minutes

To whom it may concern:

On May 23, 2018 at 6:00 P.M., we held a publicized meeting for the above referenced case. There was 3 people present for the meeting. An attendance sheet is attached for name and address. Others in attendance were Michael Hall (Topeka Planning Department), Mr. & Mrs. McGinnis (CH Apartments, Owner), and Mark Boyd (SBB Engineering).

Mr. Hall explained why an amendment to the PUD is necessary. Mr. Boyd explained the the conditions of the site and the proposed improvements.

One attendee, who is a neighbor and owns a retail building across the street to the west, had concerns about available parking. No other concerns were raised.

The owner was present to address questions or concerns.

Respectfully submitted,

Mark A. Boyd
SBB Engineering, LLC

SBB
Schmidt, Beck & Boyd
Engineering / Surveying

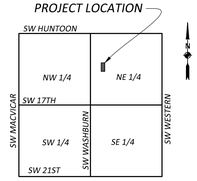
Neighborhood Information Meeting

Sign-In Sheet College Hill Apts. Dog Park

May 23, 2018 6:00 pm

NAME	ADDRESS	PHONE	EMAIL
DAVE MORGAN	1415 SW LANE ST	785-234-0162	dsm7378@hotmail.com
JERRY MORGAN	" " " "	" " "	jbs14@windspring.com
Alexandra Martinez	7320 SW Reeder St	785-383-2586	amartinez@cjonline.com
MIKE HALL	CITY OF TOPEKA 620 SE MADISON	368-3007	mghall@topeka.org

PROJECT LOCATION



SEC. 17, T11S, R16E

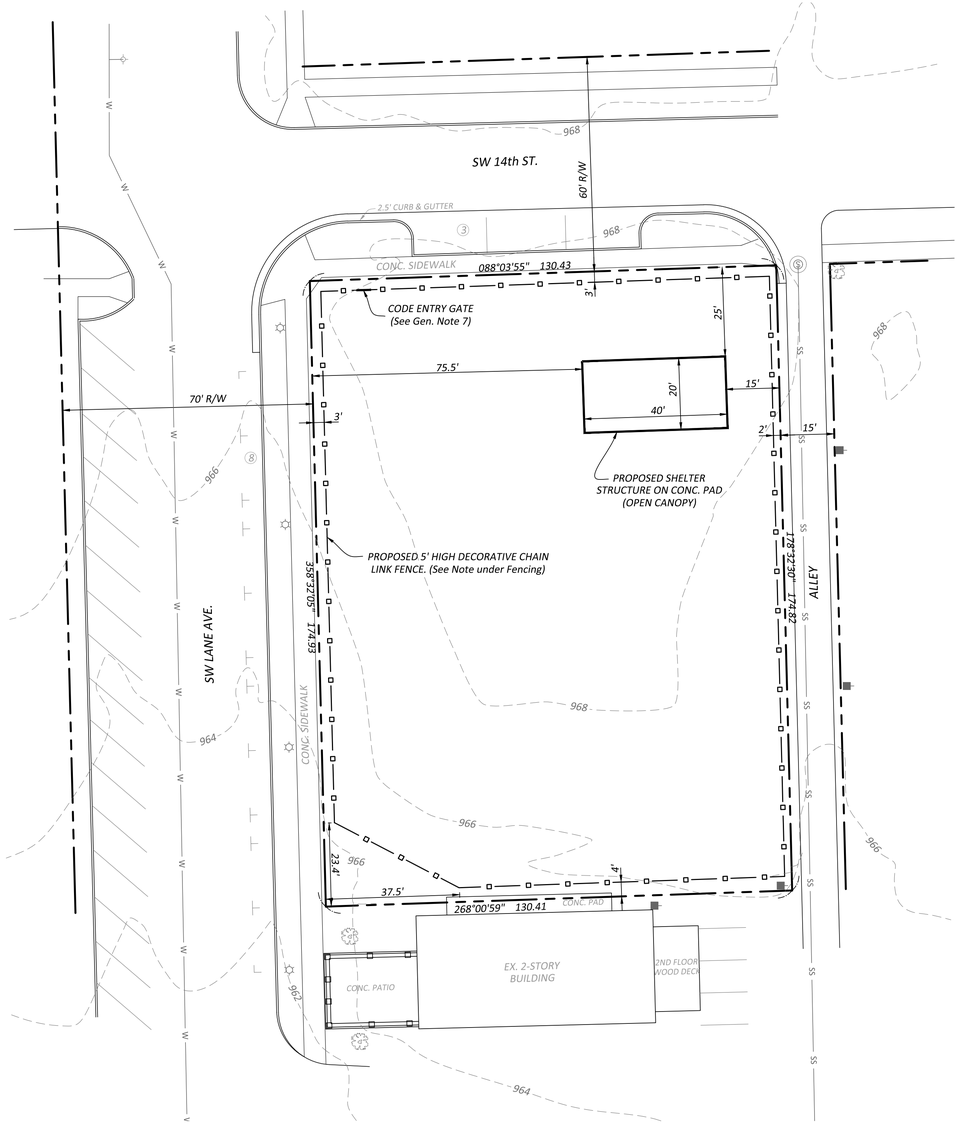
VICINITY MAP

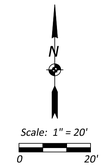
N.T.S.

A MASTER PLANNED UNIT DEVELOPMENT FOR: COLLEGE HILL REDEVELOPMENT SUBDIVISION REVISION NO. 3 IN PROVISION OF DOG PARK AS AN INTERIM USE 1423 SW 14th St.

BOOK _____ PAGE _____

DATE _____ TIME _____





LEGAL DESCRIPTION:

Lots 1, Block B, College Hill Redevelopment, City of Topeka, Shawnee County, Kansas.

PROJECT PERFORMANCE OBJECTIVES:

To allow for a Dog Park to be used exclusively by the residents of the apartment complex, while still allowing for the development of apartments in the future as economic conditions and market demand for housing allow.

GENERAL NOTES:

1. *Pursuant to TMC 18.190.060(b), the applicant must record the Master PUD Plan with the Shawnee County Register of Deeds within 60 days upon approval of City Council. Failure by the applicant to record the plan within the prescribed time period or provide the Planning Department fifteen (15) copies of the recorded plan within ninety (90) days of the date of action by City Council shall deem the zoning petition null and void.*
2. *All applicable base zoning standards for the M-2 zoning district shall apply unless stated otherwise herein.*
3. *No building permits shall be issued until a site development plan has been reviewed by City Staff and approved by the Planning Director.*
4. *No building permit(s) shall be issued until all Stormwater Management Requirements set forth in Topeka Municipal Code (TMC) Chapter 13.35 are met including: approval of stormwater management plan and granting of any necessary stormwater management easements.*
5. *All utilities and public street improvements shall be constructed to City of Topeka standards.*
6. *All requirements and stipulations pertaining to the Planned Unit Development Master Plan Revision No. 2, recorded 05/01/2014 shall remain in full force and effect.*
7. *A permanent sign approximately 2'X3' in size shall be installed on or near the entry gate that includes the following information at a minimum:*

   COLLEGE HILL APARTMENTS
   DOG PARK
   (For Use By Residents of College Hill Apartments and Their Guests)

   HOURS
   6:30 A.M. - 11:00 P.M.

   BARK-FREE ZONE
   Please be considerate. Noise form the park is a nuisance to our neighbors. Dogs that bark persistently must be removed from the premises.

   UNATTENDED DOGS WILL BE IMPOUNDED
   Do not leave your pet in the Dog Park without supervision.

   CALL
   COLLEGE HILL APARTMENTS MANAGEMENT
   (785) 232-5555
   To report a dog problem or lost pet.
8. *Interim use as a dog park shall be valid for a period of three (3) years form the date the PUD Master Plan is recorded with the Shawnee County Register of Deeds, at which time the owner shall cease operation of the dog park. The owner may submit an application to amend the PUD Master Plan to continue or resume operation of the dog park. An application to continue or resume operation as a dog park shall be processed and considered as a major amendment to the PUD Master Plan.*

CIRCULATION, PARKING, TRAFFIC, AND MAINTENANCE OF PROJECT IMPROVEMENT NOTES:

1. *All project improvements including sidewalks, landscaping, signage, privacy fences, walls, and drainage facilities shall be maintained at all times in good condition with the maintenance of said improvements being the responsibility of the owner(s).*

UTILITY NOTES:

1. *All utilities shall be underground pursuant to the City's Right-of-Way Management Standards.*
2. *Water service is provided by the City of Topeka.*

LANDSCAPING AND FENCING NOTES:

1. *A Landscape Plan shall be submitted and approved prior to issuance of building permit. Landscaping shall include a mix of large trees and understory trees along SW Lane St. and SW 14th St.*
2. *Proposed 5' high decorative chain link fence shall be either black or forest green. (The use of slat inserts is prohibited).*

BUILDING AND STRUCTURE NOTES:

1. *The proposed shelter structure shall have a minimum setback of 25 feet from SW Lane St. and SW 14th St. and 15' from the Alley.*
2. *Shelter structure shall include architectural design elements, colors, and building materials that are compatible with adjacent residential buildings and the College Hill Apartments.*
3. *Lighting for shelter structure will illuminate the interior space within / below structure only and the source of illumination shall not be visible form adjacent properties. Lighting shall not exceed three foot candles as measured from the property line.*

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS:

_____
REBECCA J. NIOCE, REGISTER OF DEEDS

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS AND MAY BE AMENDED ONLY AS PRESCRIBED IN TMC 18.190.070 OF SAID CHAPTER AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

CERTIFICATION OF MASTER PUD PLAN APPROVAL:

_____ *DATE:* _____
BILL FIANDER, PLANNING DIRECTOR
SECRETARY TO THE PLANNING COMMISSION

STATE OF KANSAS)

COUNTY OF SHAWNEE)

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME BILL FIANDER, PLANNING DIRECTOR, WHO IS PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX MY NOTARIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

OWNER'S CERTIFICATE:

C HILL APARTMENTS , L.L.C., AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE C HILL APARTMENTS, L.L.C., HAS CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2018.

_____

_____, *MEMBER*

STATE OF KANSAS
COUNTY OF SHAWNEE, SS:

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2018, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID CAME _____, MEMBER OF C HILL APARTMENTS, L.L.C., WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED, THE WITHIN INSTRUMENT OF WRITING.

IN WITNESS WHEREOF: I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTORIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

MY COMMISSION EXPIRES: _____

PROJECT DATA:

USE GROUP CATEGORIES:

"M-2" MULTI-FAMILY DWELLING DISTRICT
PERMITTED USES: ALL PERMITTED USES WITHIN "M-2" DISTRICT.

TOTAL LAND AREA: 22,474 s.f.

DATE:

April 25, 2018

City of Topeka Planning Dept. Case PUD06/01C

Rev.	By	Date	Description
1	MB	5/23/18	Per Staff Comments

Prepared for:
C Hill Apartments LLC
1300 Sovereign Row
Oklahoma City, Oklahoma 73108

Schmidt, Beck & Boyd
Engineering, LLC
1415 SW Topeka Blvd.
Topeka, KS 66612
Ph: (785) 215-8630
SBB

SHEET TITLE:
A MASTER PLANNED UNIT DEVELOPMENT FOR: COLLEGE HILL REDEVELOPMENT SUBDIVISION REVISION NO. 3 IN PROVISION OF DOG PARK AS AN INTERIM USE 1423 SW 14th St., Topeka, KS

SBB Proj. No.:	18-100
–	–
Drawn by:	MB
Checked by:	RS
Date:	4/25/2018
Scale:	1" = 20'
Drawing No.:	

Sh. 1 of 1

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 14, 2018

DATE:	**August 14, 2018**	
CONTACT PERSON:	**Bill Fiander**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:		**PROJECT #:**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 007 Zoning**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, amending the "District Map" referred to and made a part of the Zoning Ordinance by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 412 SW Jackson Street from "I-1" Light Industrial District to "D-1" Downtown District. *(Z18/03) (Council District No.1)*

Voting Requirements:
(1) Approve the Ordinance - 6 votes
(2) Remand back to the Planning Commission - 6 votes
(3) Amend the Planning Commission's Recommendation - 7 votes
(4) Deny the Planning Commission's Recommendation - 7 votes

(Approval would allow the building to be used for residential uses.)

VOTING REQUIREMENTS:

1. Approve the Planning Commission's recommendation. A minimum of 6 votes is required.

2. Amend the Planning Commission's recommendation. A minimum of 7 votes is required.

3. Refuse to approve the Planning Commission's recommendation. A minimum of 7 votes is required.

4. Remand to the Planning Commission for further consideration, with a statement specifying the basis for the governing body's failure to approve or disapprove. A minimum of 6 votes is required.

POLICY ISSUE:

The primary policy issue of the re-zoning from I-1 to D-1 is the potential incompatibility of the proposed zoning with light industrial land uses. However, the proposed zoning is appropriate because it is consistent with the

Future Land Use Map (LUGMP 2040), the relatively small footprints of the buildings limit the scale and intensity of light industrial uses that could conflict with new residential uses, and because this block is transitioning from D-1 to the east.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the Ordinance.

BACKGROUND:

The subject property includes an existing, currently vacant building constructed in or around 1910. The change in zoning to D-1 will provide for the re-use of the existing building for two residential units, including a loft-style living space on the upper level along with a residential unit at the rear of the main floor, and a garage and storage area for use by residents on the main floor located at the front of the building.

The applicant held a Neighborhood Information Meeting on June 27, 2018. The owner of the adjoining buildings to the south now undergoing renovation (414, 416 and 420 SW Jackson Street) expressed support for the zoning change. However, the owner of the adjoining properties also informed the meeting attendees of his intent to use his property for furniture re-upholstering and other light industrial uses and the effects of such uses. The adjoining owner repeated these comments in his presentation to the Planning Commission at the public hearing.

The Planning Commission recommended approval of the zoning change by a voted of 7-0-0 after close of the public hearing on July 16, 2018. Planning Department staff also recommended approval per the attached staff report.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

Description

Ordinance (Z18/03)
DRAFT Planning Commission Minutes 7-16-18
Staff Report to the Planning Commission
Aerial Map
Zoning Map
Future Land Use Map (LUGMP 2040)
Neighborhood Information Meeting Summary and Sign-In

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout amending the "District Map" referred to and made a part of the Zoning Ordinance by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 412 SW Jackson Street from "I-1" Light Industrial District to "D-1" Downtown District. **(Z18/03) (Council District No. 1)**

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be, and the same is hereby amended, by reclassifying the following described property:

Lot 122, ORIGINAL TOWN, SECTION 31, TOWNSHIP 11, RANGE 16, City of Topeka, Shawnee County, Kansas.

FROM "I-1" Light Industrial District **TO** "D-1" Downtown District.

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

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

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

PASSED AND APPROVED by the Council of the City of Topeka, _____, 2018

_____
Michelle De La Isla, Mayor

ATTEST:

_____
Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified ___X___

CITY OF TOPEKA
PLANNING COMMISSION
CASE MINUTES

Monday, July 16, 2018

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present:	Brian Armstrong, Marc Fried, Dennis Haugh, Wiley Kannarr, Corliss Lawson, Katrina Ringler, Matt Werner (7)
Members Absent:	Carole Jordan, Ariane Messina (2)
Staff Present:	Bill Fiander, Planning Director, Mike Hall, Planner III; Annie Driver, Planner II; John Neunuebel, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Z18/03 by Belt, Kathleen & John, requesting to amend the Zoning District for the subject property (0.09 acre) located at 412 SW Jackson Street from I-1 Light Industrial District to D-1 Downtown Mixed Use District to allow for residential living on 2nd floor and garden level apartment at back of main floor.

Mr. Neunuebel presented the staff report and staff recommendation for approval of the proposal.

Mr. Fried asked for clarification on where living spaces would be, and Mr. Neunuebel explained that the 2nd floor would be living space, as well as a small apartment in the rear on the 1st floor. Mr. Fried asked how that would work with D-1 zoning and Mr. Neunebel explained that with D-1 the front of the 1st floor shouldn't be used for residential living space, but it's okay in the back of the building. Ms. Ringler asked about Downtown Design Guidelines and Mr. Neunuebel explained that yes, if re-classified, this building would be subject to the Downtown Design Guidelines for future modifications.

The applicant was available to answer questions but chose not to present.

Ms. Ringler declared the **public hearing open.**

Tony Privitera of 1245 SW Hodges Road came forward and stated that he owns the 3 buildings next to the location in question, namely, 414, 416, and 420 SW Jackson. Mr. Privitera wished to go on record about the fact that he purchased these three buildings with a zoning of I-1 Light Industrial and intends to use them for purposes allowed within that zoning classification. He is concerned that those potential uses, though allowed in I-1 zoning, might prove disruptive to residential living. He stated that he attended the Neighborhood Information Meeting and voiced his concerns there. He stated he has also spoken of them privately with the applicants.

Ms. Ringler asked the applicant if they wished to respond. Mr. Belt came forward and stated that he is aware of Mr. Privitera's concerns. He stated that when he first met Mr. Privitera, Mr. Privitera stated that his intent was to make apartments out of the 3 buildings he owns. He pointed out that since then, Mr. Privitera has apparently changed his mind. Mr. Belt stated that he intends to live in the loft apartment of 412 SW Jackson and is not concerned about potential noise levels. He pointed out that AMR is across the street and he expects there will be siren noise from there, which also doesn't concern him. He confirmed that he intends to lease out the small apartment in the back of the 1st floor.

DRAFT

Ms. Ringler asked if he's aware of the Downtown Design Guidelines and he stated that he is aware and intends to abide by them.

With nobody further coming forward to speak, Ms. Ringler declared the **public hearing closed.**

Mr. Kannarr asked Mr. Privitera if he had in fact originally intended to make his buildings into apartments. Mr. Privitera stated that this had been his intention, but he then decided against it because he didn't want to go through the re-zoning process.

Mr. Haugh asked if there are limits on sound decibel levels in I-1 and Mr. Hall stated that there are not.

Ms. Ringler asked if the Land Use and Growth Management Plan has a long range plan for developing this area into downtown mixed use and Mr. Hall stated that it does.

Motion by Ms. Lawson to recommend APPROVAL to the Governing Body of the reclassification of the subject property from "I-1" Light Industrial District to "D-1" Downtown District; **Second** by Mr. Armstrong. **APPROVAL** (7-0-0)

STAFF REPORT – ZONING CASE
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: July 16, 2018

APPLICATION CASE NUMBER / NAME:	**Z18/03 - Kathleen & John Belt**
REQUESTED ACTION / CURRENT ZONING:	Zoning reclassification **FROM** "I-1" Light Industrial District **TO** "D-1" Downtown District
PROPERTY OWNER:	Michael R. Fox Revocable Living Trust
APPLICANT:	Kathleen and John Belt
APPLICANT REPRESENTATIVE:	John Quinton, Architect
PROPERTY LOCATION / PARCEL ID:	412 SW Jackson Street / Parcel I.D: 1093101019005000
PARCEL SIZE:	0.09 acre
CASE PLANNER:	John Neunuebel, Planner II
RECOMMENDATION:	Approval
RECOMMENDED MOTION:	Based on the findings and analysis in the staff report I move to recommend **APPROVAL** to the Governing Body of the reclassification of the subject property from "I-1" Light Industrial District to "D-1" Downtown District.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:	The change in zoning to D-1 as requested will provide for re-use of an existing building for 2 residential units, along with garage and storage area for use by residents.
DEVELOPMENT / CASE HISTORY:	The subject property includes an existing, currently vacant building constructed in approximately 1910. The property and adjacent attached buildings have been zoned and utilized for light industrial uses for many years based upon available documentation.
ZONING AND CHARACTER OF SURROUNDING PROPERTIES:	The entire 400 block of SW Jackson Street, as well as 300 block to the north, is zoned I-1 Light Industrial, with the attached building to the north currently housing a wholesaler, with a social services agency in the next attached building north of the wholesaler. The attached building to the south is currently vacant and undergoing renovation with the new property owner just now undergoing marketing of the property for lease. The area on the west side of SW

Jackson Street includes an emergency medical services provider; a State of Kansas building apparently used for storage; as well as a surface parking lot. The area to the east beyond an adjacent alleyway and fronting onto S Kansas Avenue is zoned D-1 Downtown District and currently includes a surface parking lot.

PHOTOS:

From west side of SW Jackson Street facing front of subject property at 412 SW Jackson (center attached building with brown garage door)

Facing west from alleyway behind subject property (beige building center) with existing gravel parking area off alleyway. (Building view is that of loading dock addition, with ramp up to square-shape entry no longer present.)

DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS:

The purpose of the proposed D-1 zoning district is to facilitate a compatible mix use activity center within the core area of downtown

Topeka. The district is predominantly composed of state offices, as well as local and federal facilities, commercial and retail uses. The district includes compatible residential, office, civic, and commercial retail/service uses which complement and support a high density of activity including pedestrian usage. (TMC 18.200.020a)

A relatively narrow range of dwelling types and residential uses are permitted in the D-1 district including bed & breakfast; boarding house; community living facility and group residence. Residential dwellings are permitted above and below the ground floor. (TMC18.60.010) Dwellings are also permitted on the main floor but only if 1) they are either subordinate in area or location to nonresidential uses on the main floor, or 2) in buildings originally built for residential use, or in parts of a building converted from hospital, school, or hotel rooms. (TMC 18.225.010)

The applicant's plans substantially comply with the special use requirements in TMC 18.225.010 because the ground floor garage at the front of the building already exists. The garage may be converted to a commercial retail or office use. However, conversion of the garage to habitable residential space would not comply with TMC 18.225.010.

A variety of light industrial uses are permitted in the I-1 district as will remain for properties adjacent to the subject property, although the size and configuration of these attached buildings likely limit the extent and scope of light industrial activity. Permitted uses within the I-1 light industrial district include: sales and storage of agricultural products; bottling works; manufacturing Types 1 & 2; micro-alcohol production; research and testing laboratory; and welding & machine shop.

DIMENSIONAL STANDARDS:

Within the D-1 district there are no requirements related to minimum lot area, maximum building coverage, or building setbacks. An applicable standard is that requiring a minimum lot width of 25' which is the width of the subject property.

OFF-STREET PARKING:

There are no off-street parking requirements within the D-1 district for residential development, although the subject property includes both outside and inside (garage) off-street parking.

LANDSCAPING:

The proposed change in zoning has no effect on landscaping requirements that are generally not applicable to residential development.

OTHER DESIGN GUIDELINES AND CONSIDERATIONS:

Development in the D-1 district is subject to the Downtown Topeka Urban Design Guidelines. (TMC 18.200.090)

SIGNS:

Any potential future commercial space as may be located on the first floor of the building will be subject to the sign standards for downtown districts. (TMC section 18.200.090).

COMPREHENSIVE PLANS: The Topeka Land Use and Growth Management Plan 2040 (LUGMP) includes the subject property and surrounding properties on the Future Land Use Map as "Downtown," and as part of Topeka's Central Business District should continue to encourage the development of Downtown as an office, regional employment, and commercial center. However, Downtown should also be redeveloped for a mix of uses that include retail, high density residential, and loft conversions. (Page 52)

TRANSPORTATION/ AND ACCESS: SW Jackson Street adjacent to the site is categorized as a local street and includes sidewalks on both sides of the street.

OTHER FACTORS

SUBDIVISION PLAT: The subject site is platted as Lot 122 of Original Town.

UTILITIES: The site is served by a full range of utilities and services.

TRANSPORTATION/TRAFFIC: The proposed change in zoning from Light Industrial to Downtown with a primarily residential use will have no immediate impacts upon transportation/traffic within the area, and any potential commercial use of a portion of the first floor of the building will also likely have negligible impacts.

HISTORIC PROPERTIES: Subject Property is not currently registered as an historic structure although it could potentially be considered a contributing structure as included within a designated historic district in the future.

NEIGHBORHOOD INFORMATION MEETING / STAKEHOLDER FEEDBACK: The owner/applicants conducted a Neighborhood Information Meeting on June 27, 2018. A meeting attendee who owns the attached building to the south that is undergoing renovation was supportive of the conversion of the building to a residential use, and further stated that it is important that all parties be aware that due to a potential for a wide variety of uses within the I-1 Light Industrial district such as furniture re-upholstering or high intensity-type gymnasium, for example, there could be noise impacts that at times may intrude into residential spaces. (Meeting summary attached.)

PUBLIC WORKS/ENGINEERING: No issues identified.

WATER POLLUTION CONTROL: No issues identified.

FIRE: No issues identified.

DEVELOPMENT SERVICES: No issues identified.

Other: None

KEY DATES

APPLICATION SUBMITTAL:	June 01, 2018
NEIGHBORHOOD INFORMATION MEETING:	June 27, 2018
LEGAL NOTICE PUBLICATION:	June 25, 2018
ADJOINING PROPERTY OWNER NOTICES MAILED:	June 22, 2018

STAFF ANALYSIS

CHARACTER OF NEIGHBORHOOD: The proposed D-1 zoning is generally compatible with the existing and desired future character of the neighborhood given the mixed-use nature of the Central Business District. Although there are some permitted uses within the I-1 Light Industrial district that may generate noise potentially intrusive within residential spaces, the size and configuration of the existing adjoining buildings are such that the likelihood of these impacts being significant is lessened.

THE ZONING AND USE OF PROPERTIES NEARBY: The subject property is adjacent to existing D-1 Downtown zoning to the east across the alley, but is surrounded on its other three sides by I-1 Light Industrial zoning and a variety of uses. If not for the future land use envisioned by the Land Use and Growth Management Plan (LUGMP), the encroachment of D-1 zoning on a single, small lot west of the alley would raise a concern about compatibility and "spot zoning". However, the proposed zoning is appropriate because it is consistent with the Future Land Use Map in the LUGMP, and the relatively small footprints of adjacent buildings are not practical for many light industrial uses. Additionally, the nature of the buildings on the block, and their limited or non-existent on-site parking and loading, limits the scale and intensity of potential light industrial uses that could conflict with new residential uses.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The building is currently vacant, and was previously utilized for warehousing/ storage by the State of Kansas the previous property owner.

CONFORMANCE TO COMPREHENSIVE PLAN: The Topeka Land Use and Growth Management Plan 2040 (LUGMP) designates the subject property on the Future Land Use Map as "Downtown." In accordance with the Downtown designation, the LUGMP envisions redevelopment within the area comprising a mix of uses including retail, high density residential, and residential loft conversions that are also encouraged within the City's downtown redevelopment plan.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: The subject property and building are not suitable for many of the uses to which it is restricted under the current I-1 zoning. The size and configuration of the building as it was constructed in the early part of the 20th Century may provide for industrial or commercial uses of the type permitted in the I-1 district although the small size of the building is not practical for many light industrial uses and their size limits the scale and intensity of such uses. The D-1 designation will allow the existing building to be adapted to residential use.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: The change in zoning to D-1 would comprise a more restrictive use than the current I-1 zoning; thus resulting in there being no anticipated detrimental effects upon nearby properties. The proposed zone change will result in rehabilitation of the building which together with new residents will contribute to the vitality of Downtown.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: Although the future development of the property pursuant to those uses permitted within the current I-1 would likely be compatible with existing and future uses within the area, denial of the proposed zone change may result in the building remaining vacant for an extended period due to the size and configuration of the existing building that may not be currently suitable for likely I-1 uses. On this basis disapproval of the proposed D-1 zoning could have a negative impact on continuing mixed-use redevelopment within the downtown area.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services, and facilities are presently available within the area.

STAFF RECOMMENDATION:

RECOMMENDATION: Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification **FROM** "I-1" Light Industrial District **TO** "D-1" Downtown District as proposed.

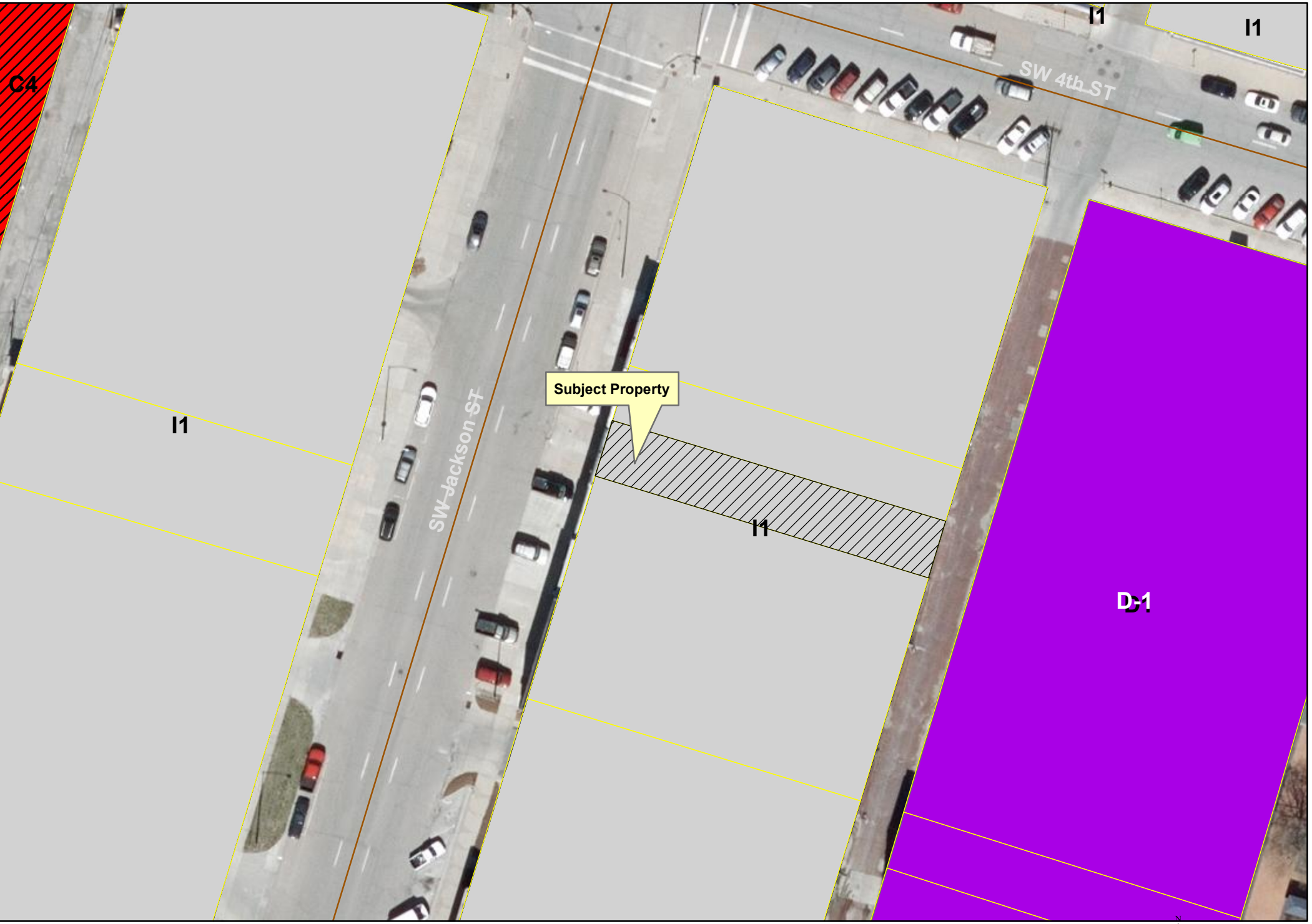
RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend **APPROVAL** to the Governing Body of the reclassification of the subject property from "I-1" Light Industrial District to "D-1" Downtown District.

Attachments:

- Aerial Map
- Zoning Map
- Future Land Use Map (LUGMP 2040)
- Neighborhood Information Meeting Summary & Attendance

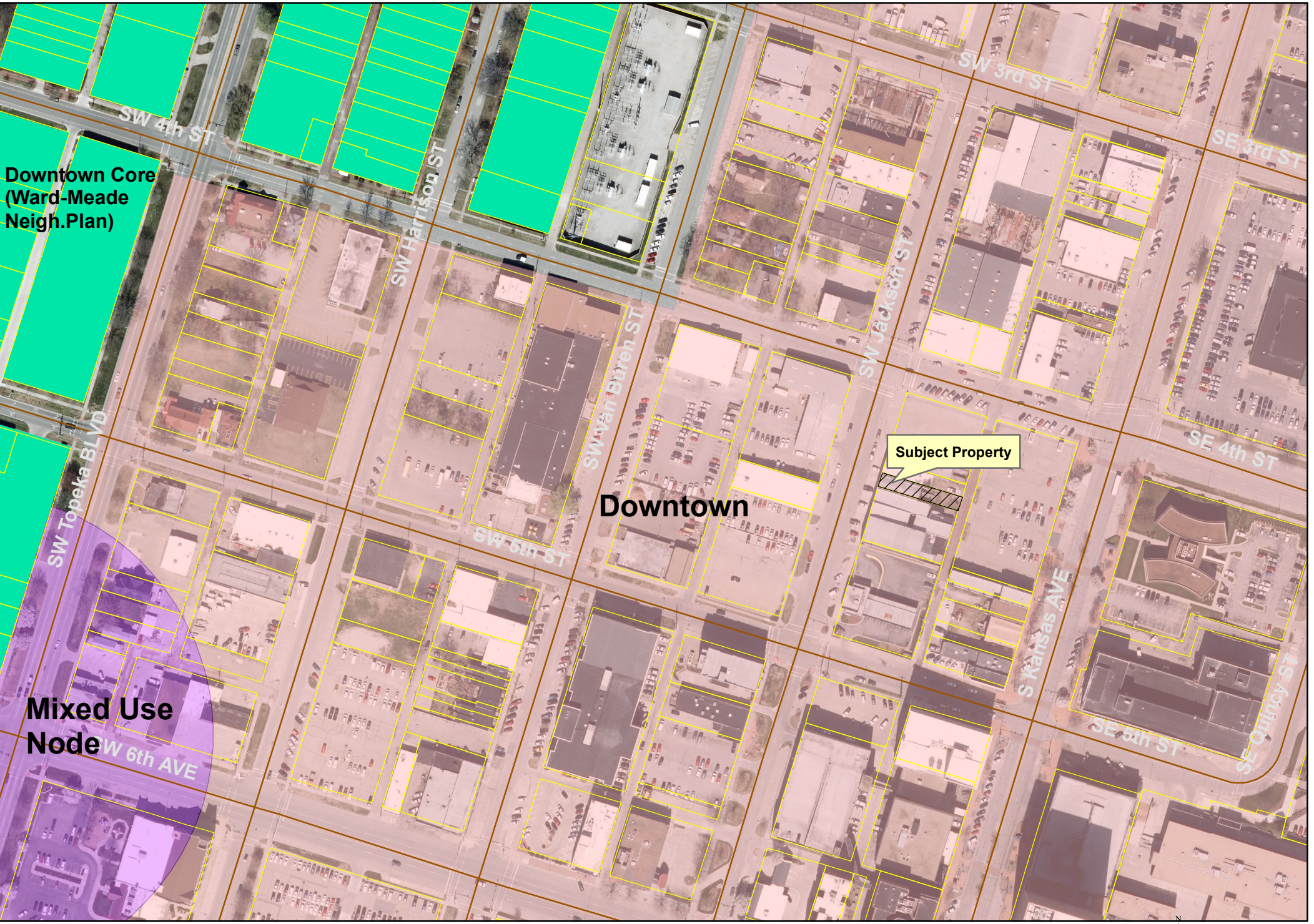
Z18/03 - Aerial Map
Belt

Topeka Planning Department



Z18/03 - Zoning Map
Belt

Topeka Planning Department



Z18/03 - Future Land Use Map
Belt

Topeka Planning Department

Subject: Summary of Neighborhood Information Meeting for Belt Zone Change (Z18/02)

Meeting Location: 412 SW Jackson Street

Date/Time: 06/27/18; 6:00 P.M.

Attendance: Area Property Owners; Project Applicants; and City staff

Meeting began at 6:00 p.m. with John Neunuebel, City of Topeka Planning Department, providing an overview of the zoning change application process including the upcoming public hearing before the Planning Commission. Kathy and John Belt described how the zoning change will provide for construction of a loft-style living space on the upper floor of the building for their residential use. They also intend to construct a garden level apartment on the first floor at the backside of the building, along with floor space toward the front/street-side of the building for use as a garage and storage area. A meeting attendee who owns the attached building to the south, expressed support for the residential use of the property and stated that his building may at some point also include a residential unit, as well as a non-residential use such as furniture upholstery shop or high intensity-type gymnasium that at times could produce noise potentially intrusive for adjacent residences, and it is important that all parties be aware of this potential impact. Meeting attendees were provided a brief tour of the building, and the meeting adjourned at 6:25 p.m.

Neighborhood Informatian Meeting

Sign in Sheet

K & J Belt Zone Change

Date: June 27, 2018 at 6:00 PM

Location: 412 SW Jackson Street

Name	Address	Email (preferred)/Phone
John Nemnuebel	COT PLANNING	JNemnuebel@Topeka.org
TJ Plumberg	324 SW Van Buren #1	tjremodlr@yahoo.com
Tony Privitera	414 SW Jackson	Tony.Privitera@Marmon.com
DAVE FREDERICK	517 SW VAN BUREN	DAVE.FREDERICK@COLDWELLBANKER.COM
Kathy Belt	13108 126th Rd Hoyt KS	kebelt@hotmail.com
BERNITA MANOS	324 SW VAN BUREN #1	mommanos@msn.com

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 14, 2018

DATE:	**August 14, 2018**		
CONTACT PERSON:	**Bill Fiander**	**DOCUMENT #:**	**PUD11/5C**
SECOND PARTY/SUBJECT:	**USD 501/Jerry Hill, Calamar Development/Rebecca Grief, Professional Engineering Consultants**	**PROJECT #:**	**N/A**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 007 Zoning**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Brent Trout, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, approving a major amendment to the Planned Unit Development (PUD) Master Plan for Kanza Education and Science Park to allow the additional use of multiple family residential on Lot 1, Block C and further described as 'Area A' all contained on property located at 3001 SW Kanza Drive. *(PUD11/5C) (Council District No. 1)*

Voting Requirements:
(1) Approve the Ordinance - 6 votes
(2) Remand back to the Planning Commission - 6 votes
(3) Amend the Planning Commission's Recommendation - 7 votes
(4) Deny the Planning Commission's Recommendation - 7 votes

(Approval would allow for the development of a 132-unit apartment complex.)

VOTING REQUIREMENTS:

1. Approve the Planning Commission's recommendation. A minimum of 6 votes is required.

2. Amend the Planning Commission's recommendation. A minimum of 7 votes is required.

3. Refuse to approve the Planning Commission's recommendation. A minimum of 7 votes is required.

4. Remand to the Planning Commission for further consideration, with a statement specifying the basis for the governing body's failure to approve or disapprove. A minimum of 6 votes is required.

POLICY ISSUE:

The primary issue regarding the proposed PUD master plan amendment is how best to allow for the proposed multiple-family residential use while maintaining and achieving the objectives of the original Kanza Education and Science Park Master Plan. The intent of the existing master plan is to develop an office park campus that will accommodate educational uses and training programs in a campus and park-like setting. As explained in the staff report and as recommended by the Planning Commission:

- The existing master plan provides for a variety of office and institutional uses, including assisted living facilities, nursing homes, and health clinics. The proposed use is a good fit with these uses and will allow the campus park to function 24/7 which is not typically achievable under only office and institutional zoning.
- The site is highly appropriate for age-restricted housing because of its proximity to a variety of services, such as shopping and health care.
- As a condition of approval, the amended master plan will include additional performance standards to ensure the preservation of open space, large trees, and to provide for site and building design appropriate to the setting.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the Ordinance.

BACKGROUND:

PUD11/5C is a request by USD 501 and Calamar Development to amend the Master Planned Unit Development Plan for Kanza Education and Science Park for Lot 1, Block C -'Area A' as depicted on said plan.

The amendment is needed to allow multiple family residential uses within the area described on said master plan. The PUD Master Plan did not originally allow for multiple family residential uses within this area of the master plan and provided primarily for office and institutional uses on the described tract.

The subject property lies within an area designated for *Mixed-Uses* in the Topeka Land Use and Growth Management Plan – 2040 and supports the goal of the plan to encourage infill housing development. The proposed amendment is thus consistent with the Land Use and Growth Management Plan.

The applicant notified surrounding owners and conducted a neighborhood information meeting. There were no attendees at the meeting except planning staff and the applicant.

The Planning Commission recommended approval of the PUD Master Plan amendment by a vote of 7-0-0 after close of the public hearing. The Planning Department recommended approval per the attached staff report. No public testimony in opposition to the zone change was expressed at the public hearing.

All conditions of approval as recommended are reflected in the attached proposed PUD master plan.

BUDGETARY IMPACT:

There is no impact to the City's adopted budget. All improvements, on site and offsite will be paid for by the developer/owner.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

Description

Ordinance (PUD 11/05C)
PUD11/5c Master PUD Plan - Revision #3 PROPOSED

Planning Commission Minutes 7-16-18
Planning Staff Report
Aerial Map
Zoning Map
Future Land Use Map
Exterior Elevations
RECORDED PUD - Last Revision #2- PUD11/5B

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, approving a major amendment to the Planned Unit Development (PUD) Master Plan for Kanza Education and Science Park to allow the additional use of multiple family residential on Lot 1, Block C and further described as 'Area A' all contained on property located at 3001 SW Kanza Drive. **(PUD11/5C) (Council District No. 1)**

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be, and the same is hereby amended, by reclassifying the following described property:

Lot 1, Block C, Kanza Education and Science Park Subdivision

to allow for multiple family residential use.

subject to:

1. Use and development of the site in accordance with the Planned Unit Development (PUD) Master Plan for Kanza Education and Science Park –Revisions #2 and #3 (PUD11/5B and PUD11/5C).

Section 2. The PUD Master Plan for Kanza Education and Science Park – Revision #3 (PUD11/5C) shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of the PUD Master Plan and prior to building permit and/or land development on the site, site development plans shall be submitted for review and administrative approval by the Planning Director.

Section 3. This Ordinance Number shall be fixed upon the "District Map".

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

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

2018

_____
Michelle De La Isla, Mayor

ATTEST:

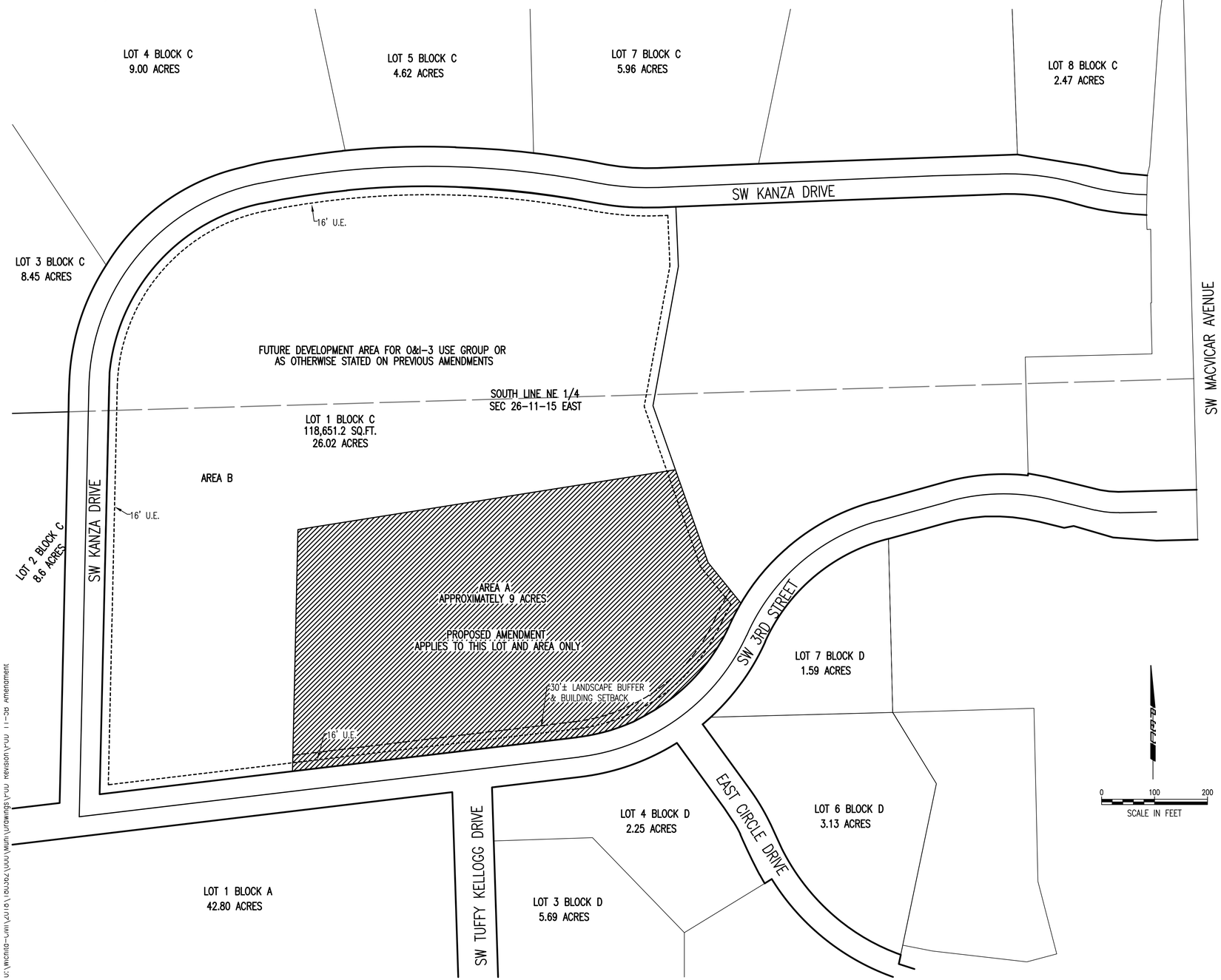
_____
Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified ___X___

PLANNED UNIT DEVELOPMENT PUD11/5

KANZA EDUCATION AND SCIENCE PARK
LOT 1, BLOCK C – REVISION #3 – PUD 11/5-C

OWNER: USD 501
624 SW 24TH STREET
TOPEKA, KS 66611-1208



BOOK: _____ PAGE: _____

DATE: _____ TIME: _____

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS

_____
REBECCA J. NIOCE, REGISTER OF DEEDS

PUD MAJOR AMENDMENT NOTES

1. THE PARCEL BEING AMENDED IS 26.2 ACRES IN SIZE WITH A LEGAL DESCRIPTION OF LOT 1, BLOCK C, KANZA EDUCATION AND SCIENCE PARK ADDITION. IT WAS LAST AMENDED ON 1-9-2015, RECORDED IN BOOK 52 ON PAGE 84.

   THE PROPOSED MODIFICATIONS ARE LISTED IN THE PROVISIONS BELOW. THE UNDERLYING RESTRICTIONS AS STATED ON THE MASTER PUD PLAN FOR KANZA EDUCATION AND SCIENCE PARK – REVISION #2 AND RECORDED WITH THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS (PUD11/5B) STILL APPLY UNLESS OTHERWISE STATED IN THIS PUD AMENDMENT.

   A. NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS RE-PLATTED.

   B. A MAXIMUM BUILDING HEIGHT FOR AREA A-LOT 1, BLOCK C SHALL BE 50 (FIFTY) FEET.

   C. AN AVERAGE MINIMUM 30' BUILDING AND LANDSCAPE SETBACK SHALL BE PROVIDED ALONG SW 3RD STREET FOR 'AREA A'.

   D. PARKING AREAS SHALL NOT DOMINATE THE FRONT OF BUILDINGS AND THE MAJORITY OF PARKING AND ASSOCIATED DRIVEWAYS SHALL BE LOCATED TO THE REAR AND SIDE YARDS.

   E. LARGE PARKING LOTS ADJACENT TO STREETS SHALL BE SCREENED WITH TREES, BERMS, AND SHRUBS, OR A COMBINATION OF THESE.

   F. EXISTING MATURE TREES LOCATED INSIDE AND OUTSIDE OF LANDSCAPE SETBACKS SHALL BE PRESERVED TO THE BEST EXTENT POSSIBLE AND EVERY EFFORT SHALL BE MAINTAINED TO INCORPORATE EXISTING TREES INTO THE SITE AND LANDSCAPE PLAN.

   G. LANDSCAPE PLANS FOR EACH BUILDING SITE SHALL BE REVIEWED AT THE TIME OF SITE PLAN REVIEW AND CONFORM TO TMC18.235 LANDSCAPE REGULATIONS AND ADDITIONAL RESTRICTIONS AS STATED ON KANZA SCIENCE AND EDUCATION PARK – REVISION #2 – PUD11/5B. ADDITIONAL LANDSCAPE REQUIREMENTS MAY BE REQUIRED AT THAT TIME TO SATISFY THE INTENT OF THESE STANDARDS.

   H. THE BUILDING'S MAIN ENTRY SHALL CREATE A UNIQUE FOCAL POINT THAT TAKES ADVANTAGE OF THE HISTORICAL VISTA ENTRYWAY FROM TUFFY KELLOGG DRIVE.

2. PROJECT PROGRAM:
   GENERAL CRITERIA FOR LOT 1, BLOCK C, AREA A ONLY SHALL BE REVISED TO READ:
   BASE ZONING USE GROUP:
   O&I-3 OFFICE AND INSTITUTIONAL DISTRICT USE GROUP: ALL PERMITTED USES IN O&I-3; A SECONDARY SCHOOL AND DORMITORY; A FOOD SERVICE FACILITY FOR MEAL PREPARATION, CATERING AND PRIVATE GUEST/RESIDENT DINING HALL; A WIND ENERGY SYSTEM; AND A PUBLIC UTILITY SUBSTATION, SUBJECT TO SITE PLAN REVIEW AND ALL ADDITIONAL REQUIREMENTS IN THE ZONING REGULATIONS PRIOR TO BUILDING PERMIT ISSUANCE. PLUS 'M-2' USE GROUP FOR MULTIFAMILY ELDERLY HOUSING THAT IS BUILT TO M-2 DIMENSIONAL STANDARDS ACCORDING TO TMC 18.60 OR AS AMENDED.

   NO OTHER CHANGES SHALL BE MADE TO THIS SECTION.

3. A CONCRETE BUS PAD ON SW 3RD STREET ALONG WITH CROSSWALK STRIPING AND SIGNAGE AS REQUIRED BY THE CITY ENGINEER SHALL BE PROVIDED FOR A TOPEKA METRO BUS SHELTER AND BOARDING PAD WITH THE EXACT LOCATION DETERMINED BY TOPEKA METRO AND THE CITY ENGINEER AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW.

4. COMPLETE THE INFILL SIDEWALK NETWORK ALONG THE SOUTH SIDE OF SW EAST CIRCLE DRIVE TO CONNECT FROM SW 3RD STREET TO SW MACVICAR AVENUE PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

OWNER'S CERTIFICATE:

USD 501 (OWNER) agrees to comply with the conditions and restrictions as set forth on the master PUD plan.

In Testimony Whereof:
The Owner(s) of the above described property, USD 501, have signed these presents this_____ day of____, 2018.

_____
M.R. Morrison, Board President

Be it remembered that on this__date of_____, A.D._____2018 before me, a notary public in and for said County and State come_____, Owner(s) of the above described property.
I hereby set my hand and affix my notarial seal the day and year last written above.

Notary Public

My Commission Expires:_____

AMENDMENT NOTE: This Planned Unit Development (PUD) Master Plan has been reviewed and approved in accordance with the provisions of Chapter 18.190 of the Comprehensive Zoning Regulations of the City of Topeka, Shawnee County, Kansas, and may be amended only as prescribed in TMC 18.190.070 and as set forth on this document or as may subsequently be approved and recorded.

CERTIFICATION OF MASTER PUD PLAN APPROVAL NOTE BY THE SECRETARY OF THE PLANNING COMMISSION:
A MAJOR AMENDMENT TO ALLOW MULTIPLE-FAMILY ELDERLY HOUSING WITHIN 'AREA A' AS IDENTIFIED ON THE MASTER PUD PLAN.

Bill Fiander, AICP, Planning Director _____,
Secretary to Planning Commission

Be it remembered that on this___date of_____, A.D. 2018, before me, the undersigned, a notary public in and for said County and State came Bill Fiander who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

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

Notary Public

My Commission Expires:_____

PEC
PROFESSIONAL ENGINEERING CONSULTANTS,
303 SOUTH TOPEKA WICHITA, KS 67202
316-262-2691 www.pec1.com

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CITY OF TOPEKA
PLANNING COMMISSION
CASE MINUTES

Monday, July 16, 2018

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present:	Brian Armstrong, Marc Fried, Dennis Haugh, Wiley Kannarr, Corliss Lawson, Katrina Ringler, Matt Werner (7)
Members Absent:	Carole Jordan, Ariane Messina (2)
Staff Present:	Bill Fiander, Planning Director, Mike Hall, Planner III; Annie Driver, Planner II; John Neunuebel, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal

PUD11/05C by USD 501 and Calamar Development requesting to amend the Master PUD Plan for Kanza Education and Science Park on Lot 1, Block C ("O&I-3" District uses and others as stated) to provide for multiple family dwellings on a 26-acre property located at 3001 SW Kanza Drive lying between SW 3rd Street and SW Kanza Drive, the centerline of the tract being approximately 1,432 ft. west of SW MacVicar Avenue.

Ms. Driver presented the staff report and recommendation for approval of the proposal, subject to the 10 conditions listed in the staff report.

Mr. Fried asked if there are any known plans to develop the rest of Lot 1, and Mr. Driver explained that Planning is unaware of any future plans. She stated that the applicant only owns that portion is included in the proposed amendment.

Jerry Hill, Midwest Development Director for Calamar Development, came forward representing the applicant. He gave some background about the 30-year old company that currently has 30 senior independent living facilities located around the country, including a number of facilities in Kansas. He explained that the facilities sell an “active lifestyle” and provide on campus such things as a movie theater, lounge, library, computer room, fitness room, yoga room, etc. He explained that they are working with the local school district to provide programs for high school students to interact with those living in the facility and also are working on programs to involve other seniors living in the general area.

Mr. Hill stated that they are on board with all of the staff recommendations but would like to amend #2 to allow for an “average” set-back of 30’. He explained that in the site plan stage, they will attempt to design the building so that it’s possible to keep most or all of the large trees currently on the property. In order to do this, it would be helpful if the wording on staff condition #2 were changed to say a 30’ ***average*** setback. This would give them more flexibility in designing their building to allow for retention of the trees. He added that the site plan, landscaping plan, etc. are required to be approved by the City at a future date.

Mr. Haugh asked if there is a chance that the company would one day enlarge the facility, and Mr. Hill stated that historically the company has not enlarged facilities but rather built additional facilities. He explained that the majority of those who move into their facilities come from surrounding neighborhoods or within about 10 miles.

Mr. Werner asked how the building will sit and Mr. Hill explained that the site plan included in the packet is their typical site plan – not one specific to Topeka. That may be different since they will be attempting to

DRAFT

work around the trees. The project specific site plan will be provided to the City during the Site Plan Review stage.

With nobody else coming forward to speak, Ms. Ringler declared the **public hearing closed.**

Mr. Fried asked what the process is for changing setbacks. Mr. Hall explained that assuming Council approval, the next step in the process would be Site Plan Review, where the set-backs could potentially be dealt with administratively.

Discussion followed about potential wording and allowances for setback. It was suggested that perhaps a "no less than" or minimum number be added. Mr. Werner pointed out that there are utility easements that cannot be changed and suggested that would be sufficient for a "minimum".

Following additional discussion, it was agreed that simply adding the word "average" into condition #2 would suffice and allow staff ample discretion in the Site Plan Review stage. Mr. Fiander pointed out that there's not a hard and fast number or percentage that administrative approval is allowed for, but what *would* require a major amendment and thus Planning Commission approval would be a change in the character of the project. He also pointed out that condition #3 includes performance standards that will assist staff in determining whether the proposed design and layout should be approved.

Ultimately Mr. Haugh suggested that the word average be added to condition #2 and staff could determine the rest. Mr. Kannar agreed, stating that adding a minimum might cause more problems than it intended to solve.

Motion by Mr. Kannar to approve the proposal, subject to staff comments #1 through 10, amending #2 to include the word "average" to the 30' setback requirement; **second** by Mr. Armstrong. **APPROVAL** (7-0-0)

STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, July 16, 208

APPLICATION CASE NO	PUD11/C: Kanza Education and Science Park (Lot 1, Block C)
REQUESTED ACTION / CURRENT ZONING:	A Major Amendment that adds the allowed use of *multiple-family residential* to "Area A" of Lot 1, Block C, as shown, to accommodate the proposed independent living facility. The restrictions on the underlying PUD master plan remain in place, unless stated, and apply only to this defined area. The Project Program of the current PUD Master Plan indicates a goal of the campus is to provide training and mentorship opportunities for students. (This latest revision to the Master PUD Plan is attached as an addendum since the base restrictions will remain in effect.) The PUD originally restricted residential use to the west part of the campus and allowed only two- or three family dwellings within that defined boundary. (Refer to the "Development Area" on Lot 1, Block B on attached Exhibit).
APPLICANT / PROPERTY OWNER:	USD 501 (Owner)/Calamar Development (pending owner)/Jerry Hill
APPLICANT REPRESENTATIVE:	Professional Engineering Consultants/Rebecca Greif
PROPERTY ADDRESS & PARCEL ID:	3001 SW Kanza Drive/Parcel ID: 0972604012001000
PARCEL SIZE:	The development area will comprise approximately 9 acres of the platted 26 acre lot.
STAFF PLANNER:	Annie Driver, AICP, Planner
PHOTO:	

RECOMMENDATION: Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to conditions listed on Pg. 7.**

RECOMMENDED MOTION: Based on the findings and analysis in the staff report, I move that the Topeka Planning Commission forward to the Governing Body a recommendation of **APPROVAL** of the proposed PUD Master Plan along with all conditions.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: A 140,000 sq. ft., 132 dwelling unit, age-restricted, independent living apartment complex providing separate resident living quarters with limited social and recreational areas. Detached garages will be provided for some of the units. The facility does not meet the zoning code definition of an "Assisted Living" since it will not contain a centralized dining area, housing keeping service, and on-site medical/skilled nursing care facilities.

The developer (Calamar) has indicated their intention to support the PUD Master Plan's Project Program by providing service opportunities for students.

DEVELOPMENT / CASE HISTORY: The subject property was historically the site of the Topeka State Hospital Park, opened in 1879, and closed by legislative action in 1997 and it is the specific location of the main State Hospital's buildings that were demolished in or about 2010.

Z00/1 – After the closure of the hospital, the State of Kansas rezoned the property to the "Kanza Business and Technology Park Master PUD Plan" as part of the Department of Administration's plan to market and develop the property as a private sector office and business park, as well as provide for the re-use of the former buildings on the campus. This original

intention never truly materialized and only the outlying parcels (i.e. fronting MacVicar and 6th) developed for private sector uses prior to 2011 when much of the remaining land was purchased by USD 501.

PUD 11/5 (Amendments PUD11/5A, PUD11/5B) – In 2011, USD 501 subsequently purchased much of the undeveloped portions of the PUD master plan and rezoned that property to accommodate the "Kanza Education and Science Park" campus. At that time, most of the former State buildings originally planned for re-use had been demolished, including buildings on the subject property. USD 501's intention with the rezoning was to develop an office park campus that would accommodate educational uses and training programs, and these could be oriented toward providing training and mentorship opportunities for youth.

ZONING AND CHARACTER OF SURROUNDING AREA:

The character of the area and neighborhood comprises institutional, medical, and educational uses in a park setting surrounded by substantial open space and large canopy trees. The subject property and surrounding zoning is "PUD" Planned Unit Development (O&I-3 uses, M1-a uses). Many of the buildings have since been re-used by USD 501, State of Kansas, and Shawnee County for offices. The Stormont Vail orthopedic clinic constructed in 2015 lies directly to the east of the subject site.

PUD MASTER PLAN ELEMENTS *(PROPOSED)*:

The restrictions and stipulations of the current PUD Master Plan (PUD11/5B) will remain in full force and effect unless stated on this revision. The proposed amendment allows the additional use of *Multiple-Family Dwellings* and amends the current height restriction of two-stories or 40 ft. for residential uses to 50 ft.

PARKING, CIRCULATION & TRAFFIC:

Off-street parking will be as required per TMC 18.240 for *multi-family elderly* uses at a ratio of 1 stall per 2 units. The current PUD master plan (Circulation, Parking, and Traffic Note #1) indicates the Planning Director may also administratively approve an alternative or variance to reduce this parking requirement.

Bike parking shall be provided per TMC 18.240 at a ratio of 5% of the required automobile parking.

LANDSCAPE:

The Landscaping Notes as stipulated on the PUD master plan will remain. A landscape plan will be approved as a part of the site plan review application.

Landscaping notes on the recorded PUD master plan go beyond those stipulated by the TMC 18.235 Landscape Regulations and provide for additional parking lot islands for contiguous impervious surfaces, additional street trees, and retention of existing trees on a site. The conditions are intended to provide a

park setting and reduce the amount of contiguous impervious pavement.

BUILDING AND STRUCTURE: The Building and Structural Notes as stipulated on the PUD master plan remain in effect, except as stated on this revision to allow for the three story residential, multiple family buildings. The PUD master plan will maintain the 60 percent impervious surface coverage ratio (buildings, parking, driveways), provided on the current PUD to maintain the original park setting.

SIGNAGE: The Signage Notes on the current PUD master plan are unchanged by this amendment. Lot 1, Block C is permitted signs as follows: Ground signs: One monument sign per building; up to 100 sf of sign area and 7.5 ft. in height. Wall signs: One wall sign per each side of the building fronting a public or private street limited to a maximum sign area of 10 percent of the wall area to which it is attached.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

The Master PUD Plan maintains the intent of the original PUD Master Plan. An intent and objective of that Master PUD Plan was to provide for an attractive mixed use development business and educational park within a campus setting the preserves open space and retains the existing mature trees.

OTHER FACTORS

SUBDIVISION PLAT: The property is presently platted as Kanza Education and Science Park Subdivision, Lot 1, Block C. A re-plat is required to further subdivide the 26 acre lot. The plat has not yet been submitted.

TRAFFIC/TRANSPORTATION: SW 3rd Street is classified as a collector roadway and has adequate capacity for the proposed use.

The Bikeways Plan classifies SW 3rd Street as Route #5 (Oakland Potwin Bikeway) and Tuffy Kellogg as Route #2 (Randolph Bikeway).

Sidewalks will be provided with locations determined at the time of site plan review, both internally and externally with adjoining properties. The PUD Master Plan required sidewalk and trails including their connections with adjoining sidewalk, both public and private.

FLOOD HAZARDS, STREAM BUFFERS: The area is not covered by a FEMA flood zone or USGS classified waterway.

HISTORIC PROPERTIES: There are no listed historic properties or districts on the property.

NEIGHBORHOOD MEETING: The applicant held a Neighborhood Information Meeting on Thursday, June 21, 2018 at 6:00 pm. There were no attendees at the meeting other than City staff and the pending owner.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER:	A Stormwater Management Plan addressing both water quantity and quality will be submitted by the applicant and reviewed by City staff during the subdivision plat, site plan review, and building permit stages.
ENGINEERING/TRAFFIC:	A complete Traffic Impact Analysis was not required by the City Engineer. Engineering Division required a traffic summary documenting the need for a left-turn lane on SW 3rd Street. The City Engineering Division agreed with the findings that a left turn lane is not warranted based on the estimated number of left-turns into the development. The memo indicated 8-9 vehicles making left turns into the driveway during the peak hour, which is not significant. City Traffic Engineering has no other issues with the rezoning and will further review on-site circulation at the site plan review stage. The alignment of the driveway entrance with Tuffy Kellogg is preferred.
FIRE:	No issues were expressed during the rezoning stage.
DEVELOPMENT SERVICES:	A site construction activity permit and building permit are required.
METROPOLITAN TOPEKA TRANSIT AUTHORITY (TMTA):	TMTA recommends the applicant provide a bus stop pad on the south side of SW 3rd Street with crosswalk and signage. The exact location of such pad and crosswalk will be determined at the time of site plan review upon consultation with TMTA and the City Engineer.

KEY DATES

SUBMITTAL:	May 18, 2018
NEIGHBORHOOD INFORMATION MEETING:	June 21, 2018
LEGAL NOTICE PUBLICATION:	June 25, 2018
PROPERTY OWNER NOTICE MAILED:	June 22, 2018

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD: The character of the area and neighborhood comprises institutional, medical, and educational uses in a park setting surrounded by substantial open space and large mature growth trees. Many of the former buildings have been re-used by USD 501, State of Kansas, and County offices. The Stormont Vail orthopedic clinic constructed in 2015 lies directly to the east of the subject site. The proposed use is compatible with and complements surrounding uses in the neighborhood.

ZONING AND USES OF PROPERTY NEARBY: The zoning of surrounding properties is *Institutional* in land use and zoning. The State Surplus Facility and Westar Substation are located to the north. State and Shawnee County offices are located within the park to the east. The Stormont Vail Orthopedic Clinic is located directly to the east. Hummer Sports Park and Natatorium are located south of SW 3rd Street. Additional institutional uses within the park include the Capital City School renovation and the renovation of the Jardine Building by Midland Health. The subject property and surrounding zoning is "PUD" Planned Unit Development and primarily allows for O&I-3 uses and M1-a uses.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The subject property has remained vacant since about 2010 when the State Hospital main buildings were demolished. The subject site is the location of the historical entryway and vista from Tuffy Kellogg. Prior to that, the buildings were vacant since the State Hospital was closed by the State of Kansas in 1997. There are still three remaining vacant buildings on the north side of the subject property from the time the property was used as the State Hospital.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The subject property is suitable for uses as to which it has been restricted under the "O&I-3" Office and Institutional District and as otherwise stipulated on the recorded PUD master plan. However, based upon the pattern of surrounding land uses and zoning for a mix of institutional, medical, and educational uses, the proposed use is a highly appropriate fit within the PUD master plan and complements uses in the surrounding neighborhood.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The subject property lies within an area designated for *Mixed-Uses* in the Topeka Land Use and Growth Management Plan – 2040. This category comprises those areas, "*which exhibit potential for new development or redevelopment of mixed use commercial, residential, and/or office… these areas are characterized where there is a significant display of undeveloped land or vacant buildings that exhibit potential for mixing uses."* The proposed residential multiple-family development is consistent with this designation in the plan and is supported by goals of the Comprehensive Plan that encourage infill housing development.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTAL AFFECT NEARBY PROPERTIES: Based upon the pattern of surrounding land uses and zoning there should not be a detrimental effect on nearby properties caused by approving the zone change to allow multiple-family dwellings on the subject property provided the character of the area is maintained as intended by the restrictions put in place on the current PUD Master Plan. The base zoning of "O&I-3" already allows assisted living facilities, health clinics, hospitals, nursing homes, student/faculty dormitories, professional offices, and vocational schools, which are more intensive uses and higher traffic generators than independent living facilities. Independent living facilities typically have fewer employees and service providers visiting the facility. Retention of mature trees and open space were key objectives of the current PUD Master Plan's intention to provide a mix of uses in a park-like campus setting and this objective does not change with this amendment. The recommended conditions of approval safeguard this original intent of the PUD Master Plan. Also, adding the residential uses allow the park to function 24/7 not achievable under only office and institutional uses.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: Approval of the amendment to allow multiple family residential within the subject area of the PUD master plan will have no detriment to the public health, safety and welfare, as provided under the current PUD and as conditioned herein. Disapproval of the proposed amendment will impose a hardship on the landowner.

AVAILABILITY OF PUBLIC SERVICES:
All essential public utilities, services and facilities are presently available to this property and will be extended (sanitary sewer, water, stormwater) with connections being made at the expense of the developer.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

The Kanza Education and Science Park Master PUD Plan- Revision #3 establishes development standards and guidelines as stated on the master plan and existing Revision #2 to the Master PUD Plan. The applicant is not requesting any variances to standards of the PUD Master Plan or other zoning standards. The proposed Master Plan establishes more demanding development standards than what is associated with zoning for office and multiple-family residential.

STAFF RECOMMENDATION

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to:**

1. Use and development of the site in accordance with the **Master Planned Unit Development Plan for Kanza Education and Science Park, Lot 1, Block C –Revision #3** as recorded with the Office of the Shawnee County Register of Deeds.

2. Providing 30 ft. "Building and landscape setback" along the street frontage of *"Area A"* dimensioned from the property line.

3. Adding the following performance standards to further apply to development on "*Area A":*

    - *"Parking areas shall not dominate the front of buildings and the majority of parking and associated driveways shall be located to the rear and side yards."*
    - *"Large parking lots adjacent to streets shall be screened with trees, berms, and shrubs or a combination of these."*
    - *"Existing mature trees located inside and outside of landscape setbacks shall be preserved to the best extent possible and every effort shall be maintained to incorporate existing trees into the site and landscape plan."*
    - *"Landscape Plans for each building site shall be reviewed at the time of Site Plan Review and conform to TMC18.235 Landscape Regulations and additional restrictions as stated on Kanza Science and Education Park - Revision #2- PUD11/5B. Additional landscape requirements may be required at that time to satisfy the intent of these standards."*
    - *"The building's main entry shall create a unique focal point that takes advantage of the historical vista entryway from Tuffy Kellogg Drive."*

4. Revising Certification Note*: "A major amendment to allow multiple family elderly housing within 'Area A' as identified on the Master PUD Plan."*

5. Revising Note #1 to indicate at end: ". . . *The underlying restrictions as stated on the Master PUD Plan for Kanza Education and Science Park – Revision #2 and recorded with the Office of the Shawnee County Register of Deeds (PUD11/5B) still apply unless are otherwise stated in this PUD amendment."*

6. Revising Project Program note #2 to indicate the multiple family residential applies to "*Area A"* only.

7. Adding note*: "A concrete bus pad on SW 3rd Street along with crosswalk striping and signage as required by the City Engineer shall be provided for a Topeka Metro bus shelter and boarding pad with the exact location determined by Topeka Metro and the City Engineer at the time of site development plan review."*

8. Adding note: *"Complete the infill sidewalk network along the south side of SW East Circle Drive to connect from SW 3rd Street to SW MacVicar Avenue prior to issuance of a Certificate of Occupancy."*

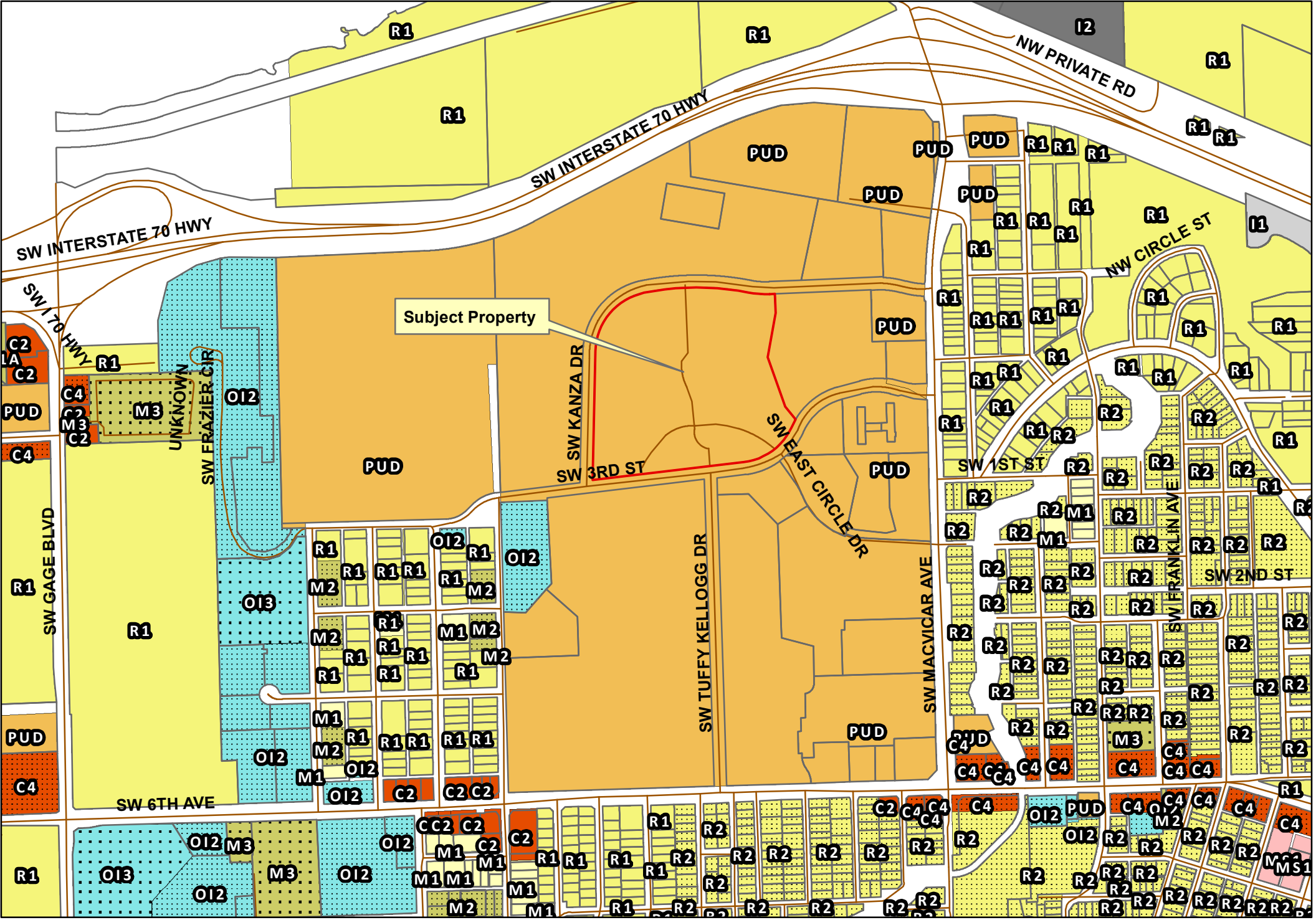
9. Correct Case # in Title to state: "PUD11/5 – **C**" or remove since this is duplicated in the title.

10. Denote the “future development areas” to the west and north of “Area A” as “Area B” and remove extra and unnecessary lines from the PUD graphic.

ATTACHMENTS:
Aerial Map
Zoning Map
Future Land Use Map
Proposed: Master PUD Plan Amendment - Revision #3
Exterior Elevations
Addendum: Recorded Kanza PUD Master Plan – Revision #2 – PUD11/5B

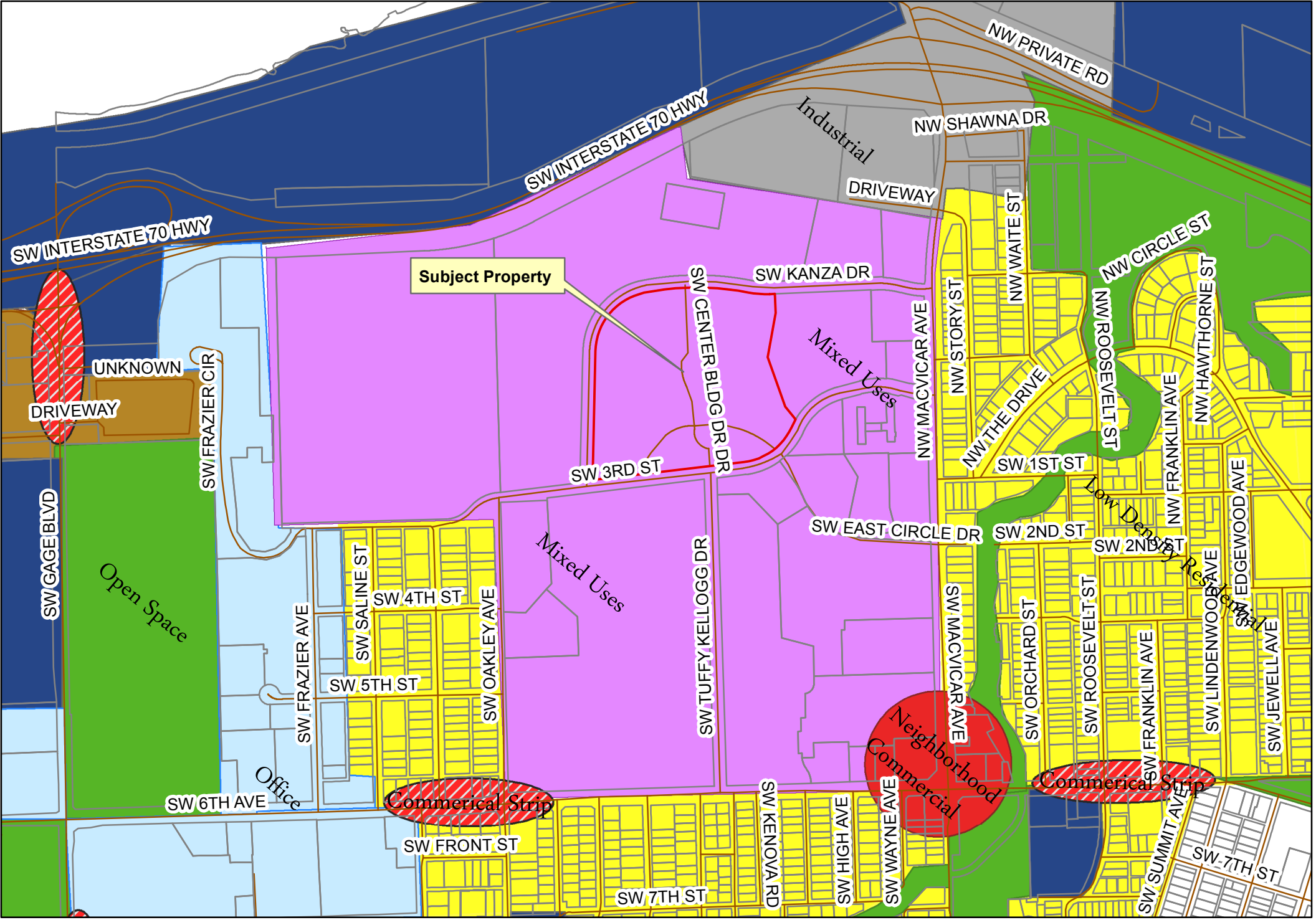
PUD11/5C By: USD 501/ Kanza Educ. & Science Park - Amendment for Lot 1, Block C

Topeka Planning Department



PUD11/5C By: USD 501/ Kanza Educ. & Science Park - Amendment for Lot 1, Block C

Topeka Planning Department



PUD11/5C - Future Land Use Map

Topeka Planning Department

ELEVATION MATERIAL LEGEND

A	CEMENT BOARD SIDING: HARDIE SIDING SMOOTH PREFINISHED, COLOR 'KHAKI BROWN' (MEDIUM TAN)
B	CEMENT BOARD SIDING: HARDIE SIDING SMOOTH PREFINISHED, COLOR 'TIMBER BARK' (MEDIUM BROWN)
C	ANCHORED SIMULATED STONE VENEER: TRILITE STACKED, COLOR 'BUCKSKIN' (VARIED EARTH AND BROWN TONE STONE)
D	*RETURNED AROUND CORNER* ANCHORED SIMULATED STONE VENEER: TRILITE STACKED, COLOR 'BUCKSKIN' (VARIED EARTH AND BROWN TONE STONE)
E	PVC TRIM BOARD: AZEK, (WHITE)
F	VINYL SHUTTER, COLOR (WHITE)
G	ARCHITECTURAL ASPHALT SHINGLES: OWENS CORNING TRU DEFINITION DURATION SHINGLES, COLOR 'DRIFTWOOD' (VARIED LIGHT BROWN TONES)
H	LOUVERS, FIXTURE BLOCKS, ELECTRICAL ENCLOSURES AND ALL OTHER EXTERIOR DEVICES TO MATCH COLOR OF ADJACENT FINISH MATERIAL

** KEYNOTES INDICATING MATERIALS AND FINISHES AT ONE LOCATION ARE TYPICAL THROUGHOUT EACH ELEVATION.

ELEVATION MATERIALS

- ARCHITECTURAL ASPHALT SHINGLES
- SIMULATED STONE VENEER
- NON SIMULATED STONE VENEER

REQUIRED AND PROVIDED CAST STONE ON EXTERIOR

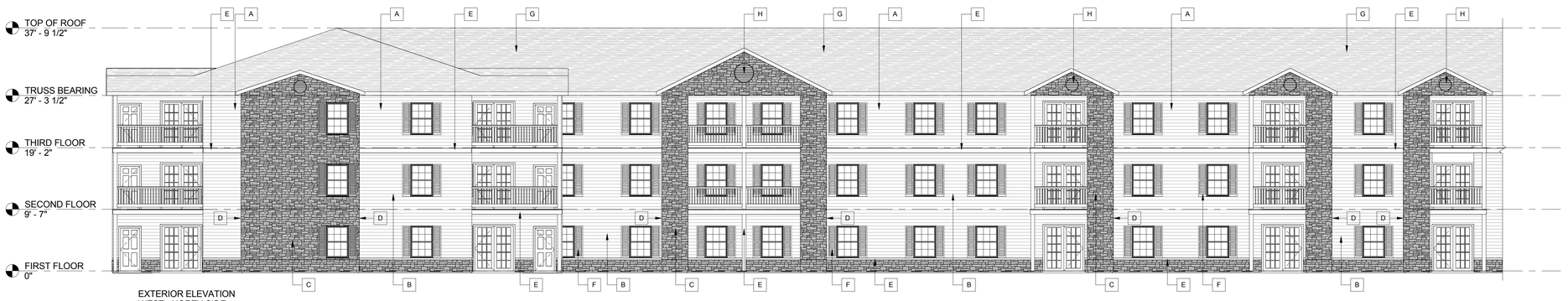
REQUIRED STONE ON EAST AND WEST ELEVATIONS (50% OF OVERALL ELEVATIONS)	= 13,380 SQ.FT.
PERIMETER BASE (1'-9" HIGH AND APPROX. 1,951 LINEAR FEET)	3,415 SQ.FT.
ACCENT STONE AT CENTER ENTRANCE OF WEST ELEVATION	550 SQ.FT.
ACCENT STONE AT CENTER OF EAST ELEVATION	542 SQ.FT.
STAIR TOWERS (810 SQ.FT A PIECE, 4 TOTAL)	3,240 SQ.FT.
ADJOINING DOUBLE BALCONIES (600 SQ.FT A PIECE) ON EAST AND WEST ELEVATIONS (4 TOTAL)	2,400 SQ.FT.
SINGLE BALCONIES (280 SQ.FT A PIECE,10 TOTAL)	2,800 SQ.FT.
SINGLE BALCONIES - 2 STORY (199 SQ.FT A PIECE,4 TOTAL)	796 SQ.FT.
PROVIDED AMOUNT OF STONE AROUND PERIMETER OF BUILDING	= 13,743 SQ.FT.
DIFFERENCE BETWEEN REQUIRED AND PROVIDED STONE	+ 363 SQ.FT.

PROVIDED PERCENTAGE OF CAST STONE ON EAST AND WEST ELEVATIONS

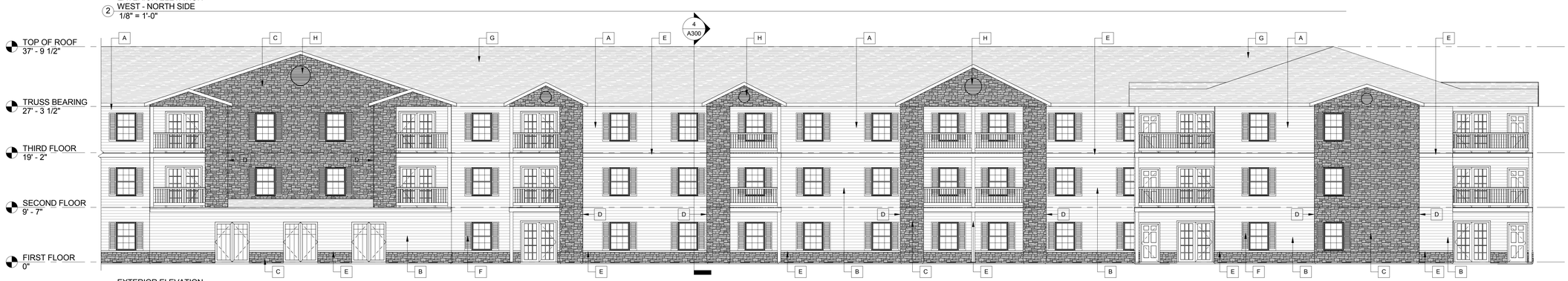
* REQUIRED PERCENTAGE OF CAST STONE ON EAST AND WEST ELEVATIONS IS 50%

- PROVIDED PERCENTAGE OF CAST STONE ON EAST ELEVATION	51%
- PROVIDED PERCENTAGE OF CAST STONE ON WEST ELEVATION	51%

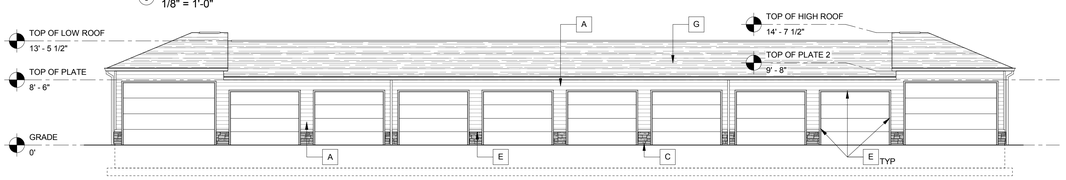
1 EXTERIOR ELEVATION - WEST OVERALL
1/16" = 1'-0"



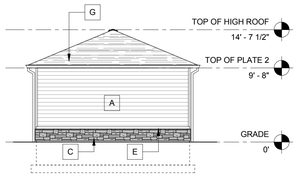
2 EXTERIOR ELEVATION
WEST - NORTH SIDE
1/8" = 1'-0"



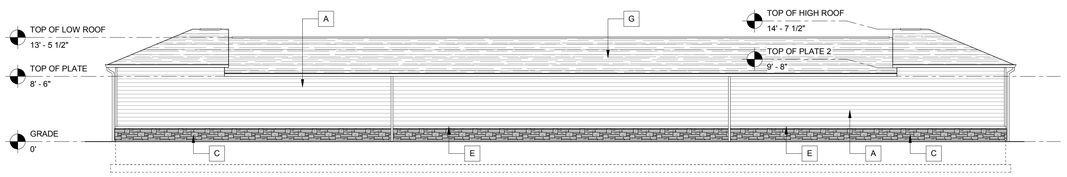
3 EXTERIOR ELEVATION
WEST - SOUTH SIDE
1/8" = 1'-0"



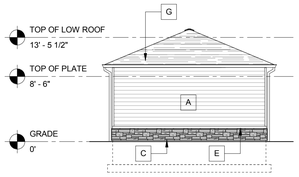
4 TYPICAL FRONT GARAGE ELEVATION (10 BAY)
1/8" = 1'-0"



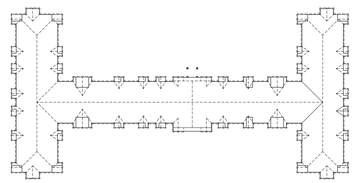
6 TYPICAL SIDE GARAGE ELEVATION (10 BAY)
1/8" = 1'-0"



5 TYPICAL REAR GARAGE ELEVATION (10 BAY)
1/8" = 1'-0"



7 TYPICAL SIDE GARAGE ELEVATION (10 BAY)
1/8" = 1'-0"



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N

KEY PLAN

CALAMAR

CALAMAR

SHAWNEE, KS

SHAWNEE SENIOR HOUSING COMMUNITY

FOR TOWN REVIEW

wendel
Centerpointe Corporate Park
375 Essjay Road, Suite 200
Williamsville, NY 14221
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PROGRESS PRINT
September 22, 2017
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NO.	REVISIONS	DATE

DWG. TITLE

EXTERIOR ELEVATIONS & GARAGE ELEVATIONS

0 1" 2"
GENERIC SCALE BAR
SCALE BAR SHOWN IS TWO INCHES ON THE ORIGINAL DRAWING. IF NOT TWO INCHES ON THIS SHEET, ADJUST ACCORDINGLY.

DATE	9/22/2017
SCALE	As indicated
DWN.	MJC, DPW
CHK.	DSP
PROJ. No.	421717
DWG. No.	

A301

PUD MINOR REVISION NO. 2 FOR:
KANZA EDUCATION AND SCIENCE PARK

BOOK : 52 PAGE : 86

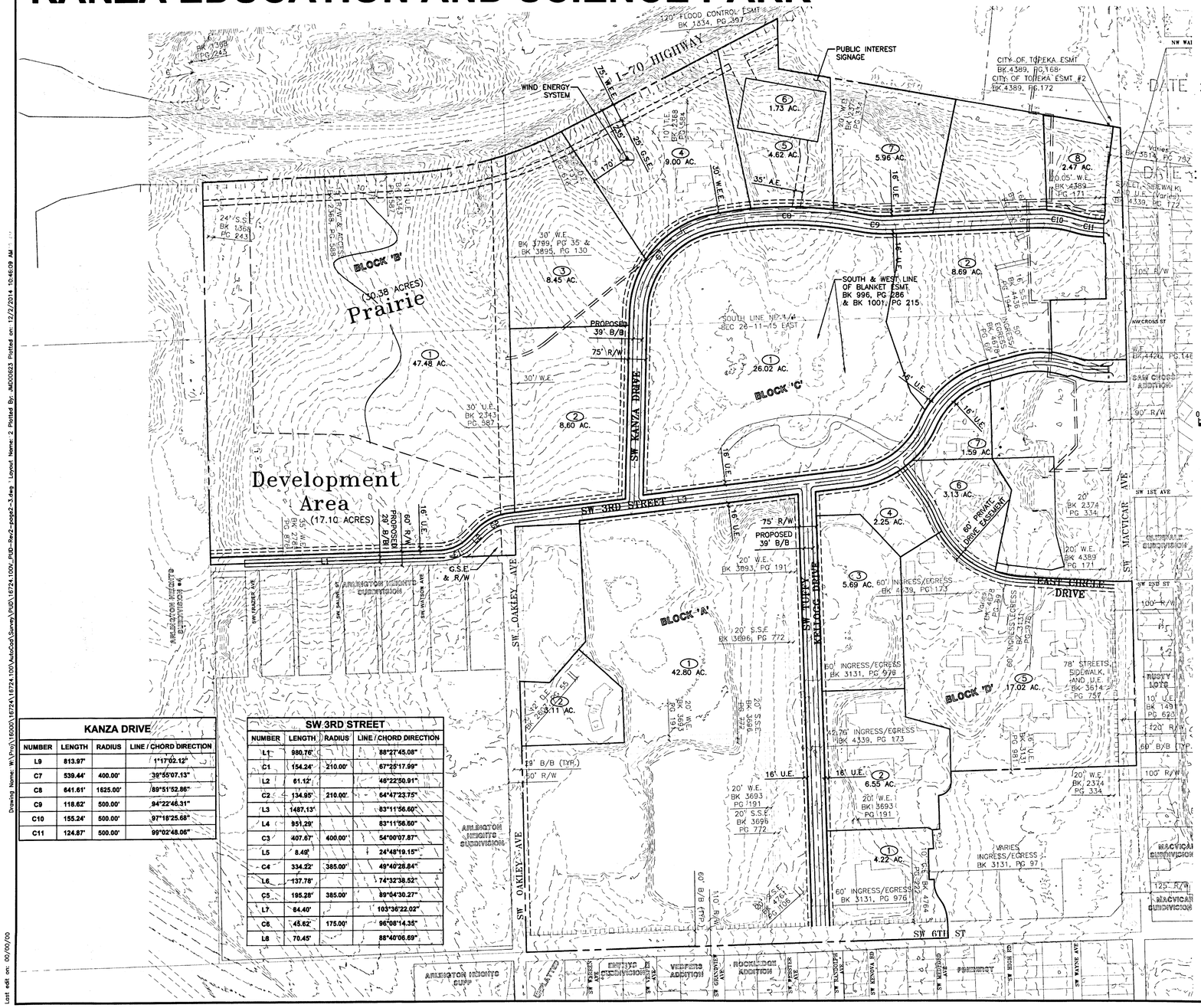
DATE : 1-9-15 TIME : 10:24:04 AM

BOOK : 50 PAGE : 5

DATE : APRIL 3, 2012 TIME : 2:00 PM

BOOK : 52 PAGE : 44

DATE : JUNE 20, 2014 TIME : 8:17 AM



KANZA DRIVE

NUMBER	LENGTH	RADIUS	LINE / CHORD DIRECTION
L9	813.97'		1°17'02.12"
C7	539.44'	400.00'	39°55'07.13"
C8	641.61'	1625.00'	89°51'52.86"
C9	118.62'	500.00'	94°22'46.31"
C10	155.24'	500.00'	97°18'25.68"
C11	124.87'	500.00'	99°02'48.06"

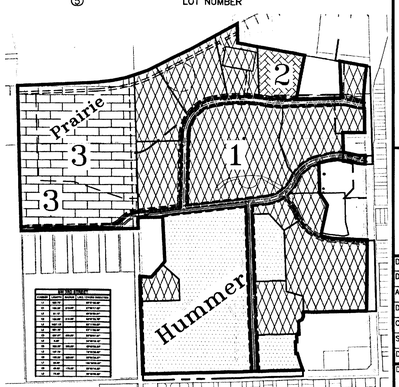
SW 3RD STREET

NUMBER	LENGTH	RADIUS	LINE / CHORD DIRECTION
L1	980.76'		88°27'45.08"
C1	154.24'	210.00'	67°25'17.99"
L2	61.12'		46°22'50.91"
C2	134.95'	210.00'	64°47'23.75"
L3	1487.13'		83°11'56.60"
L4	951.29'		83°11'56.60"
C3	407.67'	400.00'	54°00'07.87"
L5	8.46'		24°48'19.15"
C4	334.22'	385.00'	49°40'28.84"
L6	137.78'		74°32'38.52"
C5	195.28'	385.00'	89°04'30.27"
L7	84.40'		103°36'22.02"
C6	45.62'	175.00'	96°08'14.35"
L8	70.45'		88°40'06.69"

LEGEND

	PROPERTY LINE
	RIGHT-OF-WAY LINE
	CENTER LINE
	EASEMENT LINE
	RESTRICTED ACCESS
	NO INGRESS / NO EGRESS
SAN	EXISTING SANITARY
W	EXISTING WATER LINE
	EXISTING STEAM TUNNEL

BK	BOOK
D.D.F.E.	DRAINAGE DETENTION FACILITY EASEMENT
U.E.	UTILITY EASEMENT
S.S.E.	SANITARY SEWER EASEMENT
G.S.E.	GREENSPACE EASEMENT
W.E.	WATER LINE EASEMENT
W.E.E.	WESTAR ELECTRIC EASEMENT
A.E.	ACCESS EASEMENT
B/B	BACK TO BACK OF CURB
(M)	MEASURED
(P)	PLATTED
PB	PLAT BOOK
PG	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
R/W	RIGHT-OF-WAY LINE
(5)	LOT NUMBER



KEY MAP - USE GROUPS

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www.BARTWEST.COM

PUD MINOR REVISION NO. 2
KANZA EDUCATION AND SCIENCE PARK
SHAWNEE COUNTY
TOPEKA KANSAS

DESIGNED BY:	
DRAWN BY:	RCP
APPROVED BY:	ACS
DESIGN PROJ:	16724.100
CONST PROJ:	
SCALE:	1" = 200'
DATE:	OCT 2014
DRAWING NO:	PUD 11/5B
SHEET NO:	2 of 4

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Drawing Name: W:\Proj\16600\16724\16724.103\AutoCad\Survey\PUD\16724.100x_PUD-Rev2-page2-3.dwg Layout Name: 2 Plotted By: JMOORE23 Plotted on: 12/2/2014 10:46:09 AM

Last edit on: 00/00/00

PUD MINOR REVISION NO. 2 FOR:
KANZA EDUCATION AND SCIENCE PARK

A TRACT OF LAND IN THE SOUTHWEST QUARTER, SOUTHEAST QUARTER, NORTHWEST QUARTER, AND NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE 6TH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS

BOOK : 52 PAGE : 87

DATE : 1-9-15 TIME : 10:24:04 AM

BOOK : 50 PAGE : 6

DATE : APRIL 3, 2012 TIME : 2:00 PM

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PROJECT PERFORMANCE OBJECTIVES:

A STATE OF THE ART EDUCATIONAL AND SCIENCE PARK INTEGRATING THE EXISTING SPORTS RECREATIONAL FACILITIES AND HIGH SCHOOL WITH RESIDENTIAL USES INTO AN OVERALL LIFESTYLE AMENITIES PACKAGE TO DRAW EDUCATION, SCIENCE AND RENEWABLE ENERGY INNOVATORS TO A SCHOOL CAMPUS ENVIRONMENT IN ORDER TO CONDUCT RESEARCH AND PROVIDE MENTORSHIP TO STUDENTS.

GENERAL NOTES :

1. THE MAJORITY OF THIS PROPERTY LIES WITHIN ZONE "X" (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), WITH A SMALL AREA ADJACENT TO SW MACVICAR AVE LYING WITHIN AN AREA BEING PROTECTED FROM THE 1-PERCENT ANNUAL CHANCE OR GREATER FLOOD HAZARD BY A LEVEE SYSTEM THAT HAS BEEN PROVISIONALLY ACCREDITED, AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAPS (FIRM) NOS. 20177C0203E, 20177C0204E AND 20177C0215E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.
2. PURSUANT TO TMC 18.190.060, THE APPLICANT MUST RECORD THE MASTER PUD PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN 60 DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD OR PROVIDE THE PLANNING DEPARTMENT FIFTEEN (15) COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL DEEM THE ZONING PETITION NULL AND VOID.
3. ALL PUBLIC IMPROVEMENTS SHALL BE MADE TO CITY STANDARDS.
4. NO BUILDING PERMITS SHALL BE ISSUED UNTIL SITE DEVELOPMENT PLANS ARE APPROVED BY THE PLANNING DIRECTOR. SITE PLANS WILL BE REVIEWED FOR COMPLIANCE WITH ALL CITY OF TOPEKA DEVELOPMENT REGULATIONS, INCLUDING ZONING AND SITE PLAN REGULATIONS, AS WELL AS, FOR STREET CONNECTIVITY AND ACCESS. UPON REVIEW, IT SHALL BE DEMONSTRATED THAT EACH SITE PLAN WILL FUNCTION AS AN INDEPENDENT DEVELOPMENT UNIT WITH ADEQUATE ACCESS, SERVICES AND UTILITIES OR CAN BE EFFECTIVELY INTEGRATED INTO THE EXISTING DEVELOPMENT. ALL LOTS THAT ARE DEVELOPED, EXCEPT LOTS DEVELOPED WITH ACCESS ON EAST CIRCLE DRIVE, SHALL HAVE ACCESS ON TO, AND CONNECTING WITH, A PUBLIC STREET THAT IS IMPROVED TO CITY STANDARDS UNLESS THE BUILDING PERMIT IS FOR A NON-OCCUPIED STRUCTURE, AS APPROVED BY THE PLANNING DIRECTOR. THE BENEFIT DISTRICT FOR THE REQUIRED STREET IMPROVEMENTS UNDER THIS NOTE SHALL AT LEAST BE APPROVED BY THE CITY COUNCIL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.
5. ALL APPLICABLE BASE USE GROUP REGULATIONS APPLY UNLESS STATED OTHERWISE.
6. ALL EXISTING STRUCTURES SHALL BE CONSIDERED LEGAL NON-CONFORMING USES AND SHALL BE EXEMPT FROM SETBACK, BUILDING HEIGHT, SIDE YARD AND OTHER REQUIREMENTS. ANY ADAPTIVE REUSE OF EXISTING STRUCTURES SHALL BE SUBJECT TO OPEN SPACE, FLOOR/IMPERVIOUS SURFACE COVERAGE, LANDSCAPING AND PARKING REQUIREMENTS AS STATED HEREIN.
7. GREEN SPACE EASEMENTS ARE NON-BUILDABLE AND RESERVED FOR LANDSCAPING SUCH AS TREES, SHRUBS, TRAILS, SIDEWALKS, GAZEBOS, AND ASSOCIATED FENCING.
8. NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
9. PROPERTY OWNER(S) AGREES TO A FAIR AND EQUITABLE IRREVOCABLE WAIVER OF OBJECTION TO PARTICIPATION IN A STREET BENEFIT DISTRICT FOR FUTURE IMPROVEMENT OF SW KANZA DRIVE, SW 3RD STREET AND SW TUFFY KELLOGG DRIVE.
10. NO BUILDING PERMITS SHALL BE ISSUED UNTIL ALL STORMWATER MANAGEMENT REQUIREMENTS SET FORTH IN TOPEKA MUNICIPAL CODE (TMC) CHAPTER 13,35 ARE MET INCLUDING: APPROVAL OF STORMWATER MANAGEMENT PLAN AND GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.
11. SITE DEVELOPMENT PLANS MUST BE REVIEWED AND APPROVED BY USD 501 PRIOR TO SUBMITTAL TO THE CITY OF TOPEKA FOR CONSIDERATION.

UTILITY NOTES :

1. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.
2. SANITARY SEWER SERVICE SHALL BE BY THE CITY OF TOPEKA.
3. WATER SERVICE SHALL BE BY CITY OF TOPEKA.
4. THE LOCATION, HEIGHT, TYPE OF FIXTURE AND INTENSITY OF SITE LIGHTING SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE BUT SHALL NOT EXCEED 3 FOOT-CANDLES AT THE LOT LINE. ALL SITE LIGHTING SHALL BE DIRECTED AWAY FROM ADJACENT PROPERTIES AND THE SOURCE OF THE ILLUMINATION SHALL NOT BE VISIBLE FROM ADJACENT PROPERTIES.
5. NO BUILDING PERMITS FOR ANY OCCUPIED STRUCTURES SHALL BE ISSUED UNTIL SUCH TIME AS SANITARY SEWER PLANS REQUIRED TO SERVE THE SITE ARE APPROVED BY THE CITY OF TOPEKA DEPARTMENT OF PUBLIC WORKS AND THE SEWER PROJECT IS UNDER CONTRACT FOR CONSTRUCTION.
6. ALL PRIVATE SANITARY SEWER LINES SHALL BE MAINTAINED AND REPAIRED BY THE PROPERTY OWNER(S) AND CONSTRUCTION SHALL BE ACCORDING TO CITY OF TOPEKA ENGINEERING'S "STANDARD TECHNICAL SPECIFICATIONS".

CIRCULATION, PARKING AND TRAFFIC NOTES :

1. ALL FUTURE PARKING RATIOS SHALL BE PROVIDED FOR BASED UPON BUILDING USAGE AND APPLICABLE ZONING CODE REQUIREMENTS UNLESS DETERMINED OTHERWISE BY THE PLANNING DIRECTOR.
2. ALL DRIVES, LANES AND PRIVATELY OWNED ACCESSWAYS PROVIDING ACCESSIBILITY TO INDIVIDUAL STRUCTURES, BUILDINGS, AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS FOR OWNERS, TENANTS, INVITED GUESTS, CLIENTS, CUSTOMERS, SUPPORT AND UTILITY SERVICE PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION AND AMBULANCE SERVICES. ALL ACCESSWAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG THE BUILDINGS AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SAID ACCESSWAYS BEING THE RESPONSIBILITY OF THE OWNER UPON WHOSE PROPERTY THEY LIE.
3. NO DOCK OR LOADING AREAS SHALL BE ERECTED FRONTING ON ANY PUBLIC STREET. ANY DOCK OR AREA PERMITTED IN A SIDE YARD SHALL BE SCREENED BY LANDSCAPING OR BERMS SO AS TO MINIMIZE VIEW FROM ADJACENT LOTS AND STREETS. NO DOCK OR LOADING AREA SHALL BE PERMITTED IN ANY YARD FACING INTERSTATE-70.
4. ALL EXISTING PRIVATE DRIVES SHALL BE USED FOR ACCESS THROUGH AND BETWEEN THE SUBJECT PROPERTY AND ADJACENT TRACTS UNTIL SUCH TIME AS STREETS ARE IMPROVED TO CITY STANDARD, AS DETERMINED AT SITE PLAN REVIEW. AT THE TIME SW TUFFY KELLOGG, SW KANZA DRIVE, AND SW 3RD STREET ARE RE-CONSTRUCTED TO CITY STANDARDS AND APPROVED BY THE CITY ENGINEER, THEY WILL BE ACCEPTED FOR MAINTENANCE BY THE CITY OF TOPEKA.
5. OFF STREET PARKING FACILITIES TO SERVE LOT 2, BLOCK C, KANZA EDUCATION AND SCIENCE PARK SHALL BE ALLOWED ON LOT 7, BLOCK D, KANZA EDUCATION AND SCIENCE PARK. THE EAST EDGE OF PARKING FOR SAID PARKING FACILITY MAY EXTEND TO THE EAST LOT LINE DUE TO THE 15' GREEN SPACE THAT EXISTS FROM THE EAST LINE OF SAID LOT 7 AND THE PAVING ON THE ADJACENT PROPERTY THAT IS UNDER THE SAME OWNERSHIP.

SIGNAGE NOTES :

1. ONE MONUMENT SIGN SHALL BE ALLOWED PER BUILDING WITH A MAXIMUM SIGN AREA OF 100 SQUARE FEET TOTAL OR 50 SQUARE FEET PER SIGN FACE, NOT TO EXCEED A MAXIMUM OF 5 FEET IN HEIGHT ABOVE AVERAGE NATURAL GRADE OR 7.5 FEET IN HEIGHT WHEN SHRUBS ARE PLANTED AROUND THE BASE OF THE SIGN TO A HEIGHT OF 30 INCHES. SIGNS SHALL BE ILLUMINATED BY GROUND LEVEL SPOT LIGHTS ONLY, EXCEPT AS STATED HEREIN FOR HUMMER SPORTS PARK. THE BASE OF THE MONUMENT SIGNS SHALL BE OF SIMILAR ARCHITECTURAL DETAIL AS THE PRINCIPLE STRUCTURE.
2. NO SIGN SHALL EXTEND ABOVE THE ROOF LINE OF THE STRUCTURE OCCUPYING THE LOT UPON WHICH THE SIGN IS ERECTED.
3. NO FLASHING OR NEON SIGNS SHALL BE PERMITTED. SCROLLING MESSAGES SHALL BE ALLOWED ON ANY SIGN WITHIN HUMMER SPORTS PARK LOCATED ON LOT 1, BLOCK A AND LOTS 1 AND 3, BLOCK D.
4. EACH TENANT SPACE WITHIN THE O&I-3 USE GROUP SHALL BE PERMITTED ONE (1) NAMEPLATE OR FLAT WALL SIGN MOUNTED ON THE FACE OF EACH SIDE OF THE BUILDING FACING OR FRONTING A PUBLIC RIGHT OF WAY OR PRIVATE ACCESS DRIVE. SUCH SIGN WILL BE LIMITED TO A MAXIMUM SIGN AREA EQUAL TO TEN (10) PERCENT OF THE WALL AREA TO WHICH IT IS ATTACHED OR ONE HUNDRED AND FIFTY (150) SQUARE FEET, WHICHEVER IS LESS.
5. SIGNS SHALL BE CONSTRUCTED OF PERMANENT MATERIAL AND SHALL BE CONSISTENT WITH THE GENERAL ARCHITECTURAL DESIGN OF THE BUILDINGS.
6. EACH SITE SHALL BE ALLOWED INFORMATIONAL AND DIRECTIONAL SIGNS DESIGNATING PARKING AND OFF-STREET LOADING AREAS, ENTRANCES AND EXITS OR SIMILAR INFORMATION. SAID SIGNS SHALL NOT EXCEED TWO (2) SQUARE FEET PER SIGN FACE.
7. AFTER COMPLETION OF THE PRIMARY BUILDING ON EACH SITE, THE AVAILABILITY FOR SALE OR LEASE OF ALL OR ANY PART OF THE PRIMARY BUILDING SHALL BE ADVERTISED BY ONLY ONE (1) TEMPORARY MARKETING SIGN NOT TO EXCEED FOUR FEET (4') HIGH AND EIGHT FEET (8') WIDE.
8. NO PORTABLE OR TEMPORARY SIGNS ARE PERMITTED OTHER THAN REAL ESTATE SIGNS RELATING TO THE LEASE OR SALE OF THE PROPERTY.
9. SIGNS FOR RESIDENTIAL USES WITHIN USE GROUP #3 SHALL COMPLY WITH THE REQUIREMENTS IN THE BASE ZONING AS ALLOWED FOR IN THE M1-a DISTRICT.
10. ALL EXISTING SIGNS REMAINING ON THE PROPERTY SHALL BE CONSIDERED IN CONFORMANCE TO CITY OF TOPEKA ZONING CODE.
11. SIGNAGE SHALL BE ALLOWED ON THE FACE OF THE EXISTING RETAINING WALL AT THE NORTH EDGE OF LOT 5, BLOCK B FOR THE PRIMARY PURPOSE AND FUNCTION OF CONVEYING MESSAGES OF PUBLIC INTEREST RELATIVE TO THE TOPEKA PUBLIC SCHOOLS EDUCATION MISSION FOR THE EDUCATION AND SCIENCE PARK. LETTERING ON THE SIGN SHALL HAVE A MAXIMUM HEIGHT OF 5 FEET, AND THE OVERALL SIGN FACE SHALL ENCOMPASS A MAXIMUM OF 1,700 S.F.

LANDSCAPING NOTES :

1. LANDSCAPE PLANS SHALL BE SUBMITTED FOR REVIEW WITH THE SITE DEVELOPMENT PLAN FOR EACH SITE AND SHALL CONFORM TO THE CITY LANDSCAPE ORDINANCE AS WELL AS THE FOLLOWING LANDSCAPE NOTES.
2. LANDSCAPING SHALL BE AN EFFECTIVE COMBINATION OF TREES, GRASS, GROUND COVER AND SHRUBBERY. LANDSCAPING SHALL BE DESIGNED SO AS TO PERMIT REASONABLE ACCESS TO PUBLIC AND PRIVATE UTILITY FACILITIES AND EASEMENTS SITUATED ON OR ADJACENT TO AN OWNER'S SITE, FOR INSTALLATION AND REPAIR OF SAID FACILITIES. LANDSCAPING SHALL BE INSTALLED WITHIN ONE HUNDRED TWENTY (120) DAYS OF OCCUPANCY OR COMPLETION OF THE BUILDING, WHICHEVER OCCURS FIRST.
3. LANDSCAPING SHALL BE INSTALLED AND MAINTAINED BY THE OWNER WITHIN THOSE PORTIONS OF A LOT NOT OCCUPIED BY BUILDINGS, PARKING AREAS AND THE LIKE, INCLUDING THE SIDE AND REAR SET BACK AREAS. LANDSCAPED AREAS MAY INCLUDE OPEN PRAIRIE GRASS, MEADOW AREAS, NATURE TRAILS, WALKING AND BIKING TRAILS AND THE LIKE.
4. PARKING AREAS ON THE SITE SHALL BE LANDSCAPED IN SUCH A MANNER AS TO INTERRUPT OR REASONABLY SCREEN SUBJECT AREAS FROM VIEW OF THE STREETS. IF 20,000 SQUARE FEET OR MORE OF CONTIGUOUS PARKING AREA IS CONSTRUCTED ON A SITE, THEN THERE SHALL BE LANDSCAPING AREAS EQUAL TO NOT LESS THAN FIVE (5) PERCENT OF THE PARKING AREA SO SITUATED WITHIN THE PARKING AREA AS TO SOFTEN THE APPEARANCE OF A CONTIGUOUS PAVED PARKING AREA.
5. IF AN OWNER FAILS TO COMPLY WITH ANY OR ALL REQUIREMENTS OF THIS ARTICLE, THEN USD 501 MAY PROVIDE TEN (10) DAYS NOTICE OF THE FAILURE TO THE OWNER AND THEREAFTER SHALL HAVE THE RIGHT, PRIVILEGE AND LICENSE TO ENTER UPON THE OWNER'S PREMISES AND MAKE ANY AND ALL CORRECTIONS OR IMPROVEMENTS THAT MAY BE NECESSARY TO MEET THE REQUIREMENT AND TO CHARGE THE OWNER THE EXPENSES INCURRED IN DOING SO.
6. STREET TREES AS DEFINED IN THE CITY LANDSCAPE ORDINANCE SHALL BE PLANTED AT A MAXIMUM SPACING OF FIFTY FEET ON CENTER ALONG THE CENTER ISLAND OR ALONG EACH SIDE OF THE FOLLOWING STREETS: KANZA DRIVE, 3RD STREET AND TUFFY KELLOGG DRIVE WHERE EVER THEY DO NOT ALREADY EXIST AS A PART OF THE IMPROVEMENTS FOR EACH STREET PRIOR TO THEIR ACCEPTANCE FOR MAINTENANCE BY THE CITY OF TOPEKA.
7. EXISTING TREES AND LANDSCAPE FEATURES SHALL BE INCORPORATED INTO THE DESIGN OF EACH SITE IF AT ALL FEASIBLE SO AS TO RETAIN THE PARK LIKE OLD GROWTH SETTING OF THE PROPERTY.
8. WALKING/BIKING TRAILS SHALL BE INCORPORATED INTO THE SITE DEVELOPMENT PLANS FOR EACH SITE TO FACILITATE CAMPUS WIDE PEDESTRIAN TRAFFIC.
9. THE PUBLIC UTILITY STATION SHALL BE LANDSCAPED WITH EVERGREEN PLANTINGS PURSUANT TO THE CITY LANDSCAPE REGULATIONS AND ENCLOSED BY A COMBINATION OF A 9 FT. TALL DECORATIVE MASONRY WALL WHERE IT IS EASILY VISIBLE FROM NEARBY RIGHTS-OF-WAY AND BLACK CHAIN LINK OR DECORATIVE FENCING ON THE BALANCE, AS APPROVED AT THE TIME OF SITE PLAN REVIEW.

BUILDING AND STRUCTURE NOTES:

1. NO STRUCTURE SHALL BE BUILT WITHIN TWENTY FIVE FEET OF THE PLANNED UNIT DEVELOPMENT BOUNDARY OR THE PUBLIC STREET RIGHTS OF WAY. SIDE AND REAR YARD SETBACKS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING USE GROUP. EXISTING STRUCTURES WITHIN SAID PROXIMITY SHALL BE ALLOWED.
2. BUILDINGS ERECTED IN THE PARK SHALL BE CONSTRUCTED WITH BRICK, GLASS, STONE, CONCRETE MASONRY, TILT UP OR PRECAST CONCRETE PANELS, OR AN EQUIVALENT MATERIAL WITH AN ENDURING FINISH. EARTH TONES AND PASTEL COLORS SHALL PREDOMINATE BUILDING COLOR SCHEMES. STANDING SEAM METAL ROOFS SHALL BE PERMITTED WHEN CONSISTENT WITH THE BUILDING ARCHITECTURE.
3. NO BUILDING SHALL EXCEED FORTY FEET OR TWO STORIES FOR RESIDENTIAL STRUCTURES AND EIGHTY FEET OR FOUR STORIES FOR ALL OTHER USES. THE FIRST FLOOR OF ANY BUILDING SHALL NOT EXCEED EIGHTEEN (18) FEET IN HEIGHT.
4. FOR BUILDABLE SITES LARGER THAN 3.5 ACRES, A MAXIMUM OF SIXTY PERCENT (60%) OF THE SITE AREA IS PERMITTED TO BE COVERED WITH BUILDINGS OR OTHER STRUCTURES, INCLUDING DRIVEWAYS, PARKING AND ANY IMPERVIOUS SURFACES. BUILDABLE SITES LESS THAN 3.5 ACRES ARE PERMITTED A MAXIMUM OF SEVENTY PERCENT (70%) SITE COVERAGE FOR BUILDINGS AND OTHER STRUCTURES, DRIVEWAYS, PARKING AND ANY IMPERVIOUS SURFACES.
5. NO OUTDOOR STORAGE SHALL BE PERMITTED, UNLESS SPECIFICALLY STATED HEREIN.
6. THE LOCATION OF TRASH RECEPTACLES SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE TO ENSURE TRASH AREAS ARE NOT OVERLY CONCENTRATED, ARE EFFECTIVELY SCREENED FROM PUBLIC AREAS, AND PROVIDE ADEQUATE CIRCULATION WITHIN THE OVERALL DEVELOPMENT. ALL SAID RECEPTACLES SHALL HAVE ENCLOSURES TO SCREEN THE RECEPTACLES FROM VIEW AND BE CONSTRUCTED OF MATERIALS COMPATIBLE WITH THE ARCHITECTURAL FEATURES OF THE PRINCIPLE STRUCTURE.
7. ANY FENCING ALONG THE FRONTAGE OF LOTS SHALL BE BLACK AND DECORATIVE OR ORNAMENTAL WROUGHT IRON. ANY OTHER FENCING, UNLESS STATED OTHERWISE HEREIN, SHALL BE BLACK CHAIN LINK OR DECORATIVE WROUGHT IRON. MAXIMUM FENCE HEIGHT, UNLESS STATED OTHERWISE HEREIN, SHALL BE 6 FEET.
8. AIR CONDITIONING EQUIPMENT, AIR HANDLING EQUIPMENT OR TRANSFORMERS INSTALLED ON ANY SITE SHALL BE OF A COLOR TO BLEND WITH THE PREDOMINANT COLORS OF THE BUILDING ON OR NEAR WHICH THEY ARE INSTALLED, AND SHALL BE PROPERLY SCREENED. THE HEIGHT OF THE REQUIRED SCREENING SHALL BE SUFFICIENT TO SCREEN THE EQUIPMENT WHEN VIEWED AT EYE LEVEL FROM THE STREET OR ROAD.
9. THE MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON THE SAME LOT SHALL BE 10 FEET.

BY | DESCRIPTION | DATE
#

BARTLETT & WEST
1200 SW EXECUTIVE DRIVE, TOPEKA, KS 66615-3380
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PUD MINOR REVISION NO. 2
KANZA EDUCATION AND SCIENCE PARK
SHAWNEE COUNTY
TOPEKA, KANSAS

DESIGNED BY:	ACS
DRAWN BY:	RCP
APPROVED BY:	ACS
DESIGN PROJ:	16724.100
CONST PROJ:	16724.100
SCALE:	AS SHOWN
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Last edit on: Oct 01, 2010 by DJS00161
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PUD MINOR REVISION NO. 2 FOR:

KANZA EDUCATION AND SCIENCE PARK

A TRACT OF LAND IN THE SOUTHWEST QUARTER, SOUTHEAST QUARTER, NORTHWEST QUARTER, AND NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE 6TH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS

3646
3617

2015R00339
SHAWNEE COUNTY, KANSAS
REGISTER OF DEEDS
REBECCA J. NIOCE
DATE RECORDED:
01/09/2015 10:24:04 AM
832 P64

BOOK : 52 PAGE : 84
DATE : 1-9-15 TIME : 10:24:04 AM
BOOK : 50 PAGE : 7
DATE : APRIL 3, 2012 TIME : 2:00 PM
BOOK : 52 PAGE : 46
DATE : JUNE 20, 2014 TIME : 8:17 AM

PROJECT PROGRAM:

HUMMER SPORTS PARK:

LOT 1, BLOCK A AND LOTS 1 AND 3, BLOCK D

AREA: 52.71 ACRES

BASE ZONING USE GROUP:

R-1 USE GROUP: 6,000 SEAT FOOTBALL STADIUM; TWO SOCCER FIELDS INCLUDING STADIUM SEATING FOR 2,000; FOUR BASEBALL/SOFTBALL DIAMONDS WITH A COMBINED AREA NOT TO EXCEED 650,000 SQUARE FEET WITH SEATING FOR 200 AT EACH FIELD; INDOOR SWIMMING FACILITY NOT TO EXCEED 40,000 SQUARE FEET WITH SEATING FOR 1,000 SPECTATORS; OTHER OUTDOOR SCHOOL SPORT ACTIVITIES SUCH AS TRACK AND FIELD, TENNIS, RUGBY AND OTHER GENERAL EDUCATIONAL PURPOSES.

BUILDING SETBACKS: 30 FEET FOR BUILDINGS; 10 FEET FOR PLAYING FIELDS

PARKING: ONE PARKING SPACE FOR EVERY FOUR SEATS IN THE FOOTBALL STADIUM, WHICH EQUATES TO 1,500 STALLS.

BUILDING MATERIALS: METAL BLEACHERS SHALL BE PERMITTED.

LIGHTING: LIGHTING SHALL BE DESIGNED TO BE CONCENTRATED ON PLAYING AND PUBLIC USE AREAS AND REASONABLY MINIMIZE GLARE ON ADJACENT RESIDENTIAL PROPERTIES.

SIGNAGE: SCROLLING MESSAGES SHALL BE ALLOWED ON ANY SIGN.

ONE MONUMENT SIGN PER BUILDING SHALL BE PERMITTED WITH A MAXIMUM SIGN AREA OF FIFTY (50) SQUARE FEET PER SIGN FACE. IN ADDITION TO A MONUMENT SIGN, EACH BUILDING AY HAVE AN INTERIOR ILLUMINATED SIGN MOUNTED ON THE EXTERIOR OF THE BUILDING IDENTIFYING THE FUNCTION THEREIN. SAID WALL SIGN SHALL NOT EXCEED FORTY (40) SQUARE FEET IN THE AGGREGATE OR 10% OF THE TOTAL WALL AREA, WHICHEVER IS LESS. ONE PYLON SIGN SHALL BE ALLOWED WITH AN AREA NOT TO EXCEED THIRTY (30) FEET IN HEIGHT AND AREA OF 200 SQUARE FEET PER SIGN FACE. INFORMATIONAL AND DIRECTIONAL SIGNS SHALL BE PERMITTED AS REQUIRED FOR SAFETY AND CONVENIENCE. SCOREBOARDS WHICH ARE ARCHITECTURALLY CONSISTENT WITH THE FIELDS SHALL BE PERMITTED ALONG THE PERIMETER OF EACH FIELD. SCOREBOARDS SHALL NOT EXCEED 30 FEET IN HEIGHT AND 600 SQUARE FEET IN SURFACE AREA FOR THE FOOTBALL STADIUM AND 300 SQUARE FEET IN INDIVIDUAL SURFACE AREA FOR ALL OTHER SCOREBOARDS.

FENCING: ANY FENCING SHALL BE DESIGNED TO BE COMPATIBLE WITH THE OVERALL DESIGN OF THE SPORTS COMPLEX AREA. FENCING MAY BE LOCATED AROUND INDIVIDUAL FIELDS AND/OR THE ENTIRE PERIMETER OF THE SPORTS PARK FACILITIES.

STORAGE: ANY OUTDOOR STORAGE OF LANDSCAPING MATERIALS OR MAINTENANCE MATERIALS OR EQUIPMENT SHALL BE ADJACENT TO A BUILDING AND SHALL BE APPROPRIATELY SCREENED. ATHLETIC EQUIPMENT MAY BE STORED ON THE PLAYING FIELDS WHEN NOT IN USE. EXTERIOR STORAGE OF PRODUCTS, MATERIALS OR EQUIPMENT NOT DIRECTLY RELATED TO THE OPERATION OF THE SPORTS COMPLEX SHALL BE PROHIBITED.

ACCESS POINTS: TWO ACCESS POINTS SHALL BE PERMITTED ALONG OAKLEY AVE. AND THREE ACCESS POINTS ON TUFFY KELLOGG DRIVE. LOCATION AND SPACING OF ACCESS POINTS SHALL COMPLY WITH CITY OF TOPEKA DESIGN CRITERIA.

LANDSCAPING: NOT LESS THAN TEN PERCENT (10%) OF THE TOTAL SITE AREA SHALL BE LANDSCAPED, INCLUDING DECIDUOUS AND EVERGREEN TREES, GRASS, GROUND COVER AND SHRUBBERY. NOT LESS THAN FOUR PERCENT (4%) OF ALL PARKING LOTS SHALL BE PROVIDED WITH LANDSCAPED ISLANDS.

PROJECT PROGRAM:

EDUCATION AND SCIENCE PARK:

GENERAL CRITERIA:

USE GROUP 1: LOT 2, BLOCK A; LOTS 2-6 AND LOT 8, BLOCK B; LOTS 1-2, BLOCK C; LOT 2 AND LOTS 4-7, BLOCK D

AND ALSO

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, AS RECORDED IN DEED BOOK 5050, PAGE 15 AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE ON AN ASSUMED NORTH AZIMUTH OF 359 DEGREES 51 MINUTES 46 SECONDS, 51.14 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE ON AZIMUTH 270 DEGREES 01 MINUTES 05 SECONDS, 77.86 FEET TO THE NORTHEAST CORNER OF KANZA BUSINESS AND TECHNOLOGY PARK SUBDIVISION NO. 3, AS RECORDED IN PLAT BOOK 40, PAGE 91, IN THE PUBLIC RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING; THENCE ON AZIMUTH 270 DEGREES 01 MINUTES 05 SECONDS, 320.00 FEET ALONG THE NORTH LINE OF SAID SUBDIVISION AND ITS EXTENSION; THENCE ON AZIMUTH 359 DEGREES 51 MINUTES 46 SECONDS, 309.14 FEET; THENCE ON AZIMUTH 89 DEGREES 51 MINUTES 46 SECONDS, 41.90 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 462.50 FEET; THENCE EASTERLY, 143.62 FEET ALONG SAID CURVE WITH A CHORD WHICH BEARS ON AZIMUTH 98 DEGREES 45 MINUTES 32 SECONDS, 143.04 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 537.50 FEET; THENCE EASTERLY, 136.59 FEET ALONG SAID CURVE WITH A CHORD WHICH BEARS ON AZIMUTH 100 DEGREES 22 MINUTES 29 SECONDS, 136.23 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MACVICAR AVENUE, AS RECORDED IN BOOK 4389, PAGE 172; THENCE ON AZIMUTH 179 DEGREES 58 MINUTES 19 SECONDS, 27.53 FEET ALONG SAID RIGHT OF WAY LINE; THENCE ON AZIMUTH 89 DEGREES 51 MINUTES 51 SECONDS, 7.09 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE WEST RIGHT OF WAY LINE OF SW MACVICAR AVENUE, AS RECORDED IN BOOK 3614, PAGE 757, SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 4642.50 FEET; THENCE SOUTHERLY, 138.57 FEET ALONG SAID RIGHT OF WAY LINE AND CURVE WITH A CHORD WHICH BEARS ON AZIMUTH 180 DEGREES 52 MINUTES 22 SECONDS, 138.57 FEET; THENCE ON AZIMUTH 270 DEGREES 01 MINUTES 05 SECONDS, 1.50 FEET ALONG SAID RIGHT OF WAY LINE; THENCE ON AZIMUTH 180 DEGREES 01 MINUTES 05 SECONDS, 96.96 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

AREA: 105.37 ACRES

BASE ZONING USE GROUP:

O&I-3 OFFICE AND INSTITUTIONAL DISTRICT USE GROUP: ALL PERMITTED USES IN O&I-3; A SECONDARY SCHOOL AND DORMITORY; A FOOD SERVICE FACILITY FOR MEAL PREPARATION, CATERING AND PRIVATE GUEST/RESIDENT DINING HALL; A WIND ENERGY SYSTEM; AND A PUBLIC UTILITY SUBSTATION, SUBJECT TO SITE PLAN REVIEW AND ALL ADDITIONAL REQUIREMENTS IN THE ZONING REGULATIONS PRIOR TO BUILDING PERMIT ISSUANCE. TOTAL HEIGHT OF THE WIND ENERGY SYSTEM SHALL BE MEASURED FROM GROUND LEVEL TO THE TIP OF WIND GENERATION BLADE WHEN THE TIP IS AT ITS HIGHEST POINT. CONVENTIONAL ZONING REQUIREMENTS FOR THE PUBLIC UTILITY SUBSTATION ON LOT 6, BLOCK B WILL BE DETERMINED AT THE SITE PLAN REVIEW STAGE. RETAIL SALES OF A NATURE CLEARLY INCIDENTAL AND SUBORDINATE TO, AND IN CUSTOMARY CONNECTION WITH A PRINCIPAL USE SHALL BE PERMITTED. MEDICAL AND RESEARCH LABORATORIES INVOLVED IN THE MANUFACTURING AND PROCESSING OF BIO-MEDICAL, MEDICAL, PHARMACEUTICAL, OR SIMILAR PRODUCTS WHERE ALL ACTIVITIES ARE ENTIRELY ENCLOSED WITHIN THE BUILDING(S) AND NO ODORS, DUST, SMOKE, OR NOISE FROM THESE ACTIVITIES ARE DETECTABLE.

THE FOLLOWING SHALL NOT BE PERMITTED: FUNERAL HOME OR MORTUARY INCLUDING THE DISPLAY AND SALE OF PRODUCTS ASSOCIATED WITH THE CEREMONIES, BURIAL OR CREMATION OF THE DECEASED, AND CREMATORIUM; PRIVATE MEMBERSHIP ASSOCIATION, CLUB, LODGE OR FRATERNAL ORGANIZATION AND ELIGIBLE AS A CLASS B PRIVATE CLUB SUBJECT TO APPLICABLE LICENSING REQUIREMENT.

PROJECT PROGRAM:

EDUCATION AND SCIENCE PARK CONTINUED:

WIND ENERGY SYSTEM SPECIFICATIONS:

MAXIMUM HEIGHT: 160 FEET

STRUCTURE TYPE: MONOPOLE

USE GROUP 2: LOT 7, BLOCK B

AREA: 5.96 ACRES

BASE ZONING USE GROUPS:

O&I-3 OFFICE & INSTITUTIONAL DISTRICT USE GROUP: SAME ALLOWED AND EXCLUDED USES, AS STATED HEREIN FOR USE GROUP #1

OR

I-1 LIGHT INDUSTRIAL USE GROUP: TO ALLOW ONLY FOR THE WAREHOUSING, STORAGE AND WHOLESALING ASSOCIATED WITH THE GOVERNMENTAL SURPLUS STORAGE OPERATION, AS CONDITIONED BELOW:

THE OUTDOOR STORAGE AREAS SHALL BE FULLY SCREENED FROM VIEW FROM THE STREET AND ADJACENT LOTS WITH A COMBINATION OF 6' TALL FENCING AND LANDSCAPING.

STORAGE OF EQUIPMENT OR MATERIALS, EXCEPT MOTORIZED VEHICLES, SHALL NOT BE VISIBLE FROM ADJACENT STREETS OR PROPERTIES OR STACKED HIGHER THAN THE FENCE. ANY STORED MOTORIZED VEHICLES THAT ARE ABOVE THE HEIGHT OF THE FENCE SHALL BE PARKED AT THE REAR OF THE SITE.

NATURAL EARTH TONE COLORED SLATS SHALL BE INSTALLED IN THE FENCING AND KEPT IN GOOD REPAIR AT ALL TIMES.

THE OUTDOOR STORAGE AREA SHALL BE SURFACED PURSUANT TO THE CITY STANDARD FOR STORAGE LOTS. ALL DRIVE AISLES SHALL BE PAVED PURSUANT TO CITY STANDARD.

USE GROUP 3: LOT 1, BLOCK B

AREA: 47.48 ACRES (DEVELOPMENT AREA: 17.10 ACRES, PRAIRIE AREA: 30.38 ACRES)

BASE ZONING USE GROUPS:

O&I-3 OFFICE & INSTITUTIONAL DISTRICT USE GROUP: SAME ALLOWED AND EXCLUDED USES, AS STATED HEREIN FOR USE GROUP #1

OR

M-1a LIMITED MULTIPLE-FAMILY DWELLING DISTRICT USE GROUP: EXCLUDING FOUR-FAMILY DWELLINGS, FOR A FUTURE SENIOR HOUSING DEVELOPMENT. DEVELOPMENT IS ONLY ALLOWED IN THE AREA DESIGNATED "DEVELOPMENT AREA", SUBJECT TO: DENSITY, BUILDING AND IMPERVIOUS SURFACE COVERAGE, HEIGHT, AND MATERIALS AS STATED IN BUILDING AND STRUCTURE NOTES ON SHEET 3.

THE AREA DESIGNATED AS "PRAIRIE" SHALL BE RETAINED FOR THE RESEARCH AND USE OF THE NATURAL PRAIRIE GRASS AND SHALL REMAIN NON-BUILDABLE.

CERTIFICATION OF MASTER PLANNED UNIT DEVELOPMENT PLAN :

THE OWNER(S) AGREE TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, TOPEKA PUBLIC SCHOOLS, USD 501, BY ITS PRESIDENT, JANEL JOHNSON, HAVE CAUSED

THESE PRESENTS TO BE SIGNED THIS 18th DAY OF December, 20 14.

Janel L. Johnson
JANEL JOHNSON, PRESIDENT, TOPEKA PUBLIC SCHOOLS, USD 501

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

BE IT REMEMBERED THAT ON THIS 18th DAY OF December, 20 14, BEFORE ME A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, CAME JANEL JOHNSON, PRESIDENT, TOPEKA PUBLIC SCHOOLS, USD 501, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON(S) DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND, AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

Irene L. Schley
NOTARY PUBLIC

2-23-16
MY COMMISSION EXPIRES

IN TESTIMONY WHEREOF, THE OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, WESTAR ENERGY, INC. BY ITS DIRECTOR T&S CONSTRUCTION SERVICES, DAVID BENAK, HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS 29TH DAY OF DECEMBER, 20 14

David P. Benak
DAVID BENAK, DIRECTOR T&S CONSTRUCTION SERVICES, WESTAR ENERGY, INC.

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

BE IT REMEMBERED THAT ON THIS 29 DAY OF December, 20 14, BEFORE ME A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, CAME DAVID BENAK, DIRECTOR T&S CONSTRUCTION SERVICES, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON(S) DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND, AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

Kent Mickelson
NOTARY PUBLIC

5/16/17
MY COMMISSION EXPIRES

KENT MICKELSON
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 5-16-17

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS :

REGISTER OF DEEDS OFFICIAL SEAL SHAWNEE COUNTY

Rebecca J. Nioce
REBECCA J. NIOCE, REGISTER OF DEEDS

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA AND SHAWNEE COUNTY, KANSAS, AND MAY BE AMENDED ONLY AS PRESCRIBED IN TOPEKA MUNICIPAL CODE 18.190.070 AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

CERTIFICATION OF MASTER PLANNED UNIT DEVELOPMENT PLAN APPROVAL :

A MINOR AMENDMENT TO ALLOW SIGNAGE ON LOT 5, BLOCK B FOR THE PRIMARY PURPOSE AND FUNCTION OF CONVEYING MESSAGES OF PUBLIC INTEREST THAT ARE INTEGRAL TO THE TOPEKA PUBLIC SCHOOLS EDUCATION MISSION AND AS ALLOWED ONLY AS STATED UNDER SIGNAGE NOTE #11.

BILL FIANDER, AICP, PLANNING DIRECTOR,
SECRETARY, TOPEKA PLANNING COMMISSION

Kristin H. Wagers
NOTARY PUBLIC-STATE OF KANSAS
MY APPT.EXP. 9-23-15

STATE OF KANSAS, COUNTY OF SHAWNEE, SS :

BE IT REMEMBERED THAT ON THIS 16 DAY OF January 2015, BEFORE ME A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, CAME BILL FIANDER, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND, AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

Kristin H. Wagers
NOTARY PUBLIC

9.23.2015
MY COMMISSION EXPIRES

BY | DESCRIPTION | DATE

BARTLETT & WEST
1800 SW EXECUTIVE DRIVE, TOPEKA, KS 66615-3359
PHONE 785.273.2235 FAX 785.273.8724
CONTACT: JOHN WESTFALL
WWW.BARTWEST.COM

PUD MINOR REVISION NO. 2
KANZA EDUCATION AND SCIENCE PARK
SHAWNEE COUNTY
TOPEKA, KANSAS

DESIGNED BY:	-
DRAWN BY:	RCP
APPROVED BY:	ACS
DESIGN PROJ:	16724.100
CONST PROJ:	16724.100
SCALE:	AS SHOWN
DATE:	OCT 2014
DRAWING NO:	PUD 11/5B
SHEET NO:	4 of 4

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City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 14, 2018

DATE:	**August 14, 2018**		
CONTACT PERSON:	**Bill Fiander**	**DOCUMENT #:**	**PUD18/1**
SECOND PARTY/SUBJECT:	**Angela Sharp, Bartlett and West/Allen Moore, Frito Lay Inc.**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 007 Zoning**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at the southwest intersection of SW Kirklawn Road and SW 42nd Street from "I-1" Light Industrial District TO "PUD" Planned Unit Development District (I-1 use group). *(PUD18/1) (Council District No. 5)*

Voting Requirements:
(1) Approve the Ordinance - 6 votes
(2) Remand back to the Planning Commission - 6 votes
(3) Amend the Planning Commission's Recommendation - 7 votes
(4) Deny the Planning Commission's Recommendation - 7 votes

(Approval would allow for the construction of three automated storage and retrieval system warehouses "ASRS" in three phases along with truck staging and parking. The PUD is needed to allow for the building height's up to a maximum of 125 feet, which exceeds the 70 foot height limit in the "I-1" zoning district.)

VOTING REQUIREMENTS:

1. Approve the Planning Commission's recommendation. A minimum of 6 votes is required.

2. Amend the Planning Commission's recommendation. A minimum of 7 votes is required.

3. Refuse to approve the Planning Commission's recommendation. A minimum of 7 votes is required.

4. Remand to the Planning Commission for further consideration, with a statement specifying the basis for the governing body's failure to approve or disapprove. A minimum of 6 votes is required.

POLICY ISSUE:

The key issue is whether and to what extent the proposed "automated storage and retrieval system" (ASRS) buildings, at a height of 125 feet (exceeding the 70 foot height limit in the I-1 district), will affect neighboring property owners, city residents and visitors. As described in the attached staff report:

- The proposed 125 foot building height is justified for safety, maintenance, and operational reasons. The ASRS buildings will reduce need for off-site storage and thus reduce truck trips on Topeka Boulevard.
- Based on surrounding uses and zoning, and the distance of the new buildings from surrounding properties, there will be little or no detrimental impact to neighboring properties.
- The applicant provided a view shed analysis demonstrating that the proposed buildings will be hardly visible if at all from Topeka Boulevard, and only partly visible from the Kansas Turnpike to the north and west.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the Ordinance.

BACKGROUND:

PUD18/1 is a request by Frito Lay to rezone from "I-1" Light Industrial District TO "PUD" Planned Unit Development District (I-1 uses) on a 18 acre property at the southwest intersection corner of SW Kirklawn Street and SW 42nd Street.

The proposed PUD master plan provides for development of ASRS buildings in three phase for a total building footprint of 220,000 sq. ft. along with truck staging, and parking with each phase. To be built in the initial phase, the first "ASRS" building has an 83,000 square foot footprint and is expected to begin construction within 2018 or 2019. At a height of up to 125 feet, the ASRS buildings exceed the building height restriction of 70 feet in the "I-1" Light Industrial District.

The request is consistent with the land use policies and principles of the Topeka Land Use and Growth Management Plan 2040 which designates the subject property for "Industrial" uses and is located within the designated "Employment Tier" areas of the Topeka Future Land Use Map.

The applicant held a Neighborhood Information Meeting on Thursday, May 24, 2018, at the Frito Lay offices. One neighboring property owner attended the meeting and expressed concern about the truck staging and parking along 42nd and Kirklawn, which has in the past disrupted access. SW 42nd Street is already signed "No Trailer Parking". The addition of truck parking as part of the PUD is expected to address this concern to the City's satisfaction. Trailer parking is an allowed use under the base "I-1" zoning and does not require the PUD rezoning. The on-site circulation of trucks and trailer parking will be reviewed in-depth during the more detailed site development plan review stage.

The Planning Commission recommended approval by a vote of 8-0-0 at its June 25, 2018 public hearing. The Planning Department recommended the request be approved as indicated in the attached staff report. No public testimony in opposition to the zone change was expressed at the public hearing.

The corresponding subdivision plat for Frito Lay Subdivision #3 provides right-of-way dedication for the extension and re-alignment of SW 42nd Street to connect with SW 49th Street. The remainder of SW 42nd/Wenger will be constructed prior to future development of Lot 2 as indicated on the corresponding plat for Frito Lay Subdivision No. 3.

BUDGETARY IMPACT:

The proposed zoning change will have no impact to the City's adopted budget.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

Description

Ordinance
Planning Commission MInutes 6-25-18
Planning Staff Report
Aerial Map
Zoning Map
Neighborhood Meeting Report
Proposed Building Elevations
Proposed Facility Floor Plan
Frito Lay Line of Sight Graphic
PUD Map

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Brent Trout, City Manager amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at the southwest intersection of SW Kirklawn Road and SW 42nd Street from "I-1" Light Industrial District TO "PUD" Planned Unit Development District (I-1 use group) **(PUD18/1) (Council District No. 5)**

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be, and the same is hereby amended, by reclassifying the following described property:

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., LOCATED IN BLOCK C OF THE REPLAT OF SEYMOUR SUBDIVISION IN TOPEKA, SHAWNEE COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SEYMOUR SUBDIVISION NO. 3; THENCE SOUTH 01 DEGREE 42 MINUTES 18 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID SUBDIVISION, A DISTANCE OF 1291.63 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER, ALSO BEING THE SOUTH LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION; THENCE SOUTH 88 DEGREES 19 MINUTES 17 SECONDS WEST, COINCIDENT WITH SAID SOUTH LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION, A DISTANCE OF 707.90 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER, ALSO BEING THE SW CORNER OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION; THENCE NORTH 01 DEGREE 30 MINUTES 34 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, ALSO BEING THE WEST LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION, A DISTANCE OF 861.29 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE KANSAS TURNPIKE; THENCE NORTH 40 DEGREES 22 MINUTES 14 SECONDS EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 374.97 FEET; THENCE COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE ON A SPIRAL CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 6.90 FEET, A CHORD BEARING OF NORTH 40 DEGREES 33 MINUTES 15 SECONDS EAST AND A CHORD LENGTH OF 6.90 FEET; THENCE SOUTH 49 DEGREES 37 MINUTES 29 SECONDS EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE NORTH 62 DEGREES 16 MINUTES 56 SECONDS EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 319.28 FEET; THENCE NORTH 01 DEGREE 20 MINUTES 56 SECONDS WEST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET TO THE NORTH LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION; THENCE NORTH 88 DEGREES 18 MINUTES 36 SECONDS EAST, COINCIDENT WITH SAID NORTH LINE OF BLOCK C, A DISTANCE OF 147.15 FEET TO THE POINT OF BEGINNING. CONTAINING 18.59 ACRES, MORE OR LESS.

from "I-1" Light Industrial District TO "PUD" Planned Unit Development District (I-1 use group)

subject to:

1. **Use and development of the site in accordance with the Master Planned Unit Development Plan for Frito Lay ASRS Master PUD Plan.**

Section 2. The Master PUD Plan for Frito Lay ASRS shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of the Master PUD Plan and prior to building permit and/or land development on the site, site development plans shall be submitted for review and administrative approval by the Planning Director.

Section 3. This Ordinance Number shall be fixed upon the "District Map".

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Council of the City of Topeka, _____, 2018

_____
Michelle De La Isla, Mayor

ATTEST:

_____
Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified ___X___

CITY OF TOPEKA
PLANNING COMMISSION
CASE MINUTES

Monday, June 25, 2018

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present:	Carole Jordan, Marc Fried, Dennis Haugh, Wiley Kannarr, Corliss Lawson, Ariane Messina, Katrina Ringler, Matt Werner (8)
Members Absent:	Brian Armstrong (1)
Staff Present:	Bill Fiander, Planning Director, Mike Hall, Planner III; Annie Driver, Planner II; John Neunuebel, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal

PUD18/01 Frito Lay Subdivision #3 Master Planned Unit Development Plan by: Frito Lay Inc. (purchaser under contract) requesting to amend the District Zoning Classification from "I-1" Light Industrial District TO "PUD" Planned Unit Development District (I-1 use group) to allow future buildings (220,000 sf total footprint) with a maximum height of 125 ft., which exceeds the 70 ft. maximum height limit in the "I-1" Light Industrial zoning district, on an 18.31 acre property located at the SW intersection of the dead-end of SW 42nd Street and SW Kirklawn Avenue, approximately 1900 ft. west of SW Topeka Blvd.

Ms. Driver presented the staff report and staff recommendation for approval subject to conditions listed in the staff report.

Mr. Haugh asked where the other to potential phases will be on the site and Ms. Driver stated her understanding is that they are directly south of Phase I.

Allen Moore, Director of Engineering for Frito Lay, came forward representing the applicant. He explained that future expansion of Frito Lay in Topeka is limited by warehouse space. The immediate impact of the project will be additional storage, as well as new parking and a reduction in the number trucks running to/from the (now offsite) storage. Eventually additional manufacturing (and jobs) open as more product storage is available.

Mr. Fried asked if Frito Lay anticipates going to the full requested height in additional phases. Mr. Moore stated potentially, yes, though future phases are only conceptual at this point.. That's the maximum height they would go to based on automatic equipment that would go into the building(s). They could go below ground to reduce the height but that would not be the best option.

Angela Sharp with Bartlett & West came forward representing the applicant. She added that John Hassler was also in attendance and could answer technical questions.

Ms. Sharp explained that the PUD allows for design constraints such as the landscaping berm along the future extension of 42nd Street, screening the property from the highway. Another design constraint would be signage. She also stated that stormwater quality/quantity is under review by the City of Topeka.

Mr. Haugh asked if the proposal vacates the turn around. Ms. Sharp stated that their proposal does vacate the turn around Kirklawn up to the north edge of Frito Lay's existing property. Mr. Haugh mentioned that there were many semis on Kirklawn. Mr. Allen came forward and explained that most of the semis are associated with Frito Lay. With the additional parking, these will go away.

Ms. Ringler declared the public hearing open.

APPROVED 7.16.18

Brent Hall came forward stating he represents the workers at Frito Lay and is president of their Local BCTGM #218 union that represents the workers. He expressed support of the project but was concerned that local contractors be used for construction of it. He feels strongly that the best way for Frito Lay to give back to the community some of the benefits they received from local tax cuts is to hire construction workers locally as they live and spend in the local market.

Shelby Fehrenbacher came forward to speak, expressing some concerns about families and workers at Frito Lay. She expressed concern that there's no plan to add jobs with this project and is concerned that employees will be required to work overtime.

With nobody else coming forward to speak, Ms. Ringler declared the public hearing closed.

Mr. Fried commented on the number of trucks parked along the street and stated that it would be good if this proposed project would take care of that problem as stated.

Mr. Haugh asked what the anticipated increase in employment would be and Mr. Moor stated the warehouse is mostly automated. Increased employment would come later with manufacturing expansions that can about because of additional storage capacity.

Mr. Haugh noted that due to the setbacks, he doesn't see the increased height as an issue.

Motion by Mr. Kannarr to recommend to the Governing Body APPROVAL of proposal, subject to the 9 conditions listed in the staff report; **second** by Ms. Messina. **APPROVAL** (8-0-0)

P18/13 Frito Lay Subdivision No. 3 (Preliminary and Final Plat) by Frito Lay, Inc. (purchaser under contract) on property lying between SW 42nd Street and SW 49th Street, approximately 1725 ft. west of SW Topeka Blvd., and containing 76 acres more or less and all contained within the city limits of Topeka, Kansas.

Ms. Driver presented the staff report and staff recommendation for approval.

Angela Sharp with Bartlett & West came forward representing the applicant, stating Ms. Driver had covered the proposal well and she would be happy to answer questions.

Mr. Fried asked if the road change anticipates an increase in traffic flow down 49th Street. Ms. Sharp stated it's dependent upon any expansion Frito Lay might have in the future, as well as what other property owners develop, especially that property owned by GoTopeka.

Ms. Ringler announced that the **public hearing was open**. With none coming forward to speak, she declared the **public hearing closed.**

Mr. Fried asked if there would be a traffic study required at some future point in development and Ms. Driver explained that is something determined by City of Topeka traffic engineer.

Motion by Ms. Lawson to recommend to the Governing Body approval of the preliminary and final plat phase of Frito Lay Subdivision #3, subject to the 8 conditions listed in the staff report; **second** by Mr. Haugh. **APPROVAL** (8-0-0)

STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, June 25, 2018

APPLICATION CASE NO

PUD18/1 By: Frito Lay Inc

REQUESTED ACTION / CURRENT ZONING:

Rezoning from "I-1" Light Industrial District TO "PUD" Planned Unit Development District (I-1 uses).

The primary reason for the PUD rezoning is to gain approval of a variance from the Planning Commission to exceed a building height of 70' in the "I-1" Light Industrial District. The reason the applicant applied for a PUD rezoning and did not submit to the Board of Zoning Appeals for a variance is they wanted more assurance that the future phases would be approved and not require subsequent BZA actions. The uses are permitted by-right under the base zoning.

APPLICANT / PROPERTY OWNER: Frito Lay, Inc

APPLICANT REPRESENTATIVE: Angela Sharp, Bartlett & West Engineers

PROPERTY ADDRESS & PARCEL ID: Southwest intersection of SW Kirklawn Road and the dead-end of SW 42nd Street.

PARCEL SIZE: 18.31 acres

STAFF PLANNER: Annie Driver, AICP, Planner

RECOMMENDATION: Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to conditions listed on Pg. 8-9.**

RECOMMENDED MOTION: Based on the findings and analysis in the staff report, I move that the Topeka Planning Commission forward to the Governing Body a recommendation of **APPROVAL** of the proposed PUD Master Plan along with all conditions.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

Development of three phases allowing a maximum building footprint of 220,000 sq. ft. for an "Automated Storage and Retrieval System" ("ASRS") (i.e. automated warehouse) up to a maximum height of 125 ft., truck staging, and parking with each of these phases.

The initial phase of the warehouse expansion does not add or create additional employees. The expansion will substantially

reduce the number of truck trips travelling back and forth between the existing plant and to their warehouses currently leased on Topeka Blvd.

Phase 1: 85,000 sq. ft. building footprint with associated truck docks, staging, and parking. (Expected 2018-19)
Phase 2: Additional unit with a 33,000 sq. ft. building footprint for "ASRS" and associated truck docks, staging, and parking. (Expected within 5 years)
Phase 3: Two additional "ASRS" units, each with 33,000 sq. ft. building footprint and associated truck docks, staging, and parking and 30,000 sq. ft. low bay. (Undetermined)

DEVELOPMENT / CASE HISTORY:

The subject property has remained vacant and undeveloped since it was annexed in 1960. The existing main Frito Lay facility was opened in 1971 and has expanded in varying degrees to the west and south since that time.

ZONING AND CHARACTER OF SURROUNDING AREA:

All lands within ¼ mile of the property are classified as "I-1" Light Industrial District. The existing plant and parking is zoned "I-1". The Kansas Turnpike borders the property on the northwest side. A temporary City of Topeka – Utilities Department demolition landfill lies to the immediate west. The western side of the subject property is covered by a stream buffer easement and the 100 year flood plain (1% chance of annual flood). The surrounding area is industrial in character with the exception of unimproved land.

PUD MASTER PLAN ELEMENTS *(PROPOSED)*:

The PUD master plan establishes additional design parameters not typically required under the "I-1" District and area noted below.

PARKING, CIRCULATION & TRAFFIC:

The PUD master plan provides for truck staging and parking by phase areas. Parking compliance per TMC 18.240 will be reviewed at the site development plan review stage.

Bicycle racks are recommended per code section which requires adding bicycle parking at a ratio of 5% of the newly expanded vehicle parking. The PUD indicates these will be added at a location to be determined at the time of site development plan review.

LANDSCAPE:

The PUD master plan provides a 20' landscape setback along SW Kirklawn and future SW 42nd /Wenger Street and proposes a three foot berm within the setback. Truck parking and circulation should not encroach within this landscape setback.

Detailed landscape plan drawings demonstrating compliance with TMC 18.235 will be submitted and reviewed at the time of site development plan review for each phase.

BUILDING AND STRUCTURE:

The proposed elevations are attached and will be referenced by

note on the PUD master plan. The "ASRS" (Automated Storage Retrieval) is connected to the main plant via a low bay connecter that attaches to the west side of the existing facility. The low bay connector is approximately 41' in height and rises to a height of 125' for the "ASRS" portion of the building. (See attached Elevations drawings.)

The "ASRS" uses a crane that removes pallets from varying levels of storage. The need for the height variance is an element of both efficiency, cost savings, employee safety, as well as maintenance issues that will prevent potential ground water infiltration occurring if one level was constructed below grade. As explained by the applicant, the alternative solution to the 125' height would have required the building's lowest level 24 ft. below the first level of the production plant and possibly resulting in both the employee safety and equipment maintenance issues (imposed from having employees working on the main level 24 ft. higher than the ground floor below requiring the need to use certain safety provisions). Maintenance issues from potential groundwater infiltration are also a concern.

Following are the heights of Frito Lay's other buildings and structures: In comparison, an office building of 125' is approximately 12 ½ floors (i.e. Jayhawk Tower = 120', Ramada Inn = 120, Docking State Office= 130')

- Silos – 110'
- Boiler building nearest Topeka Blvd and emissions system building – 65' and 90' above ground level
- Existing "ASRS" – 78'

Under TMC 18.230.050(b), the silos are exempt from height restriction in I-1. The 70 ft. maximum height limit in the "I-1" District TMC 18.60 is a product of the 2014 zoning code update that changed the use tables in the code from a list format to a matrix format. The existing buildings exceeding the height requirement were made legal non-conforming as there was no height limit in the I-1 District previously.

SIGNAGE:

The PUD limits the number and square footage of allowable signs. Freestanding signage is limited to one monument sign per public street frontage or designated private drive, not to exceed 8 ft. in height and 50 sq. ft. of sign area. Wall signage is limited to one wall sign per face that fronts a public street, not to exceed 40 sq. ft. Directional signs are limited to 4 sf.

The base "I-1" zoning allows signs up to 300 sq. ft. and 55 ft. in height. However, staff believes the PUD proposes signage that is too restrictive in this situation, particularly for "directional signs" and "wall signs" and alternatively proposes directional signs be allowed up to 8 sq. ft. per sign face and wall signs be allowed up to 100 sq. ft. per sign face.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

The Master PUD Plan establishes development standards and guidelines, as indicated above.

OTHER FACTORS

SUBDIVISION PLAT:

The property is platted as Seymour Subdivision. A corresponding Application for Frito Lay Subdivision #3 is heard in conjunction.

The re-plat is required in order to vacate existing platted right-of-way for SW Kirklawn and SW 45th Street and to dedicate right-of-way for the re-the re-alignment of 42nd Street/Wenger and a cul-de-sac at the end of SW Kirklawn St. Public Works is in support of this re-alignment of 42nd/Wenger since it will retain a needed industrial collector street connecting SW 42 to SW 49th for future and existing development. The re-alignment of the street is addressed in detail by the corresponding subdivision plat application (Frito Lay Subdivision #3).

TRAFFIC/TRANSPORTATION:

A Traffic Impact Analysis (TIA) was not required by the City Engineer for Phase 1 since the expansion will reduce the existing truck trips to and from Topeka Blvd and the existing plant. Phase 1 will have access off of SW Kirklawn Road and does not add new employees or add additional production space.

Phases 2 and 3 should have a similar impact on traffic, but the PUD master plan leaves this decision up to a future determination by the City Engineer. In doing so the PUD master plan provides a condition for the timing of roadway improvements prior to the development of Phase 2 or 3 as follows below and requires a TIA or Traffic Statement to provide assurances for when the extension of SW 42nd/Wenger needs to be completed:

"*Property owner(s) shall agree(s) to a fair and equitable irrevocable waiver of objection to participation in a street benefit district for the future improvement of SW 42nd Street/SW Wenger Street to connect with SW 49th Street. The extension of SW 42nd/SW Wenger may be required for Phases 2 and 3 based on the review of a Traffic Impact Analysis (TIA) or traffic statement, as required by the City Traffic Engineer prior to site development plan review for each of these phases. If this analysis or statement warrants the extension of SW 42nd/Wenger, these improvements shall be constructed to City standards prior to issuance of a Certificate of Occupancy for any building in Phases 2 or 3 or according to timing as determined by the traffic statement.*"

FLOOD HAZARDS, STREAM BUFFERS:	The west side of the property is covered by Zone A (area of 1% annual flooding) and also a Type 2 stream buffer as classified by the U.S. Geological Survey maps for the tributary. The limits of the stream buffer easement are shown on the PUD plan to cover the 100 year flood plain, as required by code section 17.10.050 (c) and adjusted in width to account for the flood plain and slope. Pending further review and evaluation of the Stormwater Management Report by Public Works, a replat to amend the stream buffer easement and gain approval of a variance to the stream buffer regulations according to Section 17. 10.080 by the Public Works Director may be required pending final approval of the Stormwater Report. The PUD and plat need to be amended to reflect the "inner" and "outer" areas of the buffer accordingly per TMC17.10.050.
HISTORIC PROPERTIES:	N/A
NEIGHBORHOOD MEETING:	The applicant held a Neighborhood Information Meeting on Thursday, May 24 at 6:00 pm located at the Frito Lay offices. City staff attended. The property owner of 4225 SW Kirklawn, SE corner of 42nd and Kirklawn attended the meeting. The main concern of the attendees was the truck staging and parking along 42nd and Kirklawn, which has in the past prevented access. SW 42nd Street is already signed "No Trailer Parking". The City is not currently enforcing this restriction since the proposal to add truck parking should address this concern to the City's satisfaction. Engineering staff are aware of the situation. Trailer parking is an allowed use under the base "I-1" zoning and does not require the PUD rezoning. The on-site circulation of trucks and trailer parking will be reviewed in-depth during the more detailed site development plan review stage.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER:	The Stormwater Management Report as submitted by the consultant has not been approved per memo from the City Engineering Division and dated May 29, 2018. A resolution of the comments #1-7 in the memo are required prior to City Council consideration of the PUD master plan and plat for Frito Lay Subdivision #3. A stormwater management easement is dedicated by plat for the detention located on the west side of Lot 1 (per plat). The stream buffer should be indicated as "outer" and "inner" areas on the PUD master plan and plat in order for Engineering to determine if a stream buffer variance is necessary for the future expansions. The Stormwater Management Report as submitted was also not clear as to what impacts there are on the stream buffer and floodplain for the future phases. Future development may require a variance (to be determined by further review of the Stormwater Management Report).

ENGINEERING/TRAFFIC:	A TIA was not required by the City Engineer for Phase 1. Prior to site development of Phases 2 or 3, a TIA is required in order for the City Engineer to determine if development warrants the improvement of SW 42nd/Wenger to connect with SW 49th Street.
FIRE:	The Fire Department has no concerns with hydrants or overall access. Internal circulation and gates will allow access for emergency responders and will be reviewed as a part of site development plan review.
DEVELOPMENT SERVICES:	A site construction activity permit and building permit are required. A Flood Plain Development Permit is required for any development in the 100-year flood plain. Kansas Division of Water Resources (DWR) approval and permit is required for adding fill to the 100-year flood plain.
METROPOLITAN TOPEKA AIRPORT AUTHORITY (MTAA):	MTAA has reviewed the request and has no issues with the proposal. An airspace analysis by the FAA is not required as determined by MTAA.
METROPOLITAN TOPEKA TRANSIT AUTHORITY (TMTA):	The area is not on a bus route as Metro has no bus routes south of SW 38th Street. Metro does participate in the SOTO (South Topeka) route pilot program with current funding from JEDO to offer on demand rides via Capital City Taxi to Frito Lay.
KANSAS TURNPIKE AUTHORITY (KTA)	KTA has reviewed the drainage report submitted with the subdivision and indicated the proposed development will not increase the total flow going to the stream box culvert underneath I-335. KTA will be afforded the opportunity for review detailed stormwater plans submitted at the site development stage.

KEY DATES

SUBMITTAL:	April 23, 2018
NEIGHBORHOOD INFORMATION MEETING:	May 24, 2018
LEGAL NOTICE PUBLICATION:	May 28, 2018
PROPERTY OWNER NOTICE MAILED:	May 25, 2018

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD: The character of the area and surrounding area is *Industrial* in nature, land use, and zoning. Buildings on the surrounding properties are "Industrial" in nature, more specifically: large metal warehouses, smoke stacks, boilers, truck parking/staging, etc. The properties to the south are currently undeveloped. The City of Topeka

- Utilities Department demolition landfill is located to the west of the subject property. The undeveloped properties in the area are planned for large scale industrial uses as a part of the City's Employment Growth Area.

ZONING AND USES OF PROPERTY NEARBY: The zoning of surrounding properties is "I-1" Light Industrial. The existing Frito Lay plant, warehousing, and trucking staging is to the east and south. The Kansas Turnpike borders the property to the northwest where there is an exit just north of the site. A City of Topeka – Utilities Department temporary dumpsite lies to the west. The U.S. Army Reserve is located to the north of SW 42nd Street. The surrounding character of the area contains both existing Industrial uses and is also planned for Industrial land uses.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The subject property has remained undeveloped and vacant since annexed into the City in 1969. The property has been zoned for industrial uses since 1969. The western side of the subject property is covered by the 100 year flood plain limit (1% chance of annual flood) and stream buffer easement for the Type I classified water way (Shunganunga Creek) crossing the property from the southeast to northeast.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The subject property is suitable for uses as to which it has been restricted as light industrial. The PUD master plan does not alter the uses that are permitted and will allow all "I-1" Light Industrial uses. The PUD is needed to allow a height up to 125 ft., which exceeds the 70' height limit in the "I-1" base zoning. Staff believes a taller building height, smaller building footprint, and greater density is appropriate on the property, which is further limited by its natural features, such as the flood plain and stream buffer covering the west portion of the site and complicating development of the west portion of the property.

The height restriction in the "I-1" District was added with a recent code update in 2014 to accommodate the wide expanse of industrial zoned areas covering the City and may not have taken into account all other factors, such as setbacks, location, proximity to residential or other non-industrial uses, distance from the property line or adjoining properties, etc. A 70 ft. height limit in the I-1 zoning district may be too restrictive in all situations. The subject property is located in an area planned for large scale industrial uses. The proposed buildings are set back at least 300' from the future rights-of-way of SW 42nd /Wenger Street (west) and 700' from the north right-of-way of SW 42nd Street.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The subject property lies within an area designated *Industrial* and *Employment Tier* as classified in the Topeka Land Use and Growth Management Plan -2040. The plan indicates these "Industrial" areas are intended for both light and heavy industrial uses and are located at sites with available transportation access and infrastructure is readily available or can be extended without significant constraints. The proposed use is consistent with this designation in the Comprehensive Plan.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTAL AFFECT NEARBY PROPERTIES: Based upon the pattern of surrounding landsuses and zoning there will be little or no detrimental effect on nearby properties caused by approving the zone change to PUD, which allows the variance for the 125 ft. building height. As demonstrated on the attached *Line of Sight* graphic "Viewsheds A and B", the grades at Topeka Blvd/42nd indicate the proposed "ASRS" will have significant spacing from any adjoining properties and is not visible over the top of the existing structures, trees, berm, and building roofs as seen from Topeka Blvd. Therefore, it will have little impact on adjacent properties.

The only view shed where the proposed "ASRS" is visible to the public is from the west and north sides of the Kansas Turnpike where there is an exit into Topeka from the Kansas Turnpike. However, that exit does not provide direct access to SW 42nd Street, so that public view is limited to the very short length of time that one makes the required turn leaving the Turnpike. The view from this point is labelled as "Viewshed C" on the attached *Line of Sight* graphic (i.e. Seen from traveling south when merging on to the highway or traveling north and exiting the highway Exit 177). Views are limited at this point due to a tree line along the turnpike, distance from the properties on opposite side of the turnpike, and other factors associated with the property's location bordering a public highway (i.e. merging lanes, exiting, driver speed/awareness, etc) as well as the short length of time the property is actually visible from the Turnpike. (The Line of Sight graphic is attached as Exhibit #1 for reference.)

The Exterior Elevations that are attached as Exhibit #2 and to be referenced by note on the PUD master plan do provide some architectural variation on the north wall exterior façade of the "ASRS" portion of the building in an attempt to break up that blank wall of the north 125 ft. tall exterior wall elevation that that is visible from this short segment of the Turnpike.

Another benefit of the PUD master plan is the ability to add further design parameters that are not typically addressed under the base I-1 zoning. Specifically, these include: Building exterior design, landscape berms, and accommodating additional truck and trailer parking.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: There appears to be no harm to the public health, safety and welfare by denial of the PUD which would restrict the height to 70 ft. The hardship upon the landowner is evident due to the physical constraints on the site and the employee safety issues that may occur if they were forced to build to the height restriction.

AVAILABILITY OF PUBLIC SERVICES:
All essential public utilities, services and facilities for Phase 1 are presently available to this property or will be extended with connections being made at the expense of the developer. A storm sewer re-alignment for the existing storm sewer located in the Kirklawn right-of-way (proposed to be vacated) is required. A public water line project is required for Phase 1. Sanitary sewer will be connected to the private service line serving the serving the existing facility. Phases 2 and 3 may require the extension of SW 42nd/Wenger to be determined prior to site plan review upon review of a Traffic Impact Analysis or traffic statement. If warranted, construction of the street shall be completed prior to a "Certificate of Occupancy" for any building in Phases 2 or 3.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:
The Master PUD Plan establishes development standards and guidelines as indicated and stated herein. TMC 18.190.080, establishes criteria the Planning Commission must satisfy in order to approve a variance to any provision in the zoning code under the PUD zoning district. This application adequately demonstrates that the following criteria*, "The strict application of any provision would result in peculiar and exception practical difficulties to, or exceptional and undue hardship upon, the owner of such property; provided, that the variance may be granted without substantial determent to the public good and without substantially impairing the purpose of this chapter"* is met and that approval of the PUD master plan to allow the greater building height is justified.

STAFF RECOMMENDATION

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to:**

1. Use and development of the site in accordance with the **Master Planned Unit Development Plan for Frito Lay ASRS** as recorded with the Office of the Shawnee County Register of Deeds.

2. Completion, approval and acceptance of the Stormwater Management Report comments #1-7 prior to City Council consideration of the PUD and subdivision plat. If a variance to the stream buffer is required by Public Works (pending Stormwater Report approval), a note shall be added as appropriate to the PUD master plan and plat and that variance should be approved at or prior to site development plan review.

3. Denote "Inner" and "Outer" areas of the stream buffer per TMC17.10.050 and "SME" for the detention of stormwater on the PUD plan as required by the City Engineer.

4. Denote "future pavement" phase by what is planned to be constructed with "Phase 2 and Phase 3" and indicate where the temporary parking area is provided (used during construction of Phase 1) as discussed during NIM. The PUD graphic is not clear as to what pavement is proposed now versus with future phases (2/3).

5. Revise Landscaping Note #1 to indicate: "*. . .Parking and driveways shall not encroach into the required 20' landscape setback."*

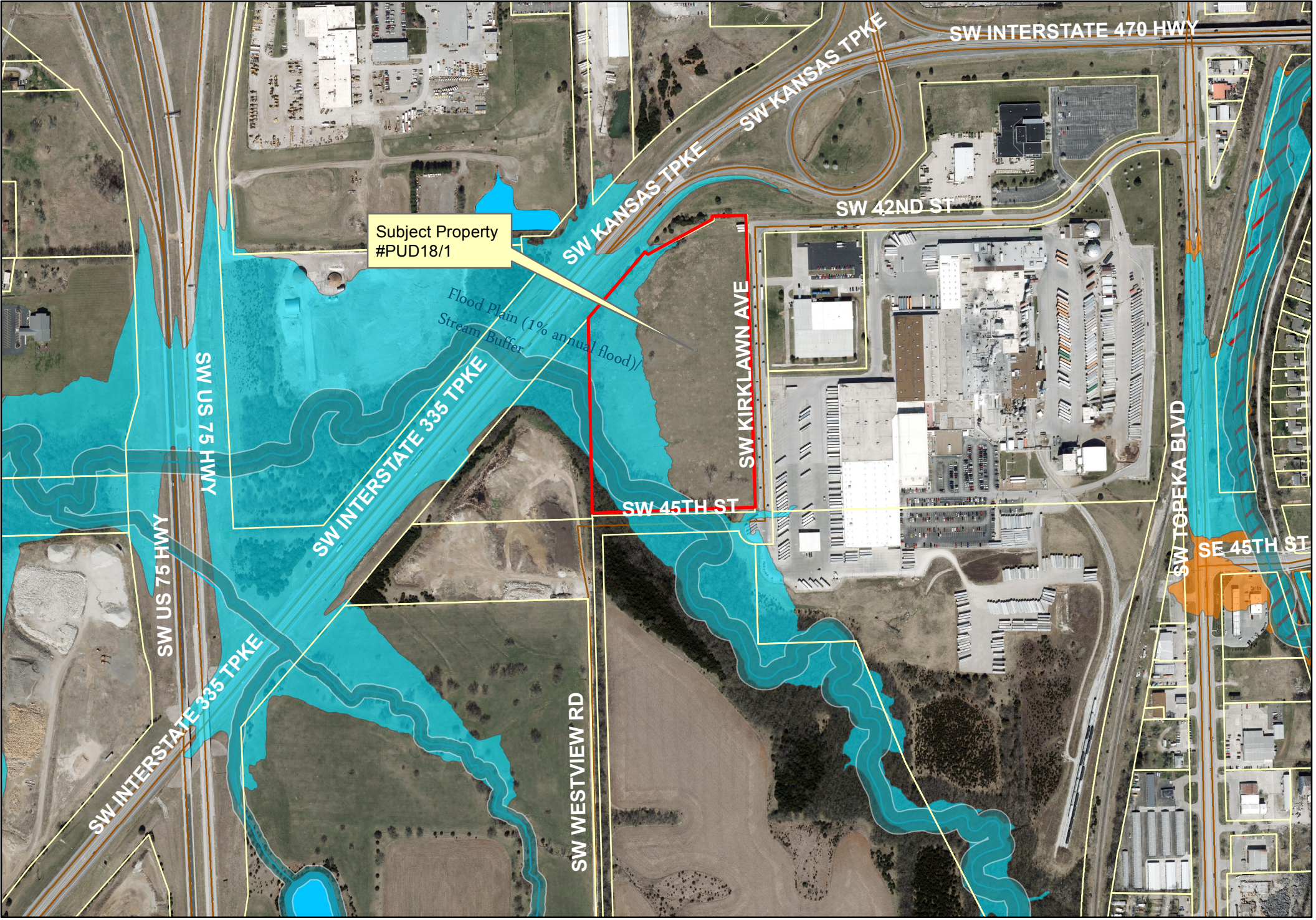
6. Label or add note indicating a minimum building setback from the future street right of way line of SW 42nd Street/Wenger (west) and SW 42nd Street (north).

7. Revise Building and Structure Note #1 to indicate: *". . . and shall be substantially compatible with those exterior elevations submitted with this master PUD application."*

8. Add note to Building and Structural to state*: "The Phase 2 and 3 'ASRS' buildings shall be offset from the Phase 1 'ASRS' along the west side a minimum of 5' in a manner to provide some degree of relief along the expanse of the total façade plane and reviewed at the site development plan stage."*

9. Revising Signage note #3 to allow directional signs not to exceed 8 sq. ft. maximum per sign face and allow wall signs not to exceed 100 sq. ft. maximum per sign face, which is less restrictive than what the PUD master plan currently indicates.

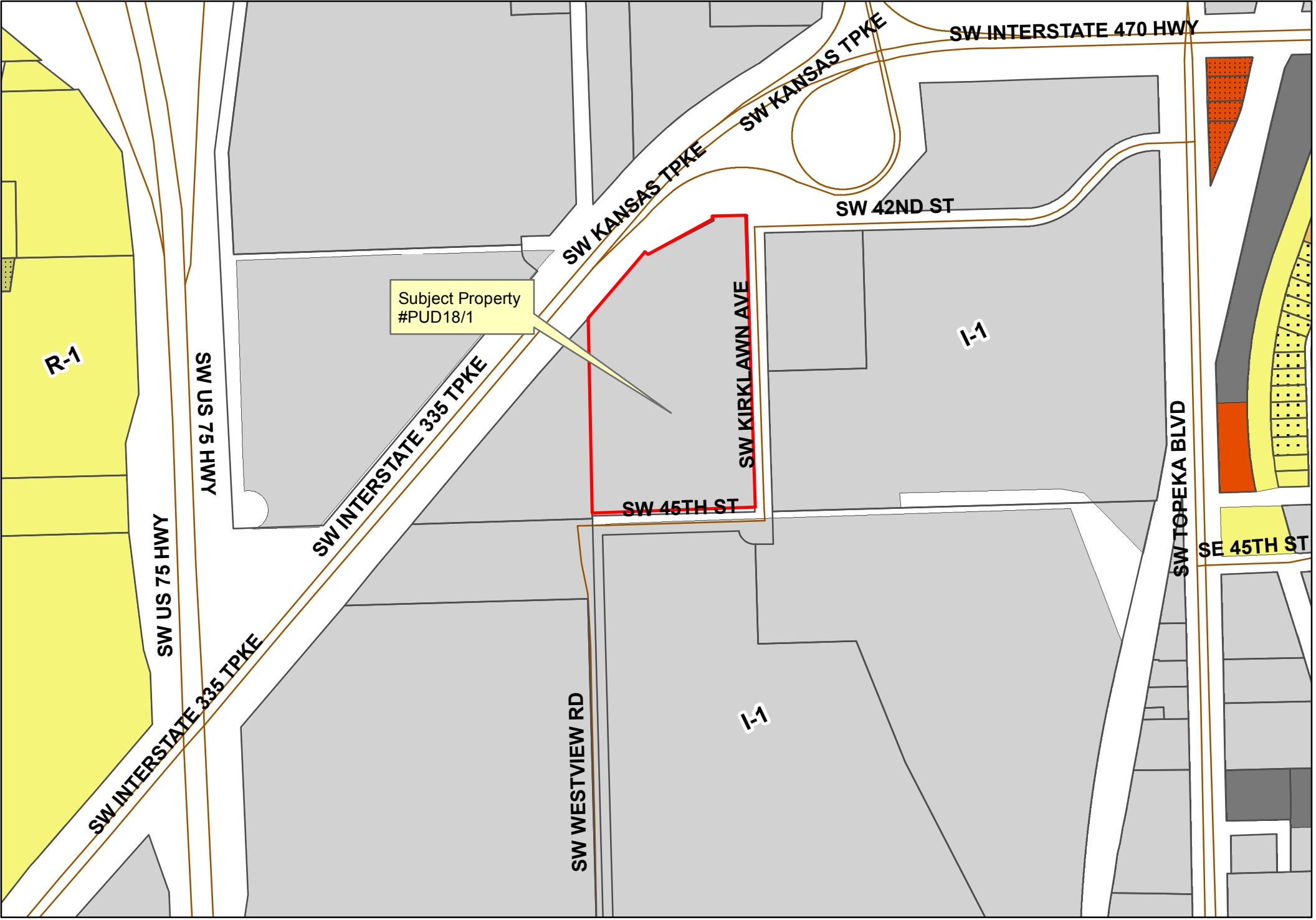
ATTACHMENTS:
Aerial Photo
Zoning Map
Master PUD Plan
Exh #1: Line of sight views
Exh #2: Building Elevations
Exh #3: Facility floor plan
NIM report/attendance sheet



PUD18/1 By: Frito Lay Inc

(Master Planned Unit Development Plan for an Automated Warehouse Expansion)

Topeka Planning Department



PUD18/1 By: Frito Lay Inc

(Master Planned Unit Development Plan for an Automated Warehouse Expansion)

Topeka Planning Department

Bartlett & West

MEMORANDUM

Date: May 24, 2018

To: Annie Driver, AICP, Case Planner, Topeka Planning Department

From: Angela Sharp, Bartlett & West

Re: Neighborhood Information Meeting: Frito Lay Zoning change from I-1 Light Industrial District to PUD Planned Unite Development district, PUD18/01
Location and Time: Frito Lay, Inc., 4236 SW Kirklawn Ave., Cheetos Conference Room; Thursday, May 24, 2018 at 6:00 PM

Those in attendance are as indicated on the attached attendance sheet. The meeting began at 6:00 PM with an overview of the zoning process and answering of general questions by Annie Driver, Topeka Planning Department. The project team introduced themselves and indicated their involvement with the project. Allen Moore, Frito Lay, then discussed the reason the warehouse expansion that is driving the zoning case is needed. Angela Sharp then discussed the exterior site elements of the project such as building location, truck traffic routing, and storm water. Pam Reynolds and Mary Kuckelman asked questions relative to alleviating the congestion from truck parking on the public street right of way. Allen Moore indicated that the Frito Lay owned trucks are being directed to not park on the street any longer and the trucks owned privately by third parties accessing Frito Lay should be ticketed in the future. He also indicated that the truck traffic will be reduced once the new warehouse is operational because it will no longer be necessary for product to be transported to and from rented storage facilities off site. The meeting ended at approximately 7:00.

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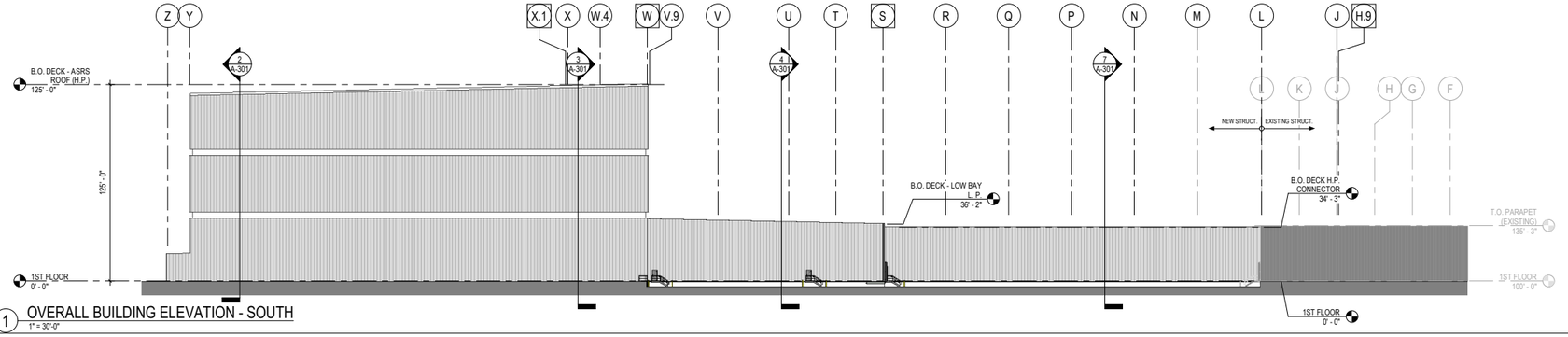
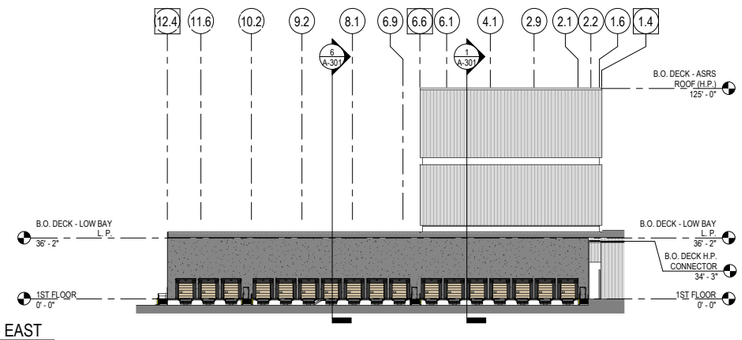
1200 SW Executive Drive | Topeka KS 66615-3850
785.272.2252 | Fax 785.272.6904 | 888.200.6464
www.bartwest.com

Project Frito Lay P.N.#
Title Neighborhood Info meeting
By Date 5.24.18 Checked Date
Scale Sheet of

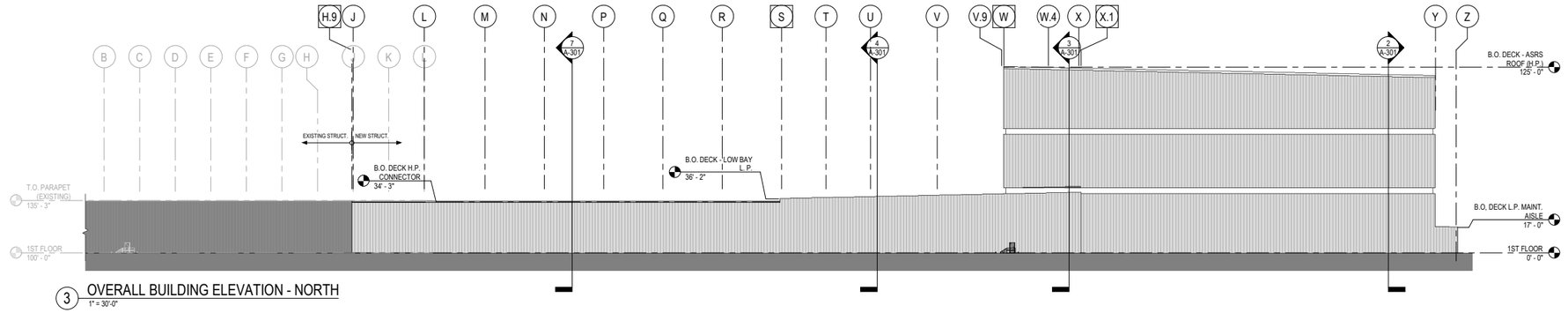
Name	Address	Email	Phone
Angela Sharp	1200 SW Executive Dr	angela.sharp@bartwest.com	785 272 2252
John Haesler	101 Riverside Ave Lawrence	john.haesler@haskell.com	913-791-4705
Annie Driver	COT Planning 620 SE Madison	adriver@topeka.org	368-3010
Pam Reynolds Jon Reynolds	Capstan Ag 4225 SW Kirklawn Ave	preynolds@capstanag.com	785-232-4477
Mary Kuckelman	Wagner Reeder & Girard (attorneys for Capstan)	Kuckelman@wrglaw.com	785-235-5330
Allen Moore	4236 SW Kirklawn	allen.moore@pepsico.com	785 338 7263



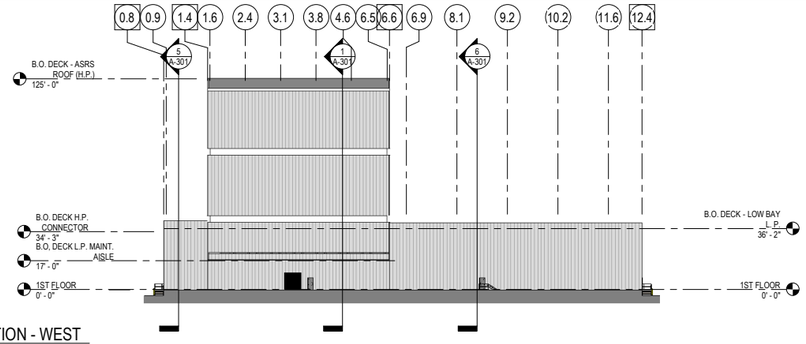
1 OVERALL BUILDING ELEVATION - SOUTH
1" = 30'-0"



2 OVERALL BUILDING ELEVATION - EAST
1" = 30'-0"



3 OVERALL BUILDING ELEVATION - NORTH
1" = 30'-0"



4 OVERALL BUILDING ELEVATION - WEST
1" = 30'-0"

HASKELL ARCHITECTS and ENGINEERS, P.A.
KANSAS - Architecture # A-747, Engineering # E-1740
JOHN K. HASLER, A.I.A. ARCHITECT
REG. NO. 618
The Haskell Company
111 Riverside Avenue
Jacksonville, Florida 32202
Phone # (904) 791-4500
HASKELL

FRITO-LAY, INC.

ASRS EXPANSION

TOPEKA, KANSAS

Frito Lay Good fun!

PRELIMINARY NOT FOR CONSTRUCTION

No	DESCRIPTION	DATE

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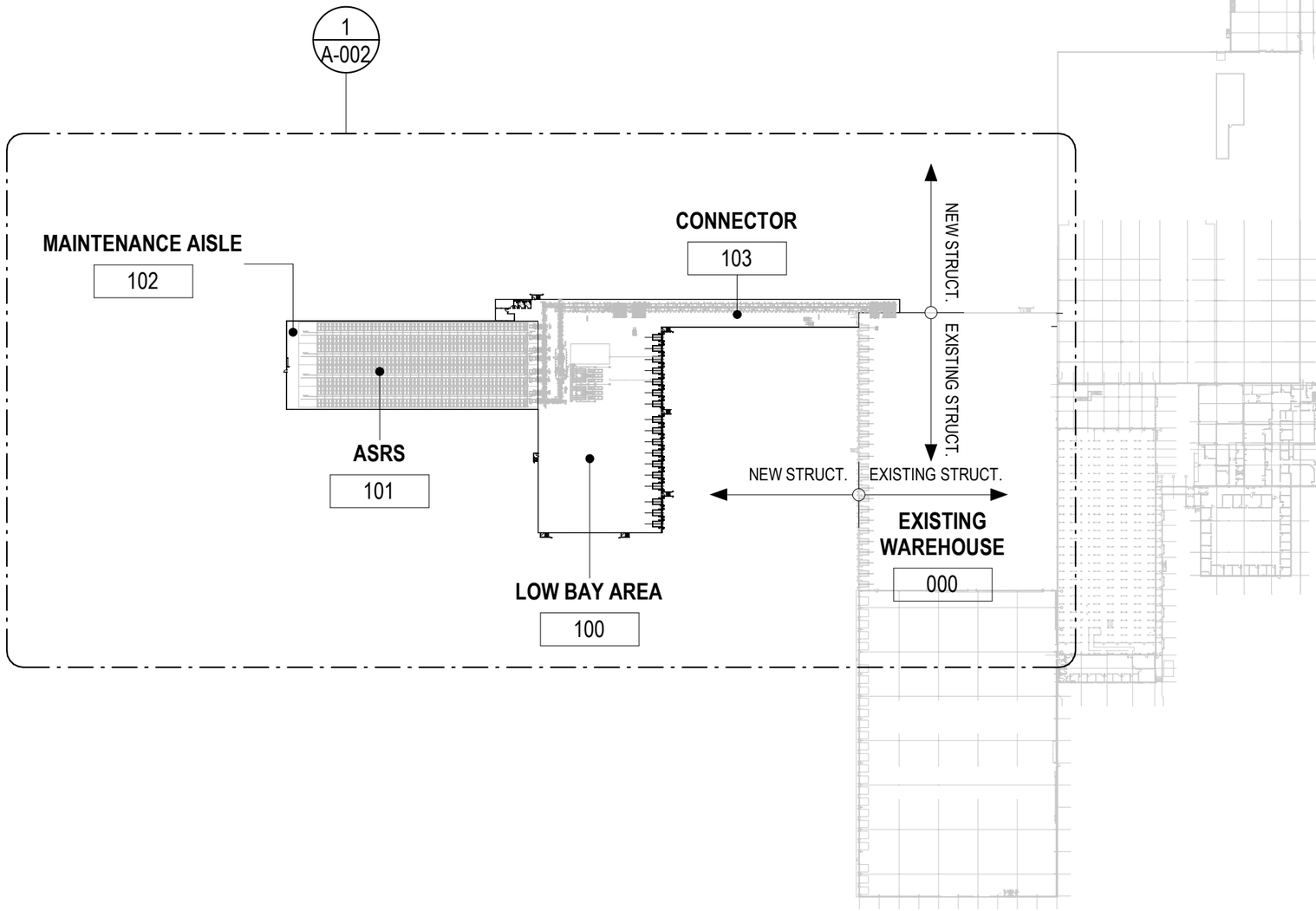
DRAWN	CHECKED
Author	Checker

AE JOB NUMBER
3401052201

OVERALL BUILDING ELEVATIONS - OPTION A

A-201
SHEET NUMBER



1 OVERALL PLANT - 1ST FLOOR PLAN

1" = 160'-0"

N

HASKELL

A-001
FRITO-LAY, INC.
ASRS EXPANSION
TOPEKA, KANSAS
04/19/18

HASKELL

AERIAL SITE PLAN

LINE OF SIGHT - ASRS

N

Frito Lay

good food for the fun of it!™

HASKELL

AERIAL SITE PERSPECTIVE

Frito Lay
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STREET VIEW FROM SW TOPEKA BLVD & SE 45TH STREET
VIEW "A"

HASKELL

STREET VIEW FROM SW TOPEKA BLVD & SW 42TH STREET
VIEW "B"

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STREET VIEW FROM KANSAS TURNPIKE
VIEW "C"

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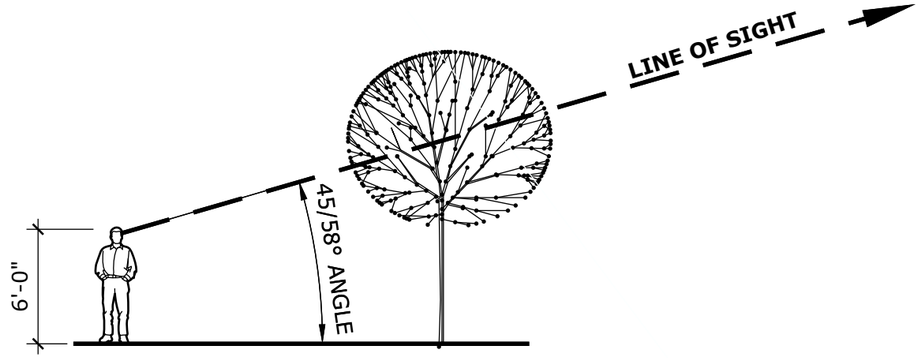
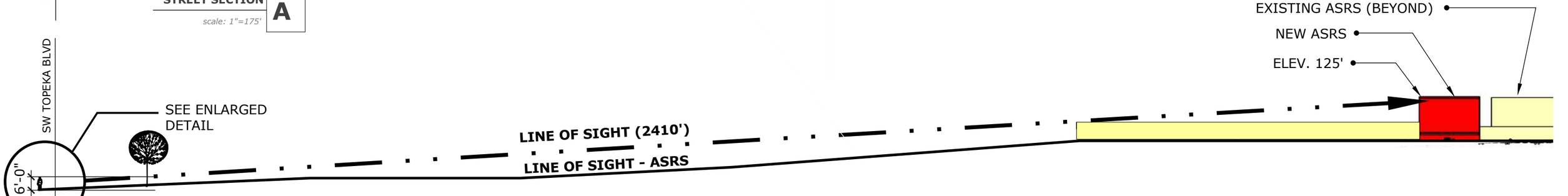
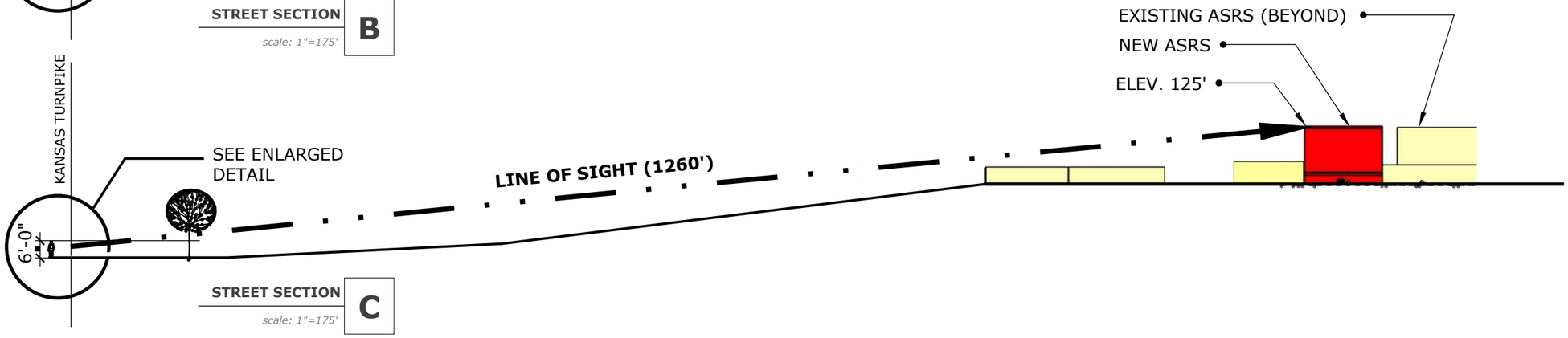


ENLARGED DETAIL
STREET LEVEL

STREET SECTION A
scale: 1"=175'



STREET SECTION B
scale: 1"=175'



STREET SECTION C
scale: 1"=175'

HASKELL

STREET SECTIONS
VIEWS - "A" & B" &"C"

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good food for the fun of it!™

BAR IS ONE INCH ON OFFICIAL DRAWINGS. 0 1" IF NOT ONE INCH, ADJUST SCALE ACCORDINGLY.

BOOK : _____ PAGE : _____

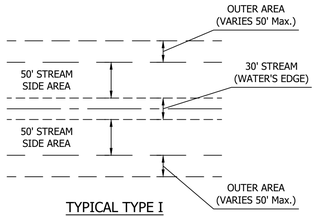
DATE : _____ TIME : _____

A PLANNED UNIT DEVELOPMENT FOR:

FRITO LAY ASRS

LOT 1, BLOCK A FRITO LAY SUBDIVISION NO. 3., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

DESCRIPTION:
LOT 1, BLOCK A FRITO LAY SUBDIVISION NO. 3., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS



TYPICAL TYPE I
S.B.E.

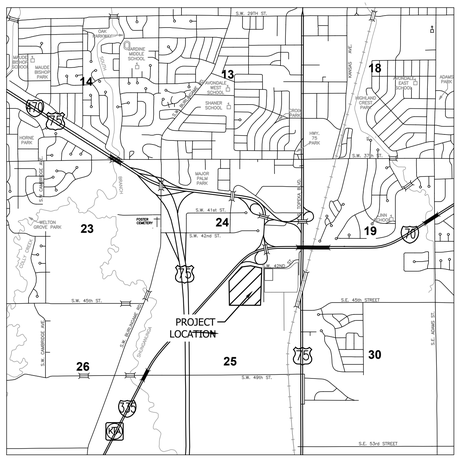
STREAMSIDE AREA - USES ALLOWED :

1. NATIVE VEGETATION
2. FOOT PATHS / BIKE PATHS
3. NATURAL DRAINAGE
4. UTILITY CORRIDORS

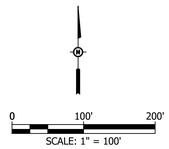
THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION EXCEPT AS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS OR DESIGNEE

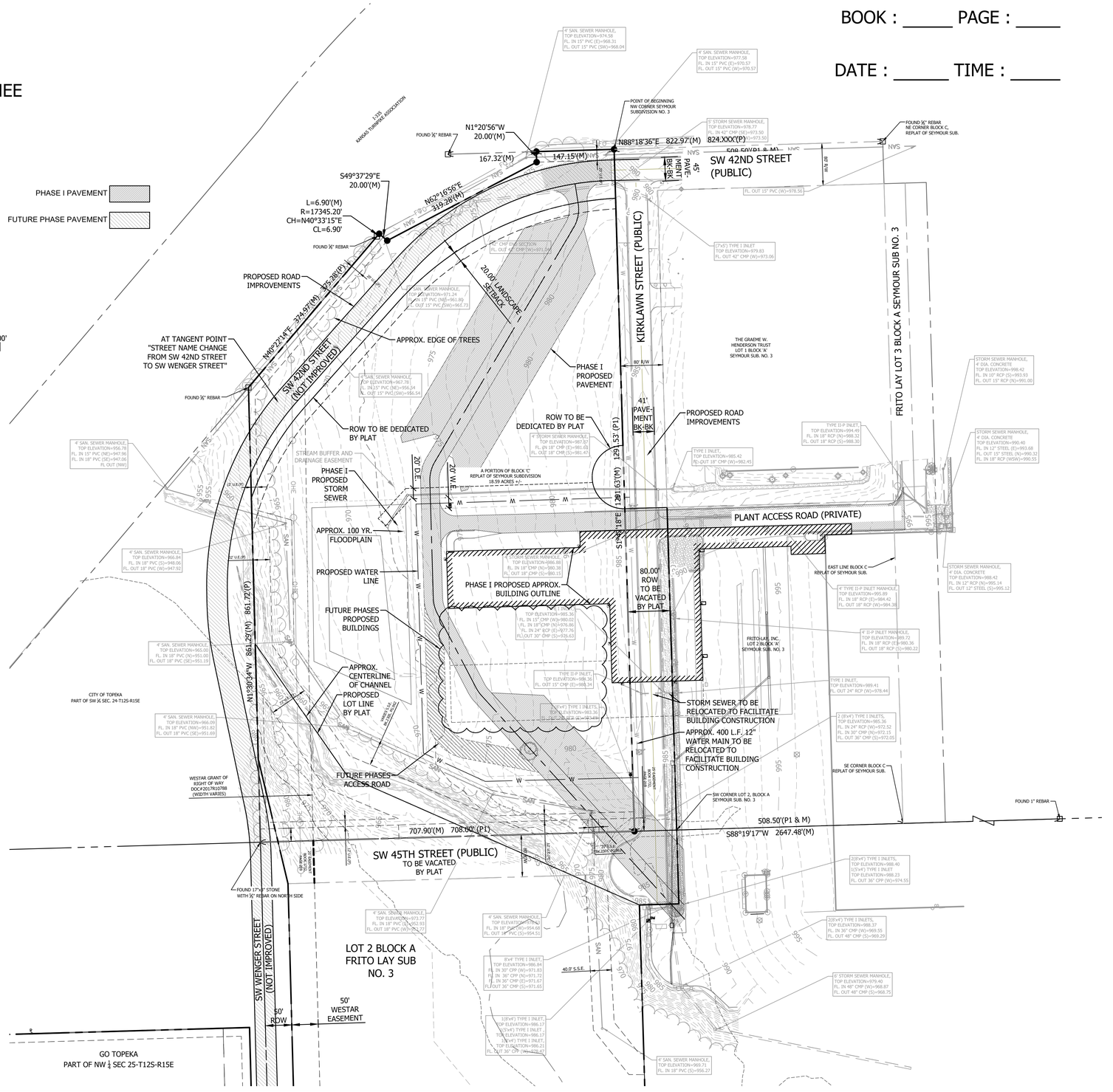
ANY BUFFER HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

PLEASE REFER TO SECTION 6 OF CITY OF TOPEKA CODE 17.10: BUFFER AREAS, FOR ALL PERTINENT MANAGEMENT GUIDELINES AND PROHIBITED PRACTICES AND ACTIVITIES WITHIN THE STREAM BUFFER AREAS.



VICINITY MAP
NOT TO SCALE





#	DATE	DESCRIPTION	BY

DESIGNED BY: ACS
DRAWN BY: ACS/RCP
CHECKED BY: ACS
PROJECT ENGR:

Bartlett&West
1200 SW EXECUTIVE DR
PHONE: 785.272.2252
TOPEKA, KS 66615
www.bartlettwest.com

PLANNED UNIT DEVELOPMENT FOR
LOT 1, BLOCK A
CITY OF TOPEKA, SHAWNEE CO., KANSAS

FRITO LAY ASRS

PROJ NO: 15400.203
CONST PROJ: -
SCALE: AS NOTED
DATE: APRIL 2018

DRAWING NO: PUD 18/1
SHEET NO: 1 of 2

Last edit on: 7/26/2018 2:15 PM by: RCP00722 Drawing Name: W:\Proj\15000\15400\15400.203\AutoCad\Plan Set\PUD\Frito Lay Sub No 3 PUD.dwg Layout Name: Sheet 1 Plotted By: RCP00722 Plotted on: 7/26/2018 2:19:45 PM

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BAR IS ONE INCH ON OFFICIAL DRAWINGS. 0 1" IF NOT ONE INCH, ADJUST SCALE ACCORDINGLY.

A PLANNED UNIT DEVELOPMENT FOR:

FRITO LAY ASRS

LOT 1, BLOCK A FRITO LAY SUBDIVISION NO. 3 IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

BOOK : _____ PAGE : _____

DATE : _____ TIME : _____

PROJECT PERFORMANCE OBJECTIVES:
AN 'AUTOMATED STORAGE AND RETRIEVAL' WAREHOUSE ADDITION WITH BUILDINGS UP TO A MAXIMUM OF 125 FEET. THE ADDITION IS TO SERVE THE EXISTING FOOD PRODUCT MANUFACTURE AND PROCESSING PLANT.

GENERAL NOTES :

1. THIS PROPERTY LIES WITHIN ZONE "A" (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD WITH NO BASE FLOOD ELEVATIONS DETERMINED). THE REST OF THE PROPERTY LIES WITHIN ZONE "X" (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAPS (FIRM) NO.20177C302E WITH THE EFFECTIVE DATE OF SEPTEMBER 29, 2011.
2. PURSUANT TO TMC 18.190.060, THE APPLICANT MUST RECORD THE MASTER PUD PLAN WITH THE SHAWNEE COUNTY REGISTER OF DEEDS WITHIN 60 DAYS UPON APPROVAL OF THE GOVERNING BODY. FAILURE BY THE APPLICANT TO RECORD THE PLAN WITHIN THE PRESCRIBED TIME PERIOD OR PROVIDE THE PLANNING DEPARTMENT TWO (2) COPIES OF THE RECORDED PLAN WITHIN NINETY (90) DAYS OF THE DATE OF ACTION BY THE GOVERNING BODY SHALL DEEM THE ZONING PETITION NULL AND VOID.
3. ALL PUBLIC IMPROVEMENTS SHALL BE MADE TO CITY STANDARDS.
4. NO BUILDING PERMITS SHALL BE ISSUED UNTIL SITE DEVELOPMENT PLAN REVIEW HAS BEEN COMPLETED AND APPROVED FOR EACH DEVELOPMENT PHASE. THE SITE PLANS AND ASSOCIATED PLANS SHALL ADDRESS BUILDING SITE LOCATION AND FOOTPRINT, UTILITIES, STORMWATER QUANTITY AND STORMWATER QUALITY TREATMENT, INTERNAL CIRCULATION, PARKING, ACCESS, DRIVEWAYS, UTILITIES, FIRE DEPARTMENT ACCESS AND HYDRANTS, EXTERNAL LIGHTING, FENCING, AND EXTERIOR ARCHITECTURAL ELEVATIONS.
5. ALL APPLICABLE BASE USE GROUP REGULATIONS APPLY UNLESS STATED OTHERWISE.
6. THE LOCATION, HEIGHT, TYPE OF FIXTURE AND INTENSITY OF SITE LIGHTING SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE BUT SHALL NOT EXCEED 3 FOOT-CANDLES AT THE LOT LINE. ALL SITE LIGHTING SHALL BE DIRECTED AWAY FROM ADJACENT PROPERTIES AND THE SOURCE OF THE ILLUMINATION SHALL NOT BE VISIBLE FROM ADJACENT PROPERTIES.
7. NO BUILDING PERMITS SHALL BE ISSUED UNTIL ALL STORMWATER MANAGEMENT REQUIREMENTS SET FORTH IN TMC CHAPTER 13.35 ARE MET INCLUDING: APPROVAL OF STORMWATER MANAGEMENT PLANS AND GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS (SME).
8. NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PROPERTY IS PLATTED.
9. PROPERTY OWNER(S) OF LOTS 1 AND 2 SHALL AGREE(S) TO AN IRREVOCABLE WAIVER OF OBJECTION TO PARTICIPATION IN A FAIR AND EQUITABLE STREET BENEFIT DISTRICT FOR THE FUTURE IMPROVEMENT OF SW 42ND STREET/SW WENGER STREET TO CONNECT WITH SW 49TH STREET. THE EXTENSION OF SW 42/SW WENGER MAY BE REQUIRED FOR PHASES 2 AND 3 BASED IN THE REVIEW OF A TRAFFIC IMPACT ANALYSIS (TIA) OR TRAFFIC STATEMENT, AS REQUIRED BY THE CITY TRAFFIC ENGINEER PRIOR TO SITE DEVELOPMENT PLAN REVIEW FOR EACH OF THESE PHASES. IF THE ANALYSIS OR STATEMENT WARRANTS THE EXTENSION OF SW 42ND/WENGER, THESE IMPROVEMENTS SHALL BE CONSTRUCTED TO CITY STANDARDS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDING IN PHASES 2 OR 3 OR ACCORDING TO TIMING AS DETERMINED BY THE TIA OR TRAFFIC STATEMENT.

UTILITY NOTES :

1. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.
2. SANITARY SEWER SERVICE SHALL BE BY THE CITY OF TOPEKA. ALL EXTENSIONS AND CONNECTIONS SHALL BE MADE AT DEVELOPER EXPENSE.
3. WATER SERVICE SHALL BE BY CITY OF TOPEKA, PURSUANT TO WATER ENGINEERING, AREAS WHERE LOCAL WATER SUPPLY IS:
   LESS THAN 40 PSI, THE BUILDER IS REQUIRED TO INCREASE WATER PRESSURE TO AT LEAST 40 PSI. GREATER THAN THE MAXIMUM WATER PRESSURE ALLOWED, SHALL BE GOVERNED BY THE UPC AND ITS AMENDMENTS. ALL EXTENSIONS AND CONNECTIONS SHALL BE MADE AT DEVELOPER EXPENSE.
4. FIRE HYDRANT LOCATIONS AND ACCESS SHALL BE APPROVED WITH EACH PHASE OF DEVELOPMENT AND APPROVED BY THE CITY OF TOPEKA FIRE DEPARTMENT AS PART OF THE IMPROVEMENT PLANS PRIOR TO THE START OF CONSTRUCTION.

GENERAL NOTES CONT.:

10. PURSUANT TO CHAPTER 17.10.080 OF THE TOPEKA MUNICIPAL CODE, APPROVAL OF A VARIANCE OR WAIVER FROM THE CITY OF TOPEKA UTILITIES DIRECTOR FOR DEVELOPMENT AND/OR CONSTRUCTION ACTIVITY IN THE STREAM BUFFER MAY BE REQUIRED AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW FOR EACH PHASE.

CIRCULATION, PARKING AND TRAFFIC NOTES :

1. OFF STREET PARKING FOR EMPLOYEES AND VISITORS SHALL BE PROVIDED WITHIN THE EXISTING PLANT AREA LOCATED ON LOT 1, BLOCK A, FRITO LAY SUBDIVISION. ASSOCIATED PARKING RATIOS SHALL BE PROVIDED FOR BASED UPON BUILDING USAGE AND APPLICABLE ZONING CODE REQUIREMENTS UNLESS DETERMINED OTHERWISE BY THE PLANNING DIRECTOR. BICYCLE PARKING PURSUANT TO THE CITY OF TOPEKA ZONING REGULATIONS SHALL BE PROVIDED WITH EACH DEVELOPMENT PHASE, THE LOCATION OF SUCH BICYCLE PARKING SHALL BE APPROVED WITH THE SITE DEVELOPMENT PLANS FOR EACH PHASE.
2. ALL DRIVES, LANES AND PRIVATELY OWNED ACCESS WAYS PROVIDING ACCESSIBILITY TO STRUCTURES, BUILDINGS, AND USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE CONSIDERED AND SERVE AS MUTUAL RIGHTS OF ACCESS FOR OWNERS, TENANTS, INVITED GUESTS, CLIENTS, CUSTOMERS, SUPPORT AND UTILITY SERVICE PERSONNEL AND EMERGENCY SERVICE PROVIDERS, INCLUDING LAW ENFORCEMENT, FIRE PROTECTION AND AMBULANCE SERVICES. ALL ACCESS WAYS PROVIDING GENERAL ACCESSIBILITY TO, AND CIRCULATION AMONG, THE USES WITHIN THE PLANNED UNIT DEVELOPMENT SHALL BE MAINTAINED AT ALL TIMES IN GOOD SERVICEABLE CONDITION WITH THE MAINTENANCE OF SID ACCESS WAYS BEING THE RESPONSIBILITY OF THE OWNER(S).
3. SECURITY FENCING AND GATES MAY BE INSTALLED TO CONTROL ACCESS TO THE SITE AND SAFETY ON THE SITE. ARRANGEMENTS FOR EMERGENCY PERSONNEL ACCESS TO THE SITE WILL BE IN ACCORDANCE WITH THE EXISTING PROTOCOL FOR THE PLANT SITE ON LOT 1, BLOCK A, FRITO LAY SUBDIVISION, AND AS REQUIRED BY THE TOPEKA FIRE DEPARTMENT.
4. THE LOCATION AND SPACING OF DRIVEWAY OPENINGS ALONG SW KIRKLAWN STREET AND SW 42ND STREET/SW WENGER (AS EXTENDED) SHALL BE APPROVED BY THE CITY TRAFFIC ENGINEER FOR CONSISTENCY WITH CITY STREET DESIGN STANDARDS AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW FOR EACH PHASE.

SIGNAGE NOTES :

1. SIGNAGE SHALL BE LIMITED TO ONE INTERNALLY OR EXTERNALLY ILLUMINATED MONUMENT SIGN WITH A MAXIMUM SIGN AREA OF FIFTY (50) SQ. FT. AND MAXIMUM HEIGHT OF EIGHT (8) FEET PER PUBLIC STREET, OR DESIGNATED PRIVATE DRIVE, ENTRANCE INTO THE SUBJECT PROPERTY.
2. NAMEPLATE OR FLAT WALL SIGNS ILLUMINATED ON THE FACE THE BUILDING. ONLY ONE(1) SUCH SIGN SHALL BE PERMITTED ON ONE(1) BUILDING EXCEPT WHERE THE BUILDING FRONTS TWO(2) PRINCIPAL STREETS, ONE(1) SUCH SIGN MAY BE PERMITTED ON EACH FRONT FACE OF BUILDING. INDIVIDUAL WALL SIGNS PER BUILDING SHALL NOT EXCEED 100 SQ. FT. DIRECTIONAL TRAFFIC SIGNS SHALL NOT BE INCLUDED WITHIN THESE RESTRICTIONS.
3. THE PLANNED UNIT DEVELOPMENT AS A WHOLE SHALL BE PERMITTED INFORMATIONAL AND DIRECTIONAL SIGNS DESIGNATING PARKING, OFF STREET LOADING, ENTRANCES, EXITS, AND SIMILAR INFORMATION. SAID SIGNS SHALL NOT EXCEED EIGHT SQ. FT. PER SIGN FACE.
4. SIGNS SHALL BE APPROVED BY SEPARATE SIGN PERMIT APPLICATION SUBMITTED TO THE DEVELOPMENT SERVICES DIVISION.

LANDSCAPING NOTES :

1. LANDSCAPE PLANS FOR EACH PHASE SHALL BE SUBMITTED WITH SITE DEVELOPMENT PLANS FOR REVIEW ABND APPROVAL. SAID PLAN SHALL INCLUDE A LANDSCAPE BERM AT LEAST 3 FEET IN HEIGHT ALONG THE SOUTH EDGE OF SW 42ND STREET/SW WENGER RIGHT OF WAY (AS EXTENDED) AND PLANTED. LANDSCAPE PLANS SHALL BE SUBMITTED WITH THE SITE DEVELOPMENT PLANS. SAID LANDSCAPE PLANS SHALL CONFORM TO THE CITY LANDSCAPE REGULATIONS. SAID PLAN SHALL INCLUDE A LANDSCAPED BERM AT LEAST THREE FEET IN HEIGHT ALONG THE SOUTH EDGE OF THE SW 42ND STREET RIGHT OF WAY PLANTED WITH SHRUBS AND TREES TO PROVIDE A VISUAL BARRIER. PLANTINGS MAY NOT BE TALLER THAN 30" WITHIN THE SIGHT TRIANGLE AT STREET CORNERS. PARKING AND DRIVEWAYS SHALL NOT ENCROACH INTO THE REQUIRED 20' LANDSCAPE SETBACK ASIDE FROM INTERSECTIONS BETWEEN PUBLIC STREETS AND SAID DRIVEWAYS.
2. ALL LANDSCAPING SHALL BE INSTALLED WITH THE ASSOCIATED BUILDING PROJECT AND PROPERLY MAINTAINED. IF ANY PORTION OF THE LANDSCAPED MATERIAL DIES, IT SHALL BE REPLACED BY THE NEXT PLANTING SEASON.

BUILDING AND STRUCTURE NOTES:

1. THE EXTERIOR BUILDING DESIGN OF ALL PRINCIPAL BUILDING(S), ACCESSORY BUILDING(S), AND ACCESSORY STRUCTURES SHALL BE COORDINATED ON ALL ELEVATIONS WITH REGARD TO COLOR, MATERIALS, ARCHITECTURAL FORM AND DETAILING TO ACHIEVE HARMONY OF DESIGN AND CONTINUITY WITH THE EXISTING PLANT IMPROVEMENTS AND SHALL BE SUBSTANTIALLY COMPATIBLE WITH THOSE EXTERIOR ELEVATIONS SUBMITTED WITH THIS MASTER PUD APPLICATION.
2. THE LOCATION OF TRASH ENCLOSURES SHALL BE DETERMINED AT THE SITE DEVELOPMENT PLAN STAGE TO ENSURE TRASH AREAS ARE NOT OVERLY CONCENTRATED, ARE EFFECTIVELY SCREENED FROM PUBLIC AREAS, AND PROVIDE ADEQUATE CIRCULATION WITHIN THE OVERALL DEVELOPMENT.
3. THE PHASE 2 AND 3 "ASRS" BUILDINGS SHALL BE OFFSET FROM THE PHASE 1 "ASRS" ALONG THE WEST SIDE A MINIMUM OF 5' IN A MANNER TO PROVIDE SOME DEGREE OF RELIEF ALONG THE EXPANSE OF THE TOTAL FACADE PLANE AND REVIEWED AT THE SITE DEVELOPMENT PLAN STAGE.

PROJECT PROGRAM:

TOTAL AREA: 17.14 ACRES

LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 3

BASE ZONING USE GROUP:

I-1 USE GROUP: ALL PERMITTED USES

STRUCTURE DENSITY AND HEIGHT:

MAXIMUM HEIGHT : 125 FEET

MAXIMUM BUILDING FOOTPRINT : 220,000 SF

MINIMUM GREENSPACE (INCLUDING STORMWATER MANAGEMENT AREAS) : 10%

BUILDING SETBACKS:
FRONT: 25 FT (SW 42ND STREET ON THE NORTH, SW 42ND STREET/SW WENGER STREET TO THE NORTH AND WEST AND SW KIRKLAWN STREET)
REAR: 0 FT

PHASING:
PHASE I: 2018-2019 : NORTH ASRS WAREHOUSE UNIT WITH CONNECTION TO EXISTING PLANT BUILDING (APPROXIMATELY 85,000 SF BUILDING FOOTPRINT) AND ASSOCIATED TRUCK DOCKS,STAGING AND PARKING.
PHASE II: WITHIN 5 YEARS +/- : ONE ADDITIONAL ASRS WAREHOUSE UNIT (APPROXIMATELY 33,000 SF BUILDING FOOTPRINT) WITH ADDITIONAL TRUCK DOCKS, STAGING AND PARKING.
PHASE III: FUTURE : TWO ADDITIONAL ASRS WAREHOUSE UNITS (APPROXIMATELY 33,000 SF EACH), LOW BAY ADDITION (APPROXIMATELY 30,000 SF) WITH ADDITIONAL TRUCK DOCKS, STAGING AND PARKING.

VARIANCES:

IN ACCORDANCE WITH THE PROVISIONS OF TOPEKA MUNICIPAL CODE SECTION 18.190.080, THE TOPEKA PLANNING COMMISSION HEREBY GRANTS A VARIANCE TO SECTION 18.60 REGARDING THE MAXIMUM BUILDING HEIGHT OF 70' IN THE I-1 LIGHT INDUSTRIAL DISTRICT TO ALLOW A HEIGHT UP TO 125' PER BUILDING.

CERTIFICATION OF MASTER PLANNED UNIT DEVELOPMENT PLAN:

THE OWNER AGREES TO COMPLY WITH THE CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE MASTER PUD PLAN.

IN TESTIMONY WHEREOF, THE OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, BETSY POWER, DIRECTOR, PEPSICO GLOBAL REAL ESTATE, HAS

CAUSED THESE PRESENTS TO BE SIGNED THIS 20th DAY OF July , 2018.

Betsy K Power

BETSY POWER, DIRECTOR, PEPSICO GLOBAL REAL ESTATE

STATE OF TEXAS, COUNTY OF COLLIN, SS:

BE IT REMEMBERED THAT ON THIS
ME A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, CAME BETSY POWER, DIRECTOR, PEPSICO GLOBAL REAL ESTATE, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT OF AND SUCH PERSON(S) DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND, AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

JACALYN SILVERGLEIT
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES
OCTOBER 26, 2018

NOTARY PUBLIC — MY COMMISSION EXPIRES 10/26/18

THIS PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18.190 OF THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF TOPEKA AND SHAWNEE COUNTY, KANSAS, AND MAY BE AMENDED ONLY AS PRESCRIBED IN TOPEKA MUNICIPAL CODE 18.190.070 AND AS SET FORTH ON THIS DOCUMENT OR AS MAY SUBSEQUENTLY BE APPROVED AND RECORDED.

CERTIFICATION OF MASTER PLANNED UNIT DEVELOPMENT PLAN APPROVAL:

_____
BILL FIANDER, AICP, SECRETARY,
TOPEKA PLANNING COMMISSION

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

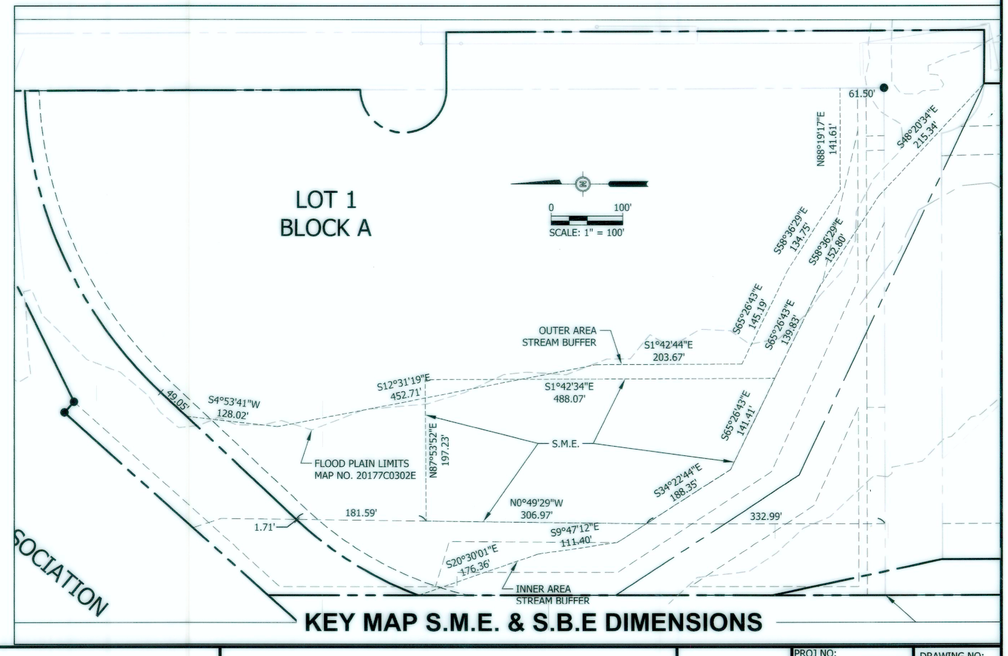
BE IT REMEMBERED THAT ON THIS _____ DAY OF _____ 20 ____, BEFORE ME A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, CAME BILL FIANDER, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND, AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

_____ NOTARY PUBLIC — _____ MY COMMISSION EXPIRES

RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS:

_____
REBECCA NIOCE, REGISTER OF DEEDS



KEY MAP S.M.E. & S.B.E DIMENSIONS

#	DATE	DESCRIPTION	BY

DESIGNED BY: ACS
DRAWN BY: ACS/RCP
CHECKED BY: ACS
PROJECT ENGR:

Bartlett&West
1200 SW EXECUTIVE DR
PHONE: 785.272.2252
TOPEKA, KS 66615
www.bartlettwest.com

PLANNED UNIT DEVELOPMENT FOR
LOT 1, BLOCK A
CITY OF TOPEKA, SHAWNEE CO., KANSAS

FRITO LAY ASRS

PROJ NO: 15400.203
CONST PROJ: -
SCALE: AS NOTED
DATE: APRIL 2018
DRAWING NO: PUD 18/1
SHEET NO: 2 of 2

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City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 14, 2018

DATE:	**August 14, 2018**		
CONTACT PERSON:	**Bill Fiander**	**DOCUMENT #:**	**P18/13**
SECOND PARTY/SUBJECT:	**Angela Sharp, Bartlett and West/Allen Moore, Frito Lay Inc.**	**PROJECT #:**	**N/A**
CATEGORY/SUBCATEGORY	**017 Plats/002 Final**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

FINAL PLAT for Frito Lay Subdivision No. 3 on property lying between and running linearly between SW 42nd Street and SW 49th Street, approximately halfway between SW Topeka Boulevard and U.S. 75 Highway with the northwest corner lying adjacent with the Kansas Turnpike, all being within the City of Topeka, Shawnee County, Kansas. *(P18/13)(Council District No. 5)*

Voting Requirement: Majority vote of the Governing Body (6)

(Approval would dedicate rights-of-way and easements and would accommodate a two-lot subdivision to provide for the re-alignment of SW 42nd Street/SW Wenger Road connecting to SW 49th Street as an industrial collector street. Lot 1 is the subject of the corresponding PUD18/01 application. Lot 2 remains zoned I-1 and there is no development planned for Lot 2 in the near future.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body. (6)

POLICY ISSUE:

The key issue of the plat is the additional right-of-way dedication that provides for the re-alignment and extension of SW 42nd Street to cross the Shunganunga Creek's tributary channel and connect with its existing 50 foot right-of-way (Wenger) along the west boundary of Lot 2 to provide a necessary future street connection to SW 49th Street.

- The development of Lot 1 (subject PUD rezoning) will not require the SW 42nd/Wenger connection be made with SW 49th Street as determined by the City Engineer based on the estimated traffic generated

from development of Lot 1.

- The connection to SW 49th Street may be required prior to industrial development of Lot 2 as noted and conditioned on the plat and determined by a Traffic Impact Analysis to be conducted at that time.
- The Public Works Department/Engineering Division is in support of this street alignment as it was originally planned by GO Topeka as a part of the overall concept master plan for industrial development in this area concluding a collector street is to be provided through to SW 57th Street near this location.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the final plat.

BACKGROUND:

P18/13 is a request for a final plat for a two-lot subdivision on 76 acres for industrial uses.

The property lies approximately halfway between SW Topeka Boulevard and U.S. 75 Highway with the northwest corner lying adjacent with the Kansas Turnpike (I-335). The west portion of Lot 1 is constrained by the 100-year flood plain (1% chance of annual flooding) and Type I USGS classified stream buffer easement. This stream channel divides Lot 1 from Lot 2.

The purpose of the plat is to vacate existing rights-of-way for SW Kirklawn Street and SW 45th Street and dedicate new right-of-way for SW 42nd Street. This dedication of SW 42nd Street allows for the re-alignment and future extension of SW 42nd Street/Wenger to connect with SW 49th Street and provide right-of-way for the future industrial collector street.

The request complies with the City of Topeka Subdivision Regulations and is consistent with the Land Use and Growth Management Plan - 2040.

The Planning Commission recommended the plat be approved by a vote of 8-0-0 at its June 25, 2018 public hearing. The Planning Department recommended the plat be approved as indicated in the attached staff report.

BUDGETARY IMPACT:

The future street extension SW 42nd/Wenger will either be paid for by the developer or paid for as part of a street benefit district that is approved by the Governing Body.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

Description

Planning Staff Report
Aerial Map
Planning Commission Minutes 6-25-18
Preliminary Plat
Final Plat

SUBDIVISION REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase | *Preliminary and Final Plat Phase* | *Final Plat Phase*

RECOMMENDATION: Based upon the below findings and analysis, the Planning Department recommends the preliminary and final plat for Frito Lay Subdivision #3 be **APPROVED**, subject to the conditions on Pg. 5

RECOMMENDED MOTION: I MOVE TO FORWARD A RECOMMENDATION OF APPROVAL TO THE GOVERNING BODY OF THE PROPOSED PLAT FOR FRITO LAY SUBDIVISION #3 AS CONDITIONED ON PG. 5.

NAME: Frito Lay Subdivision #3 [P18/13]

OWNER/DEVELOPER: Frito Lay Inc.

ENGINEER/SURVEYOR: Bartlett & West Engineers/Angela Sharp, P.E.

STAFF PLANNER: Annie Driver, AICP, Planner

GENERAL LOCATION: On property lying between and running linearly between SW 42nd Street and SW 49th Street, approximately halfway between SW Topeka Blvd and U.S. 75 Highway.

JURISDICTION: City of Topeka

ANNEXATION: Class "A" Subdivision within the City of Topeka

Area	# of Lots	Residential Density	Proposed Land Use	Zoning
76.09 acres	2	N/A	Industrial	I-1 (Lot 2)/PUD (Lot 1)*
***Pending Zoning Case:** The zone change for Lot 1 is heard being heard in conjunction with the subdivision plat as Case #PUD16/1 for Frito Lay ASRS Master PUD Plan.				

Design: The subject property is irregular in shape and measures approximately 3400' long along the west boundary (proposed SW 42nd'/Wenger), 370' along the south boundary (SW 49th St) and 841' along the north boundary (proposed SW 42nd St. and Kansas Turnpike). The subject plat is a re-plat of Frito Lay Subdivision #2 (Lot 2 proposed) and a portion of Block C, Seymour Subdivision (Lot 1 proposed). The subject site is traversed by a tributary of the Shunganunga Creek beginning near the southeast corner of Lot 2 and draining northwest along the west portion of Lot 1. This stream corridor divides Lot 1 and Lot 2.

The primary purpose of the plat is to vacate existing right-of-way for SW Kirklawn and dedicate a cul-de-sac at the end of the street, vacate the right-of-way for SW 45th Street, and dedicate right-of-way for SW 42nd Street/Wenger to connect with SW 49th Street. The existing 50' right-of-way for Westview (re-named Wenger) is currently platted along the west boundary Lot 2 and connects to SW 49th Street. The proposed plat dedicates additional right-of-way running along the Kansas Turnpike that is needed to provide a connection with SW 49th Street in the future. Lot 1 proposes development in three phases as described on the corresponding PUD application. There are no pending plans to develop Lot 2 in the near future. A 20' wide water line easement is dedicated on Lot 1 for a public water main extension.

BACKGROUND: Pursuant with TMC 18.35.130 of the Subdivision Regulations, the Planning Director has approved submission of the preliminary and final plats to be heard together at the June 25th Planning Commission hearing.

SERVICES AND FACILITIES:

1. WATER SERVICE: The development will be serviced by City of Topeka public water supply via a 12" main along the west side of SW Kirklawn upon approval of public utility extensions plans by the Public Works Department with all connections being at developer expense. A 20' water main easement is provided on Lot to accommodate the required extension.

2. SEWAGE DISPOSAL: The development will be serviced by City of Topeka sanitary sewer with all connections being at developer expense. The extension of a public main is not required for proposed development on Lot 1 as this will be connected to existing service lines currently serving the plant, which connects to a City public main. The 18" South Shunganunga sanitary sewer interceptor traverses the site from southeast to northwest running parallel with the stream tributary. Any public utility extension plans needed for future development on Lot 2 will be approved by the Public Works Department.

3. WASTEWATER PLAN SERVICE AREA: The proposal is located with the Urban Service Area as reflected by the Land Use and Growth Management Plan (2040); the proposal is in full compliance with said Plan since the development proposes to extend and connect to public sanitary sewer.

4. DRAINAGE CONDITIONS: The Stormwater Management Report as submitted by the consultant to the City of Topeka Department of Public Works has not been approved per memo dated May 29, 2018. The Stormwater Management Report, as submitted, indicates a tributary of the Shunganunga Creek divides Lot 1 from Lot 2 and begins on the west side of the site near the southeast corner and drains northwest. Lot 1 drains from east to west towards the creek and Lot 2 drains north to northwest. Development is unknown on Lot 2 at this time and Stormwater detention is anticipated for Lot 2, but not yet planned. Stormwater detention is proposed for Lot 1. The Stormwater Report submitted was inadequate per City Engineer memo and did not effectively address existing and proposed conditions for improvements in relation to future development on Lot 1 and, therefore, the City Engineer requires additional information before approving the Stormwater Report. Comments #1-7 in the memo require resolution prior to City Council consideration of the plat.

   The Kansas Turnpike Authority (KTA) has reviewed the drainage report submitted with the subdivision and indicated the proposed development will not increase the total flow going to the stream box culvert underneath

Interstate-335. KTA will be afforded the opportunity for review detailed stormwater plans submitted at the site development stage.

5. STREET PLAN/ACCESS: The plat dedicates additional right-of-way that is necessary to extend SW 42nd Street crossing the Shunganunga Creek channel to connect to the existing 50' right-of-way along the west boundary of Lot 2 (Wenger) and connecting with SW 49th Street. This proposed street alignment will retain a needed industrial collector street that connects with properties south of SW 49th Street through to SW 57th Street. Additional right-of-way for this street re-alignment will need to be dedicated on property to the west (Go Topeka) when that land is platted and developed for an industrial use. At the time that right-of-way is dedicated, a length of the existing 50' right-of-way (segment connecting to SW 49th St.) on this subject property can be vacated. The re-alignment re-names Westview to Wenger and allows a connection with Wenger south of SW 49th. Public Works is in support of this street alignment as it was originally planned by Go Topeka as a part of the overall concept master plans for industrial development in this area that a collector street would be provided through to SW 57th Street near this location.

   The proposed plat vacates right-of-way for Kirklawn and SW 45th Street and dedicates right-of-way for a new cul-de-sac at the end of Kirklawn. The plat provides a condition for the timing of future roadway improvements to SW 42nd/Wenger: *"Property owner(s) of Lots 1 and 2 shall agree(s) to a fair and equitable irrevocable waiver of objection to participation in a street benefit district for the future improvement of SW 42nd/SW Wenger to connect with SW 49th Street. The City Traffic Engineer shall determine prior to site development plan review for Lot 2 and as noted on the Master PUD Plan for Lot 1 if a Traffic Impact Analysis (TIA) or traffic statement is required. If this analysis or statement warrants the extension of SW 42nd/Wenger, these improvements shall be constructed to City standards prior to issuance of a Certificate of Occupancy for any building on Lot 1 or Lot 2 or according to timing as determined by the TIA or traffic statement."*

   As indicated by Public Works, the improvements to SW 42nd/Wenger will in all likelihood be triggered by what occurs on either Lot 2 or property to the west of Lot 2 (Go Topeka). As currently proposed, the development on Lot 1 will have no impact on this street extension unless the proposal is significantly altered.

6. FIRE DISTRICT: City of Topeka Fire Department. Additional hydrants as required by the Fire Department will be provided as a part of the water main extension on Lot 1. The Fire Department will review and approve those future improvement plans.

7. STREAM BUFFER/FLOOD PLAIN: Zone A 100-year floodplain (Area of 1% chance of annual flooding) covers the property from southeast to northwest along that extent of the creek channel. A tributary to the Shunganunga Creek (Type 2 stream) traverses Lot 1 and 2 from southeast to northwest. Pursuant to TMC 17.10.50 this classification of a U.S. Geological Survey classified waterway requires the dedication of a stream buffer easement delineating the "outer" and "streamside" areas per TMC 17.10.050. The plat does not delineate these "streamside" and "outer" areas of the buffer. Pending further review of the Stormwater Management Report by Public Works, a replat to amend the stream buffer easement and gain approval of a variance to the stream buffer regulations according to Section 17.10.080 by the Public Works Director may be required pending final approval of the Stormwater Report. A trade off or addition to the stream buffer at another location may be needed.

8. SCHOOL DISTRICT: Auburn-Washburn USD 437

9. PARKS/OPEN SPACE: N/A

WAIVER/VARIANCE TO STANDARDS: The Subdivision Regulations require the construction of sidewalks along one side of street where boundary of the subdivision is an existing street. Pursuant to TMC18.45.080, *"Where the boundary of the subdivision is an existing street or a proposed street, sidewalks shall then be installed on the nearest adjacent side or side."* Additionally, the City's current Complete Streets Policy supports sidewalks be provided as a part of all new developments and This policy is also part of Public Works' policy to provide sidewalks as a part of street improvement projects that re-build or build new streets or widen existing streets. This current policy concerning the construction of sidewalk has changed since past developments were completed in the area when sidewalk construction may not have always been ultimately required.

A waiver from this requirement to construct sidewalks requires approval by the Planning Commission per TMC18.45.080. Staff is agreeable to the Planning Commission waiving this sidewalk requirement along the west side of SW Kirklawn since there is has very slight chance this short segment of sidewalk will connect with a network. However, sidewalks should be provided along SW 42nd/Wenger when development occurs or as part of future street improvement projects.

CAPITAL IMPROVEMENT PLAN (CIP): There is a 2018 City CIP petition project for SW 49th Street lying between SW Wenger Road and the railroad tracks to the west of Topeka Blvd that will transform the two-lane rural road section to an urban concrete roadway section, 41 ft. industrial width with curb/gutter with an expected July 31, 2018 completion date.

CONFORMANCE TO COMPREHENSIVE PLAN: The Land Use and Growth Management Plan - 2040 establishes and designates this area for *Industrial* land uses. The plan indicates these "Industrial" areas are intended for both light and heavy industrial uses and are located at sites with available transportation access and infrastructure is readily available or can be extended without significant constraints. The proposed use is consistent with this designation in the Comprehensive Plan.

This project represents an infill industrial development project that is appropriate with this "Employment Growth Area" as designated under policies in the plan. Existing urban services are available to serve the area or will be extended prior to development. Therefore, the proposal is consistent with the policies and principles of the Land Use and Growth Management Plan.

STAFF ANALYSIS:

With the exception of the noted design variance requesting waiver to construct sidewalks, the subdivision conforms to the established standards and provisions of the City Subdivision Regulations relative to design criteria. The subdivision is compatible with adjacent development and will not overburden existing public infrastructure facilities provided improvements are made as conditioned on the plat and corresponding PUD master plan. Based upon the above findings and staff analysis**,** the Planning Department recommends the preliminary and final plat phase of Frito Lay Subdivision #3 be **APPROVED**, subject to the following conditions:

1. Adding note: "*Pursuant to TMC 18.45.080, the Planning Commission hereby grants a waiver to the provision in the subdivision regulations requiring a sidewalk be constructed along the west side of SW Kirklawn Street."*

2. Completion, approval and acceptance of the Stormwater Management Report comments #1-7 prior to City Council consideration of the PUD and subdivision plat. If a variance to the stream buffer is required by Public Works (pending Stormwater Report further review and resolution), a note shall be added as appropriate to the PUD master plan and plat that variance shall be approved at, or prior to site development.

3. Denoting "Inner" and "Outer" areas of the stream buffer as required by the City Engineer per TMC17.10.050. (Label all points along the stream buffer as it appears some of the labels were left off.)

4. Adding the standard Street Dedication note: "*The public ways (streets and roads) not heretofore dedicated, are hereby dedicated to the public. Temporary turn-around easements are hereby established as shown on the accompanying plat and shall be automatically vacated when streets are extended."*

5. Adding street name label for SW 42nd Street/Wenger that indicates location of the street name change to final plat.

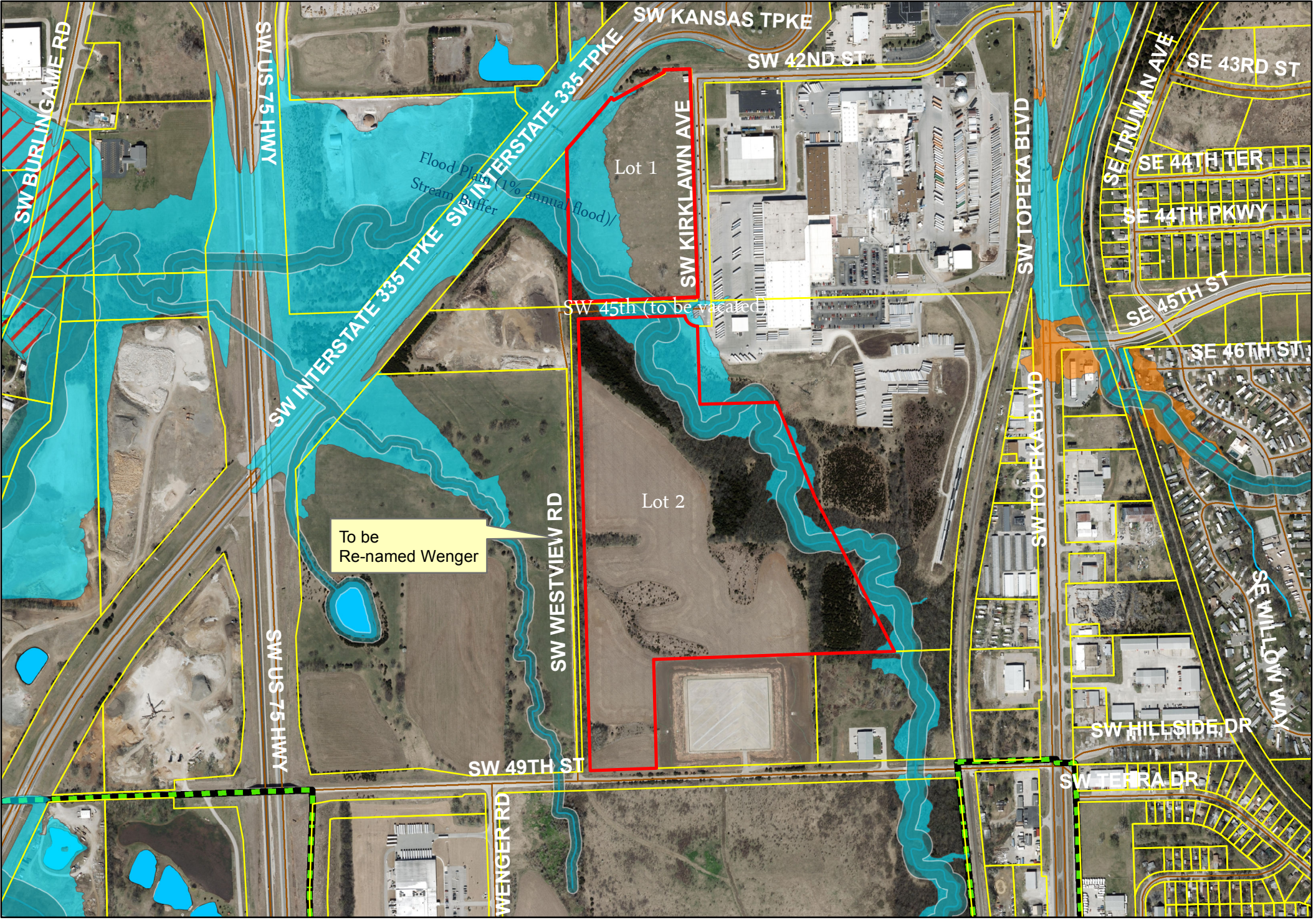
6. More effectively differentiating the north boundary lot line separation between the north and south lines of Lot 1 and 2 on preliminary and final plats.

7. Providing at least 75' right-of-way at the north boundary of Lot 1 (currently dimensioned at 60') adjacent to the KTA irregular-shaped cut-out of their right-of-way to ensure adequate space for an industrial collector that does not encroach on any portion of the KTA right-of-way.

8. Comply with Westar comments on final and preliminary plat. (See attached)

Attachments:

Aerial Map
Westar comments
Stormwater review memo
Preliminary Plat
Final Plat



P18/13 By: Frito Lay Inc - Frito Lay Subdivision #3

Topeka Planning Department

CITY OF TOPEKA
PLANNING COMMISSION
CASE MINUTES

Monday, June 25, 2018

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present:	Carole Jordan, Marc Fried, Dennis Haugh, Wiley Kannarr, Corliss Lawson, Ariane Messina, Katrina Ringler, Matt Werner (8)
Members Absent:	Brian Armstrong (1)
Staff Present:	Bill Fiander, Planning Director, Mike Hall, Planner III; Annie Driver, Planner II; John Neunuebel, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal

PUD18/01 Frito Lay Subdivision #3 Master Planned Unit Development Plan by: Frito Lay Inc. (purchaser under contract) requesting to amend the District Zoning Classification from "I-1" Light Industrial District TO "PUD" Planned Unit Development District (I-1 use group) to allow future buildings (220,000 sf total footprint) with a maximum height of 125 ft., which exceeds the 70 ft. maximum height limit in the "I-1" Light Industrial zoning district, on an 18.31 acre property located at the SW intersection of the dead-end of SW 42nd Street and SW Kirklawn Avenue, approximately 1900 ft. west of SW Topeka Blvd.

Ms. Driver presented the staff report and staff recommendation for approval subject to conditions listed in the staff report.

Mr. Haugh asked where the other to potential phases will be on the site and Ms. Driver stated her understanding is that they are directly south of Phase I.

Allen Moore, Director of Engineering for Frito Lay, came forward representing the applicant. He explained that future expansion of Frito Lay in Topeka is limited by warehouse space. The immediate impact of the project will be additional storage, as well as new parking and a reduction in the number trucks running to/from the (now offsite) storage. Eventually additional manufacturing (and jobs) open as more product storage is available.

Mr. Fried asked if Frito Lay anticipates going to the full requested height in additional phases. Mr. Moore stated potentially, yes, though future phases are only conceptual at this point.. That's the maximum height they would go to based on automatic equipment that would go into the building(s). They could go below ground to reduce the height but that would not be the best option.

Angela Sharp with Bartlett & West came forward representing the applicant. She added that John Hassler was also in attendance and could answer technical questions.

Ms. Sharp explained that the PUD allows for design constraints such as the landscaping berm along the future extension of 42nd Street, screening the property from the highway. Another design constraint would be signage. She also stated that stormwater quality/quantity is under review by the City of Topeka.

Mr. Haugh asked if the proposal vacates the turn around. Ms. Sharp stated that their proposal does vacate the turn around Kirklawn up to the north edge of Frito Lay's existing property. Mr. Haugh mentioned that there were many semis on Kirklawn. Mr. Allen came forward and explained that most of the semis are associated with Frito Lay. With the additional parking, these will go away.

Ms. Ringler declared the public hearing open.

APPROVED 7.16.18

Brent Hall came forward stating he represents the workers at Frito Lay and is president of their Local BCTGM #218 union that represents the workers. He expressed support of the project but was concerned that local contractors be used for construction of it. He feels strongly that the best way for Frito Lay to give back to the community some of the benefits they received from local tax cuts is to hire construction workers locally as they live and spend in the local market.

Shelby Fehrenbacher came forward to speak, expressing some concerns about families and workers at Frito Lay. She expressed concern that there's no plan to add jobs with this project and is concerned that employees will be required to work overtime.

With nobody else coming forward to speak, Ms. Ringler declared the public hearing closed.

Mr. Fried commented on the number of trucks parked along the street and stated that it would be good if this proposed project would take care of that problem as stated.

Mr. Haugh asked what the anticipated increase in employment would be and Mr. Moor stated the warehouse is mostly automated. Increased employment would come later with manufacturing expansions that can about because of additional storage capacity.

Mr. Haugh noted that due to the setbacks, he doesn't see the increased height as an issue.

Motion by Mr. Kannarr to recommend to the Governing Body APPROVAL of proposal, subject to the 9 conditions listed in the staff report; **second** by Ms. Messina. **APPROVAL** (8-0-0)

P18/13 Frito Lay Subdivision No. 3 (Preliminary and Final Plat) by Frito Lay, Inc. (purchaser under contract) on property lying between SW 42nd Street and SW 49th Street, approximately 1725 ft. west of SW Topeka Blvd., and containing 76 acres more or less and all contained within the city limits of Topeka, Kansas.

Ms. Driver presented the staff report and staff recommendation for approval.

Angela Sharp with Bartlett & West came forward representing the applicant, stating Ms. Driver had covered the proposal well and she would be happy to answer questions.

Mr. Fried asked if the road change anticipates an increase in traffic flow down 49th Street. Ms. Sharp stated it's dependent upon any expansion Frito Lay might have in the future, as well as what other property owners develop, especially that property owned by GoTopeka.

Ms. Ringler announced that the **public hearing was open**. With none coming forward to speak, she declared the **public hearing closed.**

Mr. Fried asked if there would be a traffic study required at some future point in development and Ms. Driver explained that is something determined by City of Topeka traffic engineer.

Motion by Ms. Lawson to recommend to the Governing Body approval of the preliminary and final plat phase of Frito Lay Subdivision #3, subject to the 8 conditions listed in the staff report; **second** by Mr. Haugh. **APPROVAL** (8-0-0)

A PRELIMINARY PLAT FOR:

FRITO LAY SUBDIVISION NO. 3

A REPLAT OF LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2 AND A PORTION OF BLOCK 'C', REPLAT OF SEYMOUR SUBDIVISION CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

PAGE : _____

DATE : _____

TIME : _____

DESCRIPTION:

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., LOCATED IN BLOCK C OF THE REPLAT OF SEYMOUR SUBDIVISION IN TOPEKA, SHAWNEE COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SEYMOUR SUBDIVISION NO. 3; THENCE SOUTH 01 DEGREE 42 MINUTES 18 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID SUBDIVISION, A DISTANCE OF 1291.63 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER, ALSO BEING THE SOUTH LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION; THENCE SOUTH 88 DEGREES 19 MINUTES 17 SECONDS WEST, COINCIDENT WITH SAID SOUTH LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION, A DISTANCE OF 707.90 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER, ALSO BEING THE SW CORNER OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION; THENCE NORTH 01 DEGREE 30 MINUTES 34 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, ALSO BEING THE WEST LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION, A DISTANCE OF 861.29 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE KANSAS TURNPIKE; THENCE NORTH 40 DEGREES 22 MINUTES 14 SECONDS EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 374.97 FEET; THENCE COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE ON A SPIRAL CURVE TO THE RIGHT HAVING A RADIUS OF 17345.20 FEET, AN ARC LENGTH OF 6.90 FEET, A CHORD BEARING OF NORTH 40 DEGREES 33 MINUTES 15 SECONDS EAST AND A CHORD LENGTH OF 6.90 FEET; THENCE SOUTH 49 DEGREES 37 MINUTES 29 SECONDS EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE NORTH 62 DEGREES 16 MINUTES 56 SECONDS EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 319.28 FEET; THENCE NORTH 01 DEGREE 20 MINUTES 56 SECONDS WEST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET TO THE NORTH LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION; THENCE NORTH 88 DEGREES 18 MINUTES 36 SECONDS EAST, COINCIDENT WITH SAID NORTH LINE OF BLOCK C, A DISTANCE OF 147.15 FEET TO THE POINT OF BEGINNING. CONTAINING 18.59 ACRES, MORE OR LESS.

AND

LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS. CONTAINING 57.5 ACRES, MORE OR LESS.

AND

THAT PART OF SW 45TH STREET CONTAINED IN FRITO LAY SUBDIVISION NO. 1 AND THAT PART OF SW KIRKLAWN AVENUE ADJACENT TO FRITO LAY SUBDIVISION NO. 1, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF FRITO LAY SUBDIVISION NO. 1, ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 15 EAST; THENCE NORTH 88 DEGREES 19 MINUTES 17 SECONDS EAST, COINCIDENT WITH THE NORTH LINE OF FRITO LAY SUBDIVISION NO. 1, A DISTANCE OF 33.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 19 MINUTES 17 SECONDS EAST, A DISTANCE OF 674.66 FEET TO THE WEST RIGHT OF WAY LINE OF SW KIRKLAWN AVENUE; THENCE NORTH 01 DEGREE 42 MINUTES 18 SECONDS WEST, COINCIDENT WITH SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 610.86 FEET; THENCE NORTH 88 DEGREES 17 MINUTES 44 SECONDS EAST, A DISTANCE OF 80.00 FEET TO THE EAST RIGHT OF WAY LINE OF SW KIRKLAWN AVENUE; THENCE SOUTH 01 DEGREE 42 MINUTES 18 SECONDS EAST, COINCIDENT WITH SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 750.66 FEET TO THE SOUTH RIGHT OF WAY LINE OF SW 45TH STREET; THENCE SOUTH 88 DEGREES 21 MINUTES 53 SECONDS WEST, COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 74.54 FEET; THENCE COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 70.00 FEET, AN ARC LENGTH OF 99.70 FEET (WHOSE CHORD BEARS NORTH 50 DEGREES 51 MINUTES 39 SECONDS WEST, CHORD LENGTH OF 91.49 FEET); THENCE SOUTH 88 DEGREES 19 MINUTES 17 SECONDS WEST, COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 594.22 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 'A', FRITO LAY SUBDIVISION NO. 2; THENCE NORTH 13 DEGREES 26 MINUTES 44 SECONDS WEST, A DISTANCE OF 81.72 FEET TO THE POINT OF BEGINNING. CONTAINING 2.67 ACRES, MORE OR LESS.

OWNER:
FRITO-LAY, INC
4236 SW KIRKLAWN AVE.
TOPEKA, KS 66609

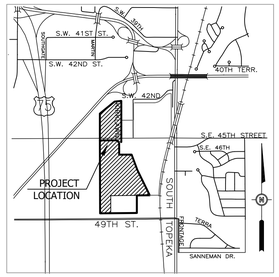
SURVEYOR CERTIFICATION:

I, JOHN SOMMERS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF KANSAS, DO HEREBY CERTIFY THAT I HAVE MADE THE HEREON DESCRIBED SURVEY ON THE GROUND ON NOVEMBER 13, 2014 AND THAT SAID SURVEY MEETS OR EXCEEDS CURRENT KANSAS MINIMUM STANDARDS ADOPTED BY KANSAS STATE BOARD OF TECHNICAL PROFESSIONS.

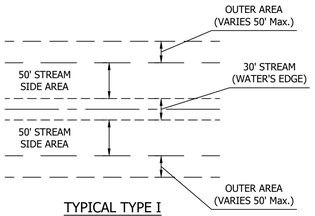
_____
JOHN SOMMER #XXXX
BARTLETT & WEST

REVIEWED BY THE COUNTY SURVEYOR THIS _____DAY OF_____, 20_____,
IN ACCORDANCE WITH KSA CHAPTER 58, ARTICLE 20.

_____
DEBORAH J. THOMAS - LS # 1461
COUNTY SURVEYOR



VICINITY MAP
NOT TO SCALE



TYPICAL TYPE I
S.B.E.

STREAMSIDE AREA - USES ALLOWED :
1. NATIVE VEGETATION
2. FOOT PATHS / BIKE PATHS
3. NATURAL DRAINAGE
4. UTILITY CORRIDORS

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION EXCEPT AS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS OR DESIGNEE

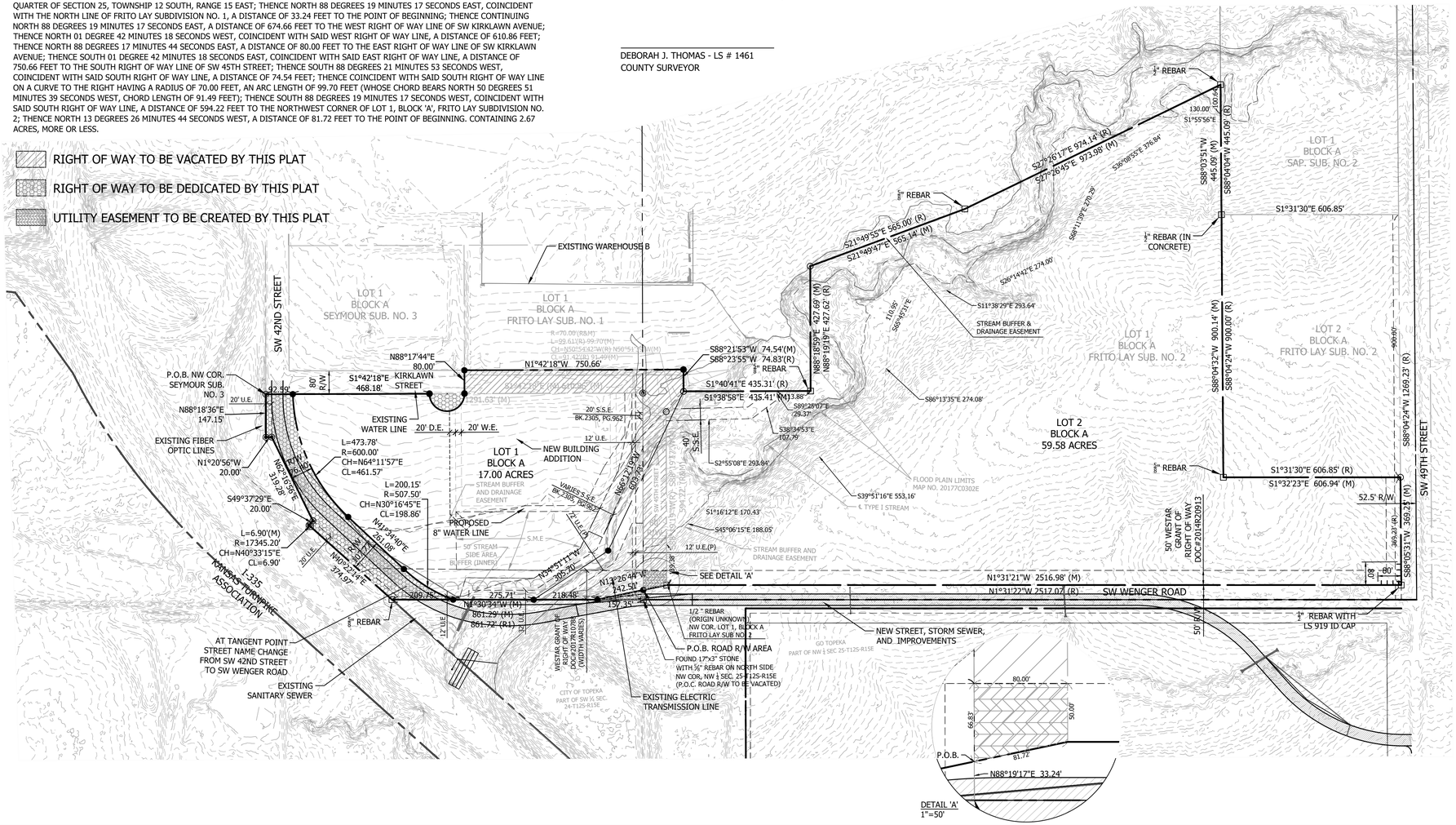
ANY BUFFER HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

PLEASE REFER TO SECTION 6 OF CITY OF TOPEKA CODE 17.10: BUFFER AREAS, FOR ALL PERTINENT MANAGEMENT GUIDELINES AND PROHIBITED PRACTICES AND ACTIVITIES WITHIN THE STREAM BUFFER AREAS.

RIGHT OF WAY TO BE VACATED BY THIS PLAT

RIGHT OF WAY TO BE DEDICATED BY THIS PLAT

UTILITY EASEMENT TO BE CREATED BY THIS PLAT



BEARINGS BASED ON NAD 83
KANSAS NORTH ZONE STATE PLANE DATUM

LEGEND

D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
W.E	WATERLINE EASEMENT
S.M.E.	STORMWATER MANAGEMENT EASEMENT
S.B.E.	STREAM BUFFER EASEMENT
R/W	RIGHT OF WAY
S.S.E	SANITARY SEWER EASEMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

BOUNDARY LINE
SECTION LINE
RIGHT OF WAY LINE
LOT LINE
EASEMENT & SETBACK LINE
RESTRICTED ACCESS

● SET 5/8"x24" REBAR WITH BARTLETT & WEST CLS 14 ID CAP
○ FOUND 5/8"x24" REBAR WITH BARTLETT & WEST CLS 14 ID CAP
□ FOUND MONUMENT (SIZE & TYPE AS NOTED)
(M) MEASURED BEARING & DISTANCE
(R) RECORD BEARING & DISTANCE (FRITO LAY SUBDIVISION NO. 2)
(R1) RECORD BEARING & DISTANCE (REPLAT OF SEYMOUR SUBDIVISION)

NOTE:
ANY RELOCATION, REALIGNMENT OR VACATION OF PUBLIC UTILITY AND DRAINAGE EASEMENTS REQUIRES A RE-PLAT

Bartlett & West
1200 SW EXECUTIVE DRIVE - TOPEKA KS 66615-3850
PHONE 785.272.2252 - FAX 785.273.8736
www.bartletwest.com

DESCRIPTION | DATE | #

A PRELIMINARY PLAT FOR
FRITO LAY SUBDIVISION NO. 3
A REPLAT OF LOT 2, BLOCK A, FRITO LAY SUBDIVISION NO. 3 AND A PROTION OF BLOCK 'C', SEYMOUR SUBDIVISION
CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY:	ACS
DRAWN BY:	RCP
APPROVED BY:	ACS
DESIGN PROJ:	15400.203
CONST PROJ:	
SCALE:	AS NOTED
DATE:	MAY 2018
DRAWING NO:	P18/13
SHEET NO:	1 of 2

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Last edit on: 7/26/2018 2:43:40 PM
Drawing Name: W:\Proj\15900\15400\15400.203\AutoCad\Plan Set\Plat\15400.203 Frito Lay Plat-Prelim.dwg Layout Name: PP 01 Plotted By: RCP00722 Plotted on: 7/26/2018 2:43:40 PM
Last edit on: 7/26/2018 2:38 PM By: RCP00722

A PRELIMINARY PLAT FOR:

FRITO LAY SUBDIVISION NO. 3

A REPLAT OF LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2 AND A PORTION OF BLOCK 'C', REPLAT
OF SEYMOUR SUBDIVISION CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

NOTES:

1. WATER SERVICE IS BY THE CITY OF TOPEKA, PURSUANT TO WATER ENGINEERING, AREAS WHERE LOCAL WATER SUPPLY IS: LESS THAN 40 PSI, THE BUILDER IS REQUIRED TO INCREASE WATER PRESSURE TO AT LEAST 40 PSI. GREATER THAN THE MAXIMUM WATER PRESSURE ALLOWED, SHALL BE GOVERNED BY THE UPC AND ITS AMENDMENTS.

2. SANITARY SEWER SERVICE SHALL BE BY THE CITY OF TOPEKA.

3. PART OF THIS PROPERTY LIES WITHIN ZONE A SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD WITH NO BASE FLOOD ELEVATIONS DETERMINED. THE REST OF THE PROPERTY LINES WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP (FIRM) No. 20177C0302E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

4. PROPERTY OWNERS SHALL BE ADMONISHED FROM PLACING ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN PERMANENT SEWER OR UTILITY EASEMENTS. THIS INCLUDES, BUT IS NOT LIMITED TO, TREES, SHRUBS, FENCES, RETAINING WALLS, BUILDINGS OR OTHER MISCELLANEOUS OBSTRUCTIONS THAT INTERFERE WITH ACCESS OR EGRESS OF MAINTENANCE VEHICLES OR EQUIPMENT FOR THE OPERATION AND MAINTENANCE OF THE UTILITIES OR PIPE LINES LOCATED IN THE EASEMENT. ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION LOCATED IN THE PERMANENT SEWER UTILITY EASEMENT MAY BE REMOVED BY PERSONNEL REPRESENTING THE GOVERNING BODY, TO PROVIDE FOR THE PROPER OPERATION AND MAINTENANCE OF THAT UTILITY LINE, WITHOUT COST OR OBLIGATION FOR REPLACEMENT. COST OF REMOVAL, AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

5. EASEMENTS ARE HEREBY GRANTED TO THE PUBLIC AS FOLLOWS: "UTILITY EASEMENTS" TO LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF THE CONDUITS FOR ALL AND ANY PURPOSES, WATER, GAS, SEWER MAINS, POLES AND WIRES OR ANY OR ALL OF THEM OVER, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENTS". A TEMPORARY CONSTRUCTION EASEMENT OF 12 FEET ADJACENT TO THE SIDE OF THE UTILITY EASEMENT IS DEDICATED FOR THE USE OF THE PUBLIC UTILITIES WHILE INITIAL CONSTRUCTION IS IN PROGRESS.

6. THE MINIMUM OPENING ELEVATION FOR LOT 1 AND LOT 2, BLOCK A SHALL BE 1 FOOT ABOVE THE HIGHEST ADJACENT 100-YR WATER SURFACE ELEVATION.

7. NO BUILDING PERMIT(S) SHALL BE ISSUED UNTIL ALL STORMWATER MANAGEMENT REQUIREMENTS SET FORTH IN TOPEKA MUNICIPAL CODE (TMC) CHAPTER 13.35 ARE MET INCLUDING: APPROVAL OF STORMWATER MANAGEMENT PLAN AND GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.

8. STORMWATER MANAGEMENT EASEMENTS (SME) ARE HEREBY ESTABLISHED AS SHOWN OR DESCRIBED TO PROVIDE FOR THE MANAGEMENT OF STORM WATER INCLUDING, BUT NOT LIMITED TO, DETENTION, RETENTION, STORAGE AND TREATMENT OF STORM WATER. PROPERTY OWNERS AND THEIR ASSIGNS AND SUCCESSORS (PROPERTY OWNERS) AGREE TO INSTALL, CONSTRUCT, RECONSTRUCT, REPLACE, ENLARGE, REPAIR, OPERATE AND PROVIDE PERPETUAL MAINTENANCE OF PIPE, FLUME, DITCH, SWALE, VEGETATIVE AREAS OR MECHANICAL DEVICES FOR STORM WATER CONVEYANCE AND/OR TREATMENT, OR ANY IMPROVEMENTS IN THE SME FOR THE DRAINAGE AND/OR TREATMENT OF SAID STORM WATER. NO CHANGE TO THE GRADE, TOPOGRAPHY OR STORM WATER MANAGEMENT STRUCTURES AND IMPROVEMENTS IN THE SME SHALL BE MADE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE APPLICABLE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE. PROPERTY OWNERS SHALL NOT PLACE OR PERMIT ANY PERMANENT, SEMI-PERMANENT OR TEMPORARY OBSTRUCTION IN SAID SME INCLUDING, BUT NOT LIMITED TO, TREES, SHRUBS, VEGETATION, ROCKS, FENCES, RETAINING WALLS, LANDSCAPING, STRUCTURES, BUILDINGS OR OTHER OBSTRUCTIONS THAT INTERFERE WITH OR OBSTRUCT DESIGNED WATER FLOW AND/OR TREATMENT PROCESS IN AN ENGINEERED CHANNEL, CONDUIT, STRUCTURE OR AREA, NOR SHALL PROPERTY OWNERS OBSTRUCT, PREVENT OR OTHERWISE HINDER INGRESS, EGRESS OR OPERATION OF MAINTENANCE VEHICLES, EQUIPMENT AND PERSONNEL. UPON RECEIVING WRITTEN PERMISSION FROM THE APPLICABLE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE, PROPERTY OWNERS MAY CONSTRUCT AT THEIR OWN PERIL OTHER LIMITED IMPROVEMENTS AND/OR LANDSCAPING WITHIN THE SME WHICH DO NOT AND WILL NOT INTERFERE WITH THE FUNCTION OF THE STORM WATER MANAGEMENT SYSTEM. ANY OBSTRUCTIONS OR IMPROVEMENTS IN THE SME, PERMITTED OR NOT PERMITTED, MAY BE REMOVED BY THE APPLICABLE PUBLIC WORKS DEPARTMENT OR ITS CONTRACTOR TO PROVIDE FOR DESIGNED WATER FLOW AND/OR TREATMENT PROCESS OF THE STORM WATER MANAGEMENT SYSTEM. COST OF REMOVAL, DAMAGE AND ANY REPAIR OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. ALL MAINTENANCE AND REPAIRS WITHIN THE SME SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNERS OF THE PROPERTY ON WHICH THE SME IS LOCATED. HOWEVER, IF DESIGNED WATER FLOW AND/OR TREATMENT PROCESS ARE IMPEDED BY NEGLECTED MAINTENANCE, SYSTEM FAILURE OR ARE SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES CAUSING A HAZARD OR THREAT TO PUBLIC SAFETY, AS DETERMINED BY THE APPLICABLE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE, EMERGENCY OR CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE APPLICABLE PUBLIC WORKS DEPARTMENT OR ITS CONTRACTOR WITH COSTS CHARGED TO SAID PROPERTY OWNERS. UNPAID COSTS SHALL BE ASSESSED TO AND IMPOSED AS A LIEN ON THE LAND. THE APPLICABLE PUBLIC WORKS DEPARTMENT STAFF AND THEIR CONTRACTORS SHALL HAVE THE RIGHT TO ENTER UPON THE SME FOR PURPOSES OF PERIODIC OR SPECIAL INSPECTION AND/OR CORRECTIVE MAINTENANCE.

9. STREAM BUFFER EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR INFORMAL GREEN SPACE AND THE NATURAL UNOBSTRUCTED OVERLAND FLOW OF SURFACE WATER IN EXISTING DRAINAGE WAYS. PROPERTY OWNER(S) SHALL NOT PLACE PERMANENT OR SEMI-PERMANENT OBSTRUCTIONS IN SAID EASEMENT. ALL MAINTENANCE WITHIN THE STREAM BUFFER EASEMENT (SBE) SHALL BE THE RIGHT, DUTY, AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN WHICH THE EASEMENT IS SO LOCATED, HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE DIRECTOR OF THE APPLICABLE DEPARTMENT OF PUBLIC WORKS, CORRECTIVE MAINTENANCE MANY BE PREFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE APPLICABLE DEPARTMENT OF PUBLIC WORKS SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE.

10. RESTRICTED ACCESS LINE: DEFINES PORTION OF SUBDIVISION BOUNDARY IN WHICH THE PUBLIC IS NOT ALLOWED TO CROSS IN ORDER TO GAIN ACCESS TO THE SUBDIVISION.

11. ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.

12. PROPERTY OWNER(S) OF LOTS 1 AND 2 SHALL AGREE(S) TO AN IRREVOCABLE WAIVER OF OBJECTION TO PARTICIPATION IN A FAIR AND EQUITABLE STREET BENEFIT DISTRICT FOR THE FUTURE IMPROVEMENT OF SW 42ND STREET/ SW WENGER STREET TO CONNECT WITH SW 49TH STREET. THE CITY OF TOPEKA TRAFFIC ENGINEER SHALL DETERMINE PRIOR TO SITE DEVELOPMENT PLAN REVIEW FOR LOT 2 AND AS NOTED ON THE MASTER PUD PLAN FOR LOT 1 IF A TRAFFIC IMPACT ANALYSIS (TIA) OR TRAFFIC STATEMENT IS REQUIRED. IF THE ANALYSIS OR STATEMENT WARRANTS THE EXTENSION OF SW 42ND/WENGER, THESE IMPROVEMENTS SHALL BE CONSTRUCTED TO CITY STANDARDS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDING ON LOT 1 OR LOT 2 OR ACCORDING TO TIMING AS DETERMINED BY THE TIA OR TRAFFIC STATEMENT.

13. THE LOCATION AND SPACING OF DRIVEWAY OPENINGS ALONG SW KIRKLAWN STREET, SW 42ND STREET, AND SW WENGER STREET SHALL BE APPROVED BY THE CITY TRAFFIC ENGINEER FOR CONSISTENCY WITH CITY STREET DESIGN STANDARDS AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW FOR EACH PHASE.

14. RIGHT-OF-WAY THAT IS NECESSARY FOR THE EXTENSION OF SW 42ND STREET/SW WENGER STREET ON THE CITY OWNED PROPERTY TO THE WEST SHALL BE OBTAINED FROM THE CITY OF TOPEKA PUBLIC WORKS DEPARTMENT AND RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS BY SEPARATE INSTRUMENT AT THE TIME STREET IMPROVEMENTS ARE MADE FOR THIS EXTENSION.

15. AT THE TIME OF THE STREET EXTENSION FOR SW WENGER, THE EXISTING 50' RIGHT OF WAY WHERE IT CURRENTLY CONNECTS TO SW 49TH STREET SHALL BE VACATED WHEN THE ADJACENT PROPERTY TO THE WEST IS PLATTED AND RIGHT OF WAY ON THAT PROPERTY IS DEDICATED FOR THE RE-ALIGNMENT OF SW WENGER STREET.

16. CHANNEL DRAINAGE EASEMENTS SHALL NOT BE OBSTRUCTED BY ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION. THIS INCLUDES, BUT IS NOT LIMITED TO, NEW TREES OR SHRUBS, FENCES, RETAINING WALLS, BUILDINGS OR OTHER MISCELLANEOUS OBSTRUCTIONS THAT INTERFERE WITH ACCESS AND EGRESS OF MAINTENANCE VEHICLES AND EQUIPMENT OR OBSTRUCT THE FLOW OF WATER IN THE CHANNEL SUCH THAT THE DESIGN CONDITIONS ARE NOT PRESENT. ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION LOCATED IN THE EASEMENT MAY BE REMOVED BY THE CITY OF TOPEKA, ITS EMPLOYEES, AND AGENTS TO PROVIDE FOR THE PROPER OPERATION AND MAINTENANCE OF THE CHANNEL WITHOUT ANY COST OR OBLIGATION FOR REPLACEMENT. COST OF REMOVAL AND REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

17. PURSUANT TO TMC 18.45.080, THE PLANNING COMMISSION HEREBY GRANTS A WAIVER TO THE PROVISION IN THE SUBDIVISION REGULATIONS REQUIRING A SIDEWALK BE CONSTRUCTED ALONG THE WEST SIDE OF SW KIRKLAWN STREET.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) OF THE DESCRIBED TRACT OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND BLOCKS AND PUBLIC WAYS, (STREETS AND ROADS). THE PUBLIC WAYS NOT HERETOFORE DEDICATED ARE DEDICATED TO THE PUBLIC. TEMPORARY TURN-AROUND EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND SHALL BE AUTOMATICALLY VACATED WHEN STREETS ARE EXTENDED. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR USE BY PUBLIC UTILITIES TO LOCATE, CONSTRUCT AND MAINTAIN, OR AUTHORIZE THE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF CONDUITS FOR ALL OR ANY PURPOSE INCLUDING WATER, GAS, SEWER MAINS, POLES AND WIRES OR ANY OR ALL OF THEM OVER, UNDER AND ALONG STRIPS MARKED "UE". UTILITY EASEMENTS INCLUDE A 12-FOOT TEMPORARY CONSTRUCTION EASEMENT ADJACENT TO ALL UTILITY EASEMENTS. SAID CONSTRUCTION EASEMENTS ARE AUTOMATICALLY NULL AND VOID FOLLOWING INITIAL INSTALLATION OF UTILITIES WITHIN SAID UTILITY EASEMENTS AND SHALL NOT REQUIRE ANY ACTION BY THE GOVERNING BODY TO VACATE, REMOVE OR OTHERWISE ELIMINATE. FURTHERMORE, INITIAL UTILITY CONSTRUCTION SHALL BE CONSIDERED COMPLETE ON ANY LOT ON WHICH THERE IS AN OCCUPIED STRUCTURE.

NOTICE: IN THE EVENT THERE ARE OTHER OWNER(S) OR THOSE HOLDING ANY PROPRIETARY INTEREST IN ANY LAND CONTAINED IN THIS SUBDIVISION WHOM DO NOT APPEAR AND DULY ACKNOWLEDGE THIS PLAT PRIOR TO THE TIME OF RECORDING, THE PLAT SHALL BE NULL AND VOID.

IN TESTIMONY WHEREOF, THE OWNER(S), FRITO-LAY, INC, BY BETSY POWER, DIRECTOR, PEPSICO GLOBAL REAL ESTATE, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS_____ DAY OF _____, 20____.

_____
BETSY POWER, DIRECTOR, PEPSICO GLOBAL REAL ESTATE

STATE OF TEXAS, COUNTY OF COLLIN, SS:

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, CAME BETSY POWER, DIRECTOR, PEPSICO GLOBAL REAL ESTATE, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON(S) DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND, AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

_____ _____
NOTARY PUBLIC MY COMMISSION EXPIRES

CERTIFICATE OF APPROVALS:

APPROVED BY THE TOPEKA PLANNING COMMISSION THIS _____ DAY OF _____ 20_____.

_____
CHAIRMAN, TPC

_____
BILL FIANDER, PLANNING DIRECTOR

THIS SUBDIVISION HAS BEEN PRESENTED TO THE CITY COUNCIL, CITY OF TOPEKA, KANSAS, ON THE ___ DAY OF _____, 20_____FOR ACCEPTANCE OF LAND TO BE DEDICATED FOR PUBLIC PURPOSES. THE CITY COUNCIL HEREBY ACCEPTS THE LAND FOR PUBLIC PURPOSES.

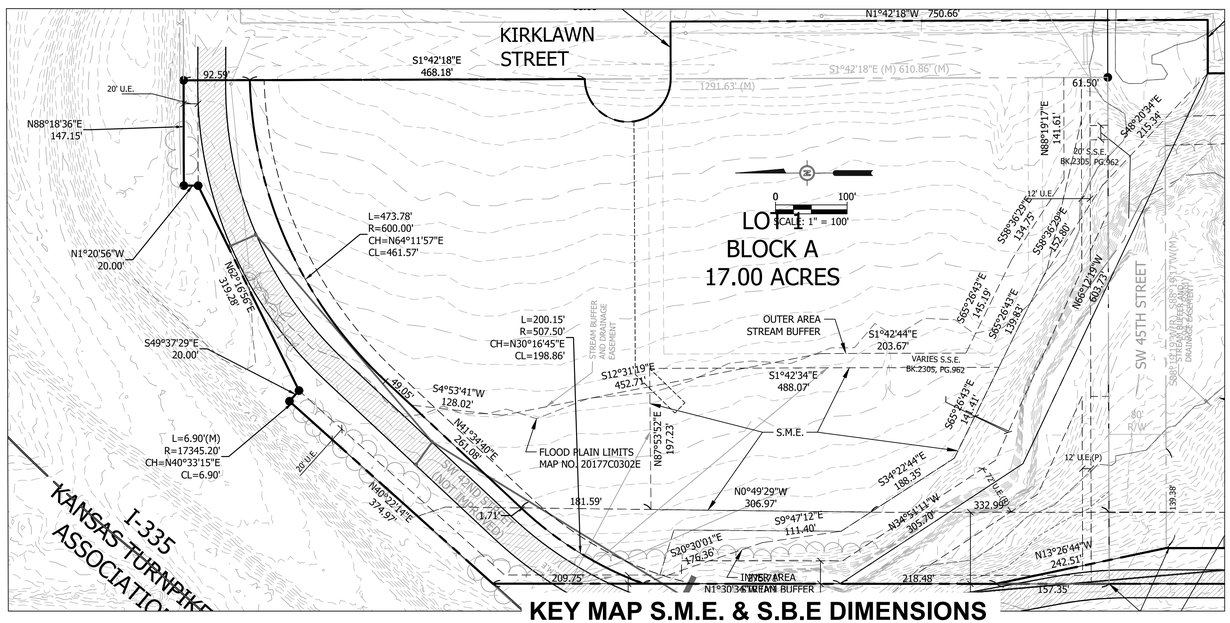
_____ _____
MICHELLE DE LA ISLA, MAYOR BRENDA YOUNGER, CITY CLERK

ENTERED ON THE TRANSFER RECORD OF SHAWNEE COUNTY, KANSAS THIS _____ DAY OF _____ , 20_____

_____
CYNTHIA A. BECK, COUNTY CLERK

FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS THIS _____ DAY OF _____, 20_____ AT _____ O'CLOCK.

_____
REBECCA J. NIOCE REGISTER OF DEEDS



KEY MAP S.M.E. & S.B.E DIMENSIONS

#	DESCRIPTION	DATE

Bartlett&West
1200 SW EXECUTIVE DRIVE - TOPEKA KS 66615.3850
PHONE 785.272.2252 - FAX 785.273.8736
www.bartlettwest.com

A PRELIMINARY PLAT FOR FRITO LAY SUBDIVISION NO. 3

A REPLAT OF LOT 2, BLOCK A, FRITO LAY SUBDIVISION NO. 3 AND A PROTION OF BLOCK 'C', SEYMOUR SUBDIVISION CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY:	ACS
DRAWN BY:	RCP
APPROVED BY:	ACS
DESIGN PROJ:	15400.203
CONST PROJ:	
SCALE:	AS NOTED
DATE:	MAY 2018
DRAWING NO:	P18/13
SHEET NO:	2 of 2

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Last edit on: 7/26/2018 2:38 PM by: RCP00722 Drawing Name: W:\Proj\15900\15400\15400.203\AutoCad\Plan Set\Plat\15400.203 Frito Lay Plat-Prelim.dwg Layout Name: PP 02 Plotted By: RCP00722 Plotted on: 7/26/2018 2:43:42 PM

A FINAL PLAT FOR:
FRITO LAY SUBDIVISION NO. 3

A REPLAT OF LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2 AND A PORTION OF BLOCK 'C', REPLAT OF SEYMOUR SUBDIVISION CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

PAGE : _____

DATE : _____

TIME : _____

DESCRIPTION:

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE 6TH P.M., LOCATED IN BLOCK C OF THE REPLAT OF SEYMOUR SUBDIVISION IN TOPEKA, SHAWNEE COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SEYMOUR SUBDIVISION NO. 3; THENCE SOUTH 01 DEGREE 42 MINUTES 18 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID SUBDIVISION, A DISTANCE OF 1291.63 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER, ALSO BEING THE SOUTH LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION; THENCE SOUTH 88 DEGREES 19 MINUTES 17 SECONDS WEST, COINCIDENT WITH SAID SOUTH LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION, A DISTANCE OF 707.90 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER, ALSO BEING THE SW CORNER OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION; THENCE NORTH 01 DEGREE 30 MINUTES 34 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, ALSO BEING THE WEST LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION, A DISTANCE OF 861.29 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE KANSAS TURNPIKE; THENCE NORTH 40 DEGREES 22 MINUTES 14 SECONDS EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 374.97 FEET; THENCE COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE ON A SPIRAL CURVE TO THE RIGHT HAVING A RADIUS OF 17345.20 FEET, AN ARC LENGTH OF 6.90 FEET, A CHORD BEARING OF NORTH 40 DEGREES 33 MINUTES 15 SECONDS EAST AND A CHORD LENGTH OF 6.90 FEET; THENCE SOUTH 49 DEGREES 37 MINUTES 29 SECONDS EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE NORTH 62 DEGREES 16 MINUTES 56 SECONDS EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 319.28 FEET; THENCE NORTH 01 DEGREE 20 MINUTES 56 SECONDS WEST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET TO THE NORTH LINE OF BLOCK C IN THE REPLAT OF SEYMOUR SUBDIVISION; THENCE NORTH 88 DEGREES 18 MINUTES 36 SECONDS EAST, COINCIDENT WITH SAID NORTH LINE OF BLOCK C, A DISTANCE OF 147.15 FEET TO THE POINT OF BEGINNING. CONTAINING 18.59 ACRES, MORE OR LESS.

AND

LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2, CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS. CONTAINING 57.5 ACRES, MORE OR LESS.

AND

THAT PART OF SW 45TH STREET CONTAINED IN FRITO LAY SUBDIVISION NO. 1 AND THAT PART OF SW KIRKLAWN AVENUE ADJACENT TO FRITO LAY SUBDIVISION NO. 1, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF FRITO LAY SUBDIVISION NO. 1, ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 15 EAST; THENCE NORTH 88 DEGREES 19 MINUTES 17 SECONDS EAST, COINCIDENT WITH THE NORTH LINE OF FRITO LAY SUBDIVISION NO. 1, A DISTANCE OF 33.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 19 MINUTES 17 SECONDS EAST, A DISTANCE OF 674.66 FEET TO THE WEST RIGHT OF WAY LINE OF SW KIRKLAWN AVENUE; THENCE NORTH 01 DEGREE 42 MINUTES 18 SECONDS WEST, COINCIDENT WITH SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 610.86 FEET; THENCE NORTH 88 DEGREES 17 MINUTES 44 SECONDS EAST, A DISTANCE OF 80.00 FEET TO THE EAST RIGHT OF WAY LINE OF SW KIRKLAWN AVENUE; THENCE SOUTH 01 DEGREE 42 MINUTES 18 SECONDS EAST, COINCIDENT WITH SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 750.66 FEET TO THE SOUTH RIGHT OF WAY LINE OF SW 45TH STREET; THENCE SOUTH 88 DEGREES 21 MINUTES 53 SECONDS WEST, COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 74.54 FEET; THENCE COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 70.00 FEET, AN ARC LENGTH OF 99.70 FEET (WHOSE CHORD BEARS NORTH 50 DEGREES 51 MINUTES 39 SECONDS WEST, CHORD LENGTH OF 91.49 FEET); THENCE SOUTH 88 DEGREES 19 MINUTES 17 SECONDS WEST, COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 594.22 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 'A', FRITO LAY SUBDIVISION NO. 2; THENCE NORTH 13 DEGREES 26 MINUTES 44 SECONDS WEST, A DISTANCE OF 81.72 FEET TO THE POINT OF BEGINNING. CONTAINING 2.67 ACRES, MORE OR LESS.

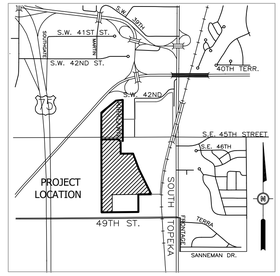
SURVEYOR CERTIFICATION:

I, JOHN SOMMERS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF KANSAS, DO HEREBY CERTIFY THAT I HAVE COMPLETED THE HEREON DESCRIBED SURVEY ON THE GROUND ON APRIL 11, 2018 AND THAT SAID SURVEY MEETS OR EXCEEDS CURRENT KANSAS MINIMUM STANDARDS ADOPTED BY KANSAS STATE BOARD OF TECHNICAL PROFESSIONS. THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

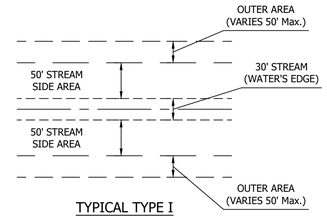
_____
JOHN SOMMERS P.S.#1542
BARTLETT & WEST

REVIEWED BY THE COUNTY SURVEYOR THIS _____DAY OF_____, 20_____,
IN ACCORDANCE WITH KSA CHAPTER 58, ARTICLE 20.

_____
DEBORAH J. THOMAS - P.S.#1461
COUNTY SURVEYOR



VICINITY MAP
NOT TO SCALE



TYPICAL TYPE I
S.B.E.

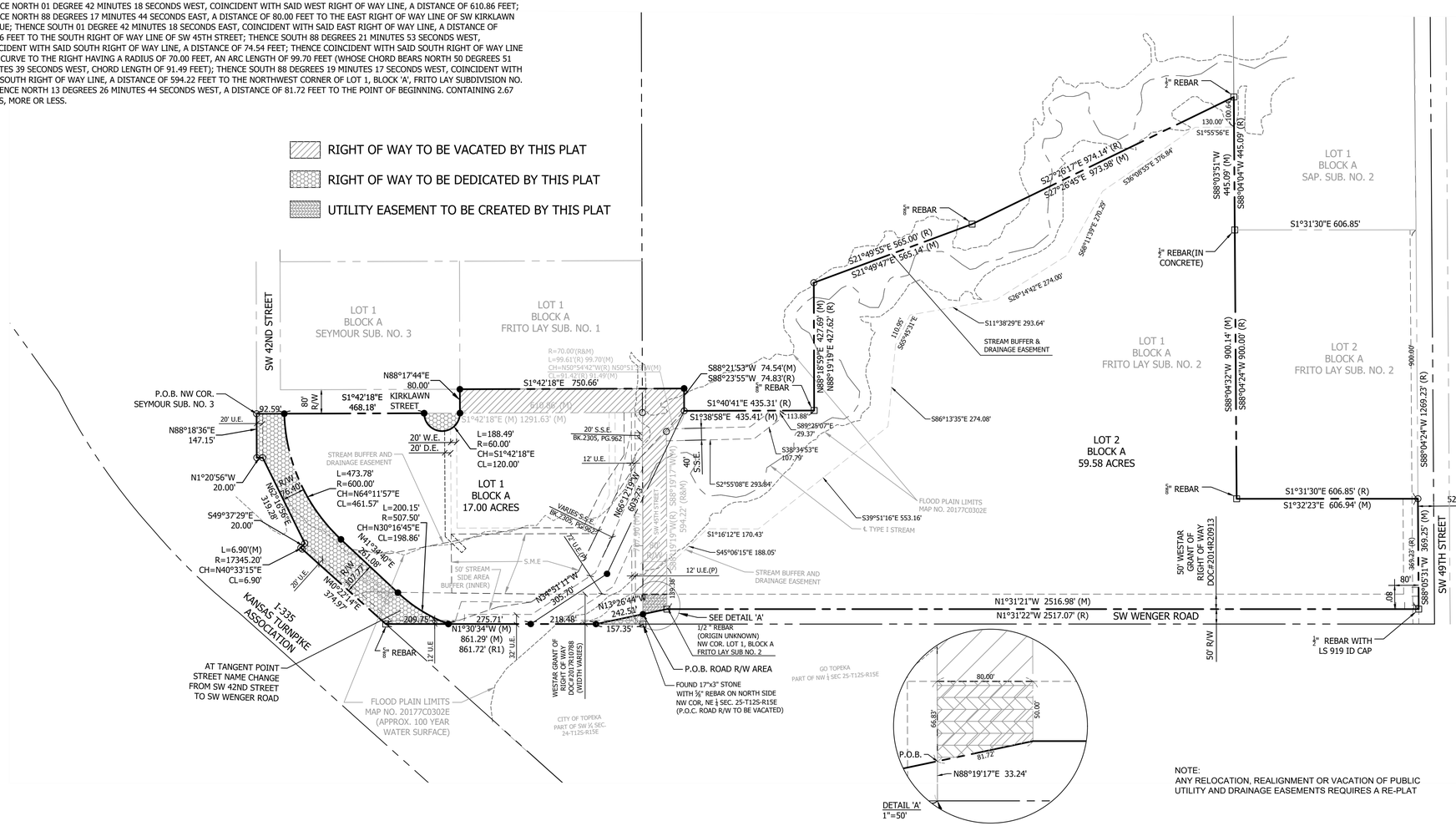
STREAMSIDE AREA - USES ALLOWED :

1. NATIVE VEGETATION
2. FOOT PATHS / BIKE PATHS
3. NATURAL DRAINAGE
4. UTILITY CORRIDORS

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION EXCEPT AS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS OR DESIGNEE

ANY BUFFER HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

PLEASE REFER TO SECTION 6 OF CITY OF TOPEKA CODE 17.10: BUFFER AREAS, FOR ALL PERTINENT MANAGEMENT GUIDELINES AND PROHIBITED PRACTICES AND ACTIVITIES WITHIN THE STREAM BUFFER AREAS.



LEGEND

D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
W.E	WATERLINE EASEMENT
S.M.E.	STORMWATER MANAGEMENT EASEMENT
S.B.E.	STREAM BUFFER EASEMENT
R/W	RIGHT OF WAY
S.S.E	SANITARY SEWER EASEMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

BOUNDARY LINE
SECTION LINE
RIGHT OF WAY LINE
LOT LINE
EASEMENT & SETBACK LINE
RESTRICTED ACCESS

● SET 5/8"x24" REBAR WITH BARTLETT & WEST CLS 14 ID CAP
○ FOUND 5/8"x24" REBAR WITH BARTLETT & WEST CLS 14 ID CAP
□ FOUND MONUMENT (SIZE & TYPE AS NOTED)
(M) MEASURED BEARING & DISTANCE
(R) RECORD BEARING & DISTANCE (FRITO LAY SUBDIVISION NO. 2)
(R1) RECORD BEARING & DISTANCE (REPLAT OF SEYMOUR SUBDIVISION)

NOTE:
ANY RELOCATION, REALIGNMENT OR VACATION OF PUBLIC UTILITY AND DRAINAGE EASEMENTS REQUIRES A RE-PLAT

0 200'
SCALE: 1" = 200'

BEARINGS BASED ON NAD 83
KANSAS NORTH ZONE STATE PLANE DATUM

#	DATE	DESCRIPTION

Bartlett & West
1200 SW EXECUTIVE DRIVE - TOPEKA KS 66615-3850
PHONE 785.272.2252 - FAX 785.273.8736
www.bartlettwest.com

A FINAL PLAT FOR FRITO LAY SUBDIVISION NO. 3

A REPLAT OF LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2 AND A PORTION OF BLOCK 'C', REPLAT OF SEYMOUR SUBDIVISION CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY:	ACS
DRAWN BY:	RCP
APPROVED BY:	ACS
DESIGN PROJ:	15400.203
CONST PROJ:	
SCALE:	AS NOTED
DATE:	MAY 2018
DRAWING NO:	P18/13
SHEET NO:	1 of 2

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Last edit on: 7/26/2018 2:42 PM by: RCP00722 Drawing Name: W:\Proj\15000\15400\15400.203\AutoCad\Plan Set\Plat\15400.203 Frito Lay Plat-Final.dwg Layout Name: FP 01 Plotted By: RCP00722 Plotted on: 7/26/2018 2:44:53 PM

BAR IS ONE INCH ON OFFICIAL DRAWINGS. 0 1" IF NOT ONE INCH, ADJUST SCALE ACCORDINGLY.

A FINAL PLAT FOR:
FRITO LAY SUBDIVISION NO. 3

A REPLAT OF LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2 AND A PORTION OF BLOCK 'C', REPLAT OF SEYMOUR SUBDIVISION CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

BOOK : _____

PAGE : _____

DATE : _____

TIME : _____

NOTES:

1. WATER SERVICE IS BY THE CITY OF TOPEKA, PURSUANT TO WATER ENGINEERING, AREAS WHERE LOCAL WATER SUPPLY IS: LESS THAN 40 PSI, THE BUILDER IS REQUIRED TO INCREASE WATER PRESSURE TO AT LEAST 40 PSI. GREATER THAN THE MAXIMUM WATER PRESSURE ALLOWED, SHALL BE GOVERNED BY THE UPC AND ITS AMENDMENTS.
2. SANITARY SEWER SERVICE SHALL BE BY THE CITY OF TOPEKA.
3. PART OF THIS PROPERTY LIES WITHIN ZONE A SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD WITH NO BASE FLOOD ELEVATIONS DETERMINED. THE REST OF THE PROPERTY LINES WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP (FIRM) No. 20177C0302E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.
4. PROPERTY OWNERS SHALL BE ADMONISHED FROM PLACING ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION IN PERMANENT SEWER OR UTILITY EASEMENTS. THIS INCLUDES, BUT IS NOT LIMITED TO, TREES, SHRUBS, FENCES, RETAINING WALLS, BUILDINGS OR OTHER MISCELLANEOUS OBSTRUCTIONS THAT INTERFERE WITH ACCESS OR EGRESS OF MAINTENANCE VEHICLES OR EQUIPMENT FOR THE OPERATION AND MAINTENANCE OF THE UTILITIES OR PIPE LINES LOCATED IN THE EASEMENT. ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION LOCATED IN THE PERMANENT SEWER UTILITY EASEMENT MAY BE REMOVED BY PERSONNEL REPRESENTING THE GOVERNING BODY, TO PROVIDE FOR THE PROPER OPERATION AND MAINTENANCE OF THAT UTILITY LINE, WITHOUT COST OR OBLIGATION FOR REPLACEMENT. COST OF REMOVAL, AND/OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
5. EASEMENTS ARE HEREBY GRANTED TO THE PUBLIC AS FOLLOWS: "UTILITY EASEMENTS" TO LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF THE CONDUITS FOR ALL AND ANY PURPOSES, WATER, GAS, SEWER MAINS, POLES AND WIRES OR ANY OR ALL OF THEM OVER, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENTS". A TEMPORARY CONSTRUCTION EASEMENT OF 12 FEET ADJACENT TO THE SIDE OF THE UTILITY EASEMENT IS DEDICATED FOR THE USE OF THE PUBLIC UTILITIES WHILE INITIAL CONSTRUCTION IS IN PROGRESS.
6. THE MINIMUM OPENING ELEVATION FOR LOT 1 AND LOT 2, BLOCK A SHALL BE 1 FOOT ABOVE THE HIGHEST ADJACENT 100-YR WATER SURFACE ELEVATION.
7. NO BUILDING PERMIT(S) SHALL BE ISSUED UNTIL ALL STORMWATER MANAGEMENT REQUIREMENTS SET FORTH IN TOPEKA MUNICIPAL CODE (TMC) CHAPTER 13.35 ARE MET INCLUDING: APPROVAL OF STORMWATER MANAGEMENT PLAN AND GRANTING OF ANY NECESSARY STORMWATER MANAGEMENT EASEMENTS.
8. STORMWATER MANAGEMENT EASEMENTS (SME) ARE HEREBY ESTABLISHED AS SHOWN OR DESCRIBED TO PROVIDE FOR THE MANAGEMENT OF STORM WATER INCLUDING, BUT NOT LIMITED TO, DETENTION, RETENTION, STORAGE AND TREATMENT OF STORM WATER. PROPERTY OWNERS AND THEIR ASSIGNS AND SUCCESSORS (PROPERTY OWNERS) AGREE TO INSTALL, CONSTRUCT, RECONSTRUCT, REPLACE, ENLARGE, REPAIR, OPERATE AND PROVIDE PERPETUAL MAINTENANCE OF PIPE, FLUME, DITCH, SWALE, VEGETATIVE AREAS OR MECHANICAL DEVICES FOR STORM WATER CONVEYANCE AND/OR TREATMENT, OR ANY IMPROVEMENTS IN THE SME FOR THE DRAINAGE AND/OR TREATMENT OF SAID STORM WATER. NO CHANGE TO THE GRADE, TOPOGRAPHY OR STORM WATER MANAGEMENT STRUCTURES AND IMPROVEMENTS IN THE SME SHALL BE MADE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE APPLICABLE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE. PROPERTY OWNERS SHALL NOT PLACE OR PERMIT ANY PERMANENT, SEMI-PERMANENT OR TEMPORARY OBSTRUCTION IN SAID SME INCLUDING, BUT NOT LIMITED TO, TREES, SHRUBS, VEGETATION, ROCKS, FENCES, RETAINING WALLS, LANDSCAPING, STRUCTURES, BUILDINGS OR OTHER OBSTRUCTIONS THAT INTERFERE WITH OR OBSTRUCT DESIGNED WATER FLOW AND/OR TREATMENT PROCESS IN AN ENGINEERED CHANNEL, CONDUIT, STRUCTURE OR AREA, NOR SHALL PROPERTY OWNERS OBSTRUCT, PREVENT OR OTHERWISE HINDER INGRESS, EGRESS OR OPERATION OF MAINTENANCE VEHICLES, EQUIPMENT AND PERSONNEL. UPON RECEIVING WRITTEN PERMISSION FROM THE APPLICABLE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE, PROPERTY OWNERS MAY CONSTRUCT AT THEIR OWN PERIL OTHER LIMITED IMPROVEMENTS AND/OR LANDSCAPING WITHIN THE SME WHICH DO NOT AND WILL NOT INTERFERE WITH THE FUNCTION OF THE STORM WATER MANAGEMENT SYSTEM. ANY OBSTRUCTIONS OR IMPROVEMENTS IN THE SME, PERMITTED OR NOT PERMITTED, MAY BE REMOVED BY THE APPLICABLE PUBLIC WORKS DEPARTMENT OR ITS CONTRACTOR TO PROVIDE FOR DESIGNED WATER FLOW AND/OR TREATMENT PROCESS OF THE STORM WATER MANAGEMENT SYSTEM. COST OF REMOVAL, DAMAGE AND ANY REPAIR OR REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. ALL MAINTENANCE AND REPAIRS WITHIN THE SME SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNERS OF THE PROPERTY ON WHICH THE SME IS LOCATED. HOWEVER, IF DESIGNED WATER FLOW AND/OR TREATMENT PROCESS ARE IMPEDED BY NEGLECTED MAINTENANCE, SYSTEM FAILURE OR ARE SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES CAUSING A HAZARD OR THREAT TO PUBLIC SAFETY, AS DETERMINED BY THE APPLICABLE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE, EMERGENCY OR CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE APPLICABLE PUBLIC WORKS DEPARTMENT OR ITS CONTRACTOR WITH COSTS CHARGED TO SAID PROPERTY OWNERS. UNPAID COSTS SHALL BE ASSESSED TO AND IMPOSED AS A LIEN ON THE LAND. THE APPLICABLE PUBLIC WORKS DEPARTMENT STAFF AND THEIR CONTRACTORS SHALL HAVE THE RIGHT TO ENTER UPON THE SME FOR PURPOSES OF PERIODIC OR SPECIAL INSPECTION AND/OR CORRECTIVE MAINTENANCE.
9. STREAM BUFFER EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR INFORMAL GREEN SPACE AND THE NATURAL UNOBSTRUCTED OVERLAND FLOW OF SURFACE WATER IN EXISTING DRAINAGE WAYS. PROPERTY OWNER(S) SHALL NOT PLACE PERMANENT OR SEMI-PERMANENT OBSTRUCTIONS IN SAID EASEMENT. ALL MAINTENANCE WITHIN THE STREAM BUFFER EASEMENT (SBE) SHALL BE THE RIGHT, DUTY, AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN WHICH THE EASEMENT IS SO LOCATED, HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE DIRECTOR OF THE APPLICABLE DEPARTMENT OF PUBLIC WORKS, CORRECTIVE MAINTENANCE MANY BE PREFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE APPLICABLE DEPARTMENT OF PUBLIC WORKS SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE.
10. RESTRICTED ACCESS LINE: DEFINES PORTION OF SUBDIVISION BOUNDARY IN WHICH THE PUBLIC IS NOT ALLOWED TO CROSS IN ORDER TO GAIN ACCESS TO THE SUBDIVISION.
11. ALL UTILITIES SHALL BE PLACED UNDERGROUND PURSUANT TO THE CITY'S RIGHT-OF-WAY MANAGEMENT STANDARDS.
12. PROPERTY OWNER(S) OF LOTS 1 AND 2 SHALL AGREE(S) TO AN IRREVOCABLE WAIVER OF OBJECTION TO PARTICIPATION IN A FAIR AND EQUITABLE STREET BENEFIT DISTRICT FOR THE FUTURE IMPROVEMENT OF SW 42ND STREET/ SW WENGER STREET TO CONNECT WITH SW 49TH STREET. THE CITY OF TOPEKA TRAFFIC ENGINEER SHALL DETERMINE PRIOR TO SITE DEVELOPMENT PLAN REVIEW FOR LOT 2 AND AS NOTED ON THE MASTER PUD PLAN FOR LOT 1 IF A TRAFFIC IMPACT ANALYSIS (TIA) OR TRAFFIC STATEMENT IS REQUIRED. IF THE ANALYSIS OR STATEMENT WARRANTS THE EXTENSION OF SW 42ND/WENGER, THESE IMPROVEMENTS SHALL BE CONSTRUCTED TO CITY STANDARDS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDING ON LOT 1 OR LOT 2 OR ACCORDING TO TIMING AS DETERMINED BY THE TIA OR TRAFFIC STATEMENT.
13. THE LOCATION AND SPACING OF DRIVEWAY OPENINGS ALONG SW KIRKLAWN STREET, SW 42ND STREET, AND SW WENGER STREET SHALL BE APPROVED BY THE CITY TRAFFIC ENGINEER FOR CONSISTENCY WITH CITY STREET DESIGN STANDARDS AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW FOR EACH PHASE.
14. RIGHT-OF-WAY THAT IS NECESSARY FOR THE EXTENSION OF SW 42ND STREET/SW WENGER STREET ON THE CITY OWNED PROPERTY TO THE WEST SHALL BE OBTAINED FROM THE CITY OF TOPEKA PUBLIC WORKS DEPARTMENT AND RECORDED WITH THE SHAWNEE COUNTY REGISTER OF DEEDS BY SEPARATE INSTRUMENT AT THE TIME STREET IMPROVEMENTS ARE MADE FOR THIS EXTENSION.
15. AT THE TIME OF THE STREET EXTENSION FOR SW WENGER, THE EXISTING 50' RIGHT OF WAY WHERE IT CURRENTLY CONNECTS TO SW 49TH STREET SHALL BE VACATED WHEN THE ADJACENT PROPERTY TO THE WEST IS PLATTED AND RIGHT OF WAY ON THAT PROPERTY IS DEDICATED FOR THE RE-ALIGNMENT OF SW WENGER STREET.
16. CHANNEL DRAINAGE EASEMENTS SHALL NOT BE OBSTRUCTED BY ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION. THIS INCLUDES, BUT IS NOT LIMITED TO, NEW TREES OR SHRUBS, FENCES, RETAINING WALLS, BUILDINGS OR OTHER MISCELLANEOUS OBSTRUCTIONS THAT INTERFERE WITH ACCESS AND EGRESS OF MAINTENANCE VEHICLES AND EQUIPMENT OR OBSTRUCT THE FLOW OF WATER IN THE CHANNEL SUCH THAT THE DESIGN CONDITIONS ARE NOT PRESENT. ANY PERMANENT OR SEMI-PERMANENT OBSTRUCTION LOCATED IN THE EASEMENT MAY BE REMOVED BY THE CITY OF TOPEKA, ITS EMPLOYEES, AND AGENTS TO PROVIDE FOR THE PROPER OPERATION AND MAINTENANCE OF THE CHANNEL WITHOUT ANY COST OR OBLIGATION FOR REPLACEMENT. COST OF REMOVAL AND REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
17. PURSUANT TO TMC 18.45.080, THE PLANNING COMMISSION HEREBY GRANTS A WAIVER TO THE PROVISION IN THE SUBDIVISION REGULATIONS REQUIRING A SIDEWALK BE CONSTRUCTED ALONG THE WEST SIDE OF SW KIRKLAWN STREET.
18. PURSUANT TO CHAPTER 7.10.080 OF THE TOPEKA MUNICIPAL CODE, APPROVAL OF A VARIANCE OR WAIVER FROM THE CITY OF TOPEKA UTILITIES DIRECTOR FOR DEVELOPMENT AND/OR CONSTRUCTION ACTIVITY IN THE STREAM BUFFER MAY BE REQUIRED AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW FOR EACH PHASE.
19. ANY RELOCATION, REALIGNMENT OR VACATION OF PUBLIC UTILITY AND DRAINAGE EASEMENTS REQUIRES A RE-PLAT.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) OF THE DESCRIBED TRACT OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND BLOCKS AND PUBLIC WAYS, (STREETS AND ROADS). THE PUBLIC WAYS NOT HERETOFORE DEDICATED ARE DEDICATED TO THE PUBLIC. TEMPORARY TURN-AROUND EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND SHALL BE AUTOMATICALLY VACATED WHEN STREETS ARE EXTENDED. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR USE BY PUBLIC UTILITIES TO LOCATE, CONSTRUCT AND MAINTAIN, OR AUTHORIZE THE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF CONDUITS FOR ALL OR ANY PURPOSE INCLUDING WATER, GAS, SEWER MAINS, POLES AND WIRES OR ANY OR ALL OF THEM OVER, UNDER AND ALONG STRIPS MARKED "UE". UTILITY EASEMENTS INCLUDE A 12-FOOT TEMPORARY CONSTRUCTION EASEMENT ADJACENT TO ALL UTILITY EASEMENTS. SAID CONSTRUCTION EASEMENTS ARE AUTOMATICALLY NULL AND VOID FOLLOWING INITIAL INSTALLATION OF UTILITIES WITHIN SAID UTILITY EASEMENTS AND SHALL NOT REQUIRE ANY ACTION BY THE GOVERNING BODY TO VACATE, REMOVE OR OTHERWISE ELIMINATE. FURTHERMORE, INITIAL UTILITY CONSTRUCTION SHALL BE CONSIDERED COMPLETE ON ANY LOT ON WHICH THERE IS AN OCCUPIED STRUCTURE.

NOTICE: IN THE EVENT THERE ARE OTHER OWNER(S) OR THOSE HOLDING ANY PROPRIETARY INTEREST IN ANY LAND CONTAINED IN THIS SUBDIVISION WHOM DO NOT APPEAR AND DULY ACKNOWLEDGE THIS PLAT PRIOR TO THE TIME OF RECORDING, THE PLAT SHALL BE NULL AND VOID.

IN TESTIMONY WHEREOF, THE OWNER(S), FRITO-LAY, INC, BY BETSY POWER, DIRECTOR, PEPSICO GLOBAL REAL ESTATE, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS 20th DAY OF July, 20 18.

Betsy K Power

BETSY POWER, DIRECTOR, PEPSICO GLOBAL REAL ESTATE

STATE OF TEXAS, COUNTY OF COLLIN, SS:

BE IT REMEMBERED THAT ON THIS 20th DAY OF July, 20 18, BEFORE ME A NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, CAME BETSY POWER, DIRECTOR, PEPSICO GLOBAL REAL ESTATE, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON(S) DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND, AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

JACALYN SILVERGLEIT
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES
OCTOBER 26, 2018

NOTARY PUBLIC

10/26/18
MY COMMISSION EXPIRES

CERTIFICATE OF APPROVALS:

APPROVED BY THE TOPEKA PLANNING COMMISSION THIS _____ DAY OF _____ 20_____.

_____
CHAIRMAN, TPC

_____
BILL FIANDER, PLANNING DIRECTOR

THIS SUBDIVISION HAS BEEN PRESENTED TO THE CITY COUNCIL, CITY OF TOPEKA, KANSAS, ON THE ___ DAY OF _____, 20_____FOR ACCEPTANCE OF LAND TO BE DEDICATED FOR PUBLIC PURPOSES. THE CITY COUNCIL HEREBY ACCEPTS THE LAND FOR PUBLIC PURPOSES.

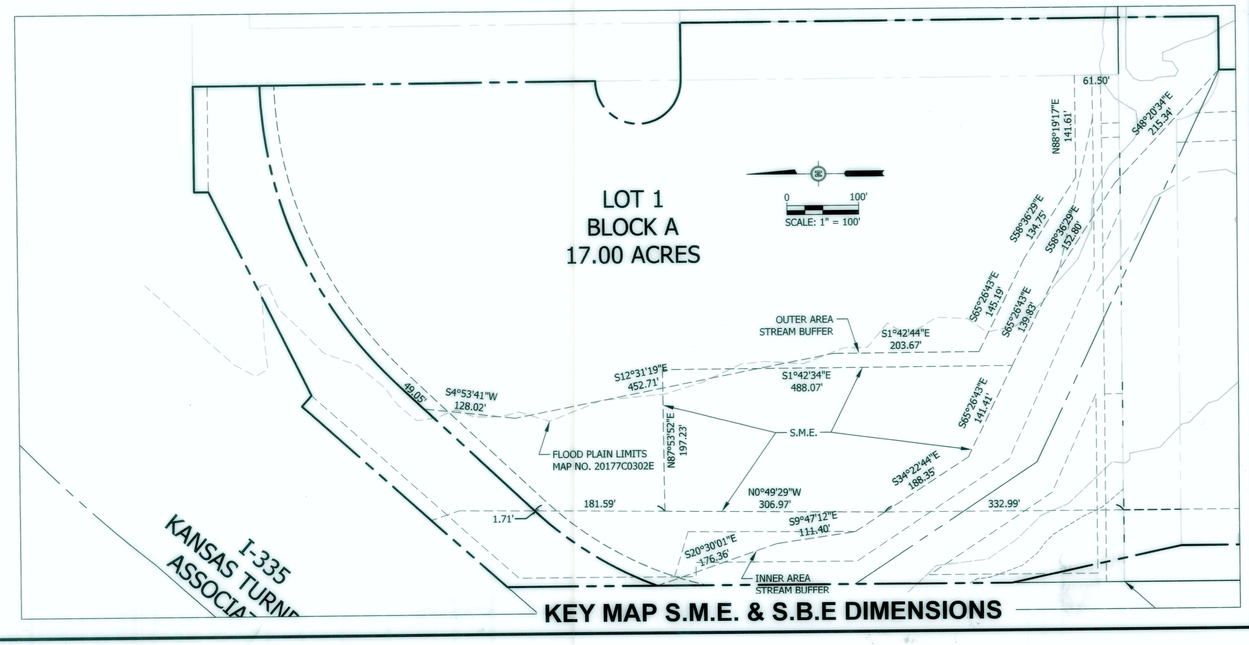
_____ _____
MICHELLE DE LA ISLA, MAYOR BRENDA YOUNGER, CITY CLERK

ENTERED ON THE TRANSFER RECORD OF SHAWNEE COUNTY, KANSAS THIS _____ DAY OF _____ , 20____

_____
CYNTHIA A. BECK, COUNTY CLERK

FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS THIS ____ DAY OF _____, 20_____ AT _____ O'CLOCK.

_____
REBECCA J. NIOCE REGISTER OF DEEDS



Bartlett&West
1200 SW EXECUTIVE DRIVE, TOPEKA KS 66615-3850
PHONE 785.272.2252 - FAX 785.273.9735
WWW.BARTWEST.COM

A FINAL PLAT FOR
FRITO LAY SUBDIVISION NO. 3
A REPLAT OF LOT 1, BLOCK A, FRITO LAY SUBDIVISION NO. 2 AND A PORTION OF BLOCK 'C', REPLAT OF SEYMOUR SUBDIVISION
CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

DESIGNED BY:	ACS
DRAWN BY:	RCP
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City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 14, 2018

DATE:	**August 14, 2018**	
CONTACT PERSON:	**Sasha Haehn, Neighborhood Relations Director**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:		**PROJECT #:**
CATEGORY/SUBCATEGORY	**004 Budgets or Appropriations / 001 Operating Budget - Grants to City**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:	**Approve the City of Topeka 2019 Consolidated Annual Action Plan**	**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of the City of Topeka 2019 Consolidated Annual Action Plan.

Voting Requirement: Majority vote of the Governing Body (6)

(Approval of the 2019 Consolidated Annual Action Plan includes program plans for approximately $6.2 million in HUD grant funding, City General Fund dollars and Capital Improvement Budget funding for the plan period 2019.)

POLICY ISSUE:

The Department of Neighborhood Relations, Division of Housing Services receives the majority of its funding from the U.S. Department of Housing & Urban Development (HUD). HUD requires the City to submit an Annual Action Plan that outlines the detailed programming and projects for the upcoming year. Submission of this plan to HUD will help secure approximately $6.2 million dollars in federal grant funding and General Fund and Capital Improvement Budget funds for housing and neighborhood improvements and economic development, as well as social services in the community.

STAFF RECOMMENDATION:

Staff is recommending approval of the City of Topeka 2019 Annual Action Plan.

BACKGROUND:

The City of Topeka's Consolidated Annual Action Plan is the detailed budget summary and the planning

document for the upcoming year's HUD funded programing and projects. The annual plan represents the planning and resource allocation of Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), HOME Investment Partnerships (HOME), Shelter Plus Care, General Fund and Capital Improvement funds within the City of Topeka.

The Department of Neighborhood Relations administers the programs funded through the various federal grant programs. The Annual Action Plan program development and implementation are aligned with the City's annual budget development process and Capital Improvement Plan (CIP) implementation process each year. This coordination enables grant funded programs to be enhanced with City General Fund dollars and Capital Improvement Budget (CIB) dollars. In addition, the General Fund and CIB dollars serve as required match funds to sustain the City's funding levels through the various federal grant programs. Programs administered include:

Housing Development & Redevelopment

- Major and Exterior Rehabilitation
- Emergency Rehabilitation
- Accessibility Modifications
- Voluntary Demolition
- Topeka Opportunity to Own (TOTO)
- Infill Housing/Housing Development/Redevelopment partnerships - Cornerstone and Habitat for Humanity
- Emergency Shelter
- Homeless Management Information System (HMIS)
- Rapid Rehousing
- Homeless Prevention

Community and Economic Development

- Empowerment Public Facility grants
- Stages of Resource Targeting (SORT) grants
- Neighborhood Support Funds
- Anti-blight Activities

Homeless/Social Services

- Social Service grants
- Shelter Plus Care program
- Contracted Services - housing and financial counseling

BUDGETARY IMPACT:

The 2019 Annual Action Plan includes program plans for approximately $6.2 million dollars in HUD grant funding and General Fund (GF) and Capital Improvement Budget (CIB) funds.

As noted in the August 7, 2018 presentation, the City received an increase of approximately $540,000 in our 2018 HUD funds. This was a combination of CDBG, HOME Investment Partnership and Continuum of Care grant funds. The additional funds will be utilized for increased services and projects in the community. In order to estimate conservatively for the upcoming budget year, staff utilizes the prior year's actual funding amount to create the upcoming year's budget. We are typically notified of our total funding from HUD sometime between May and August of each year. As we are operating the first several months of the year without knowing the actual funding we will receive from HUD, we try to budget as conservatively as possible. In years that we receive funding cuts, we are forced to cut programming mid-year to make up for the funding shortage. In years when we receive additional funding, we are able to provide more service and complete more projects within the community.

HUD Grant Funds

- CDBG - $1,828,435
- HOME - $601,656
- ESG - $147,220
- S+C - $1,692,717

General Fund and CIB

- SORT program - $1,400,000 (CIB)
- Social Service Programs - $424,566 (GF) Social Services grants and financial counseling contract with HCCI
- HOME and Shelter Plus Care required match - $120,000 (GF)

SOURCE OF FUNDING:

Community Development Block Grant, Emergency Shelter Grant, HOME Investment Partnerships, General Fund and Capital Improvement Budget.

ATTACHMENTS:

Description

2019 Draft budget Pre-HUD Allocations
2019 Consolidated Action Plan (Draft 07-31-18)
Notice of Public Hearing 2019 Consolidated Annual Action Plan
2019 Consolidated Action Plan Presentation

Final 2019 Consolidated Action Plan (Pre-HUD Allocations)

**Target Area Funds*

Description	CDBG	HOME	ESG	S + C	CIP/GF	SUBTOTAL	TOTALS	
HOUSING DEVELOPMENT							**$1,840,476**	**30%**
In-Fill Housing Development -3236	$3,824	$72,745.00				$76,569		
Existing Housing Rehabilitation	-	-						
Major Rehabilitation -3237	$66,163	$109,764			$33,500	$209,427		
Exterior Rehabilitation -3238	$77,800	-			$33,500	$111,300		
Emergency Rehabilitation -3239	$263,146	-			-	$263,146		
Accessibility Modifications -3240	$113,120	-				$113,120		
Voluntary Demolition -3241	$86,522	-				$86,522		
Homeownership	-	-						
Homeownership -TOTO -(50%*)-3242	$30,676	$177,589			-	$208,265		
Homeownership Counseling (50%*)-3243	$42,890	-			$33,000	$75,890		
CHDO - Non Profit Set Aside	-	-						
Housing Development (15%)-3249	-	$90,248				$90,248		
Operating Subsidy-3250	-	$20,590				$20,590		
Tenant-Based Rental Assistance-TBRA	-	$70,554				$70,554		
KDOC Affordable Housing -3245	$120,524	-				$120,524		
Rehabilitation Program Delivery (60%)-3244	$394,321	-				$394,321		
COMMUNITY DEVELOPMENT	-	-					**$137,890**	**2%**
Empowerment - Public Facility Grants	$137,890	-				$137,890		
NEIGHBORHOOD SERVICES	-	-					**$125,000**	**2%**
NIA Support-3246	$65,000	-				$65,000		
Anti-Blight Activities (50%*)-3247	$60,000	-				$60,000		
HOMELESS/SOCIAL SERVICES	-	-					**$2,201,971**	**35%**
Social Services	$67,000	-			$424,566	$491,566		
Emergency Solutions Grant-3252, 3253, 3254, 3234	-	-	$136,178			$136,178		
Shelter + Care-RENT	-	-		$1,574,227		$1,574,227		
ADMINISTRATION-3235, 3248, 3251	$299,559	$60,166	$11,042	$118,490	$20,000	$509,257	**$509,257**	**8%**
CIP Neighborhood Infrastructure [*]					$1,400,000	$1,400,000	**$1,400,000**	**23%**
						-		
TOTALS	**$1,828,435**	**$601,656**	**$147,220**	**$1,692,717**	**$1,944,566**	**$6,214,594**	**$6,214,594**	**100%**
Sources of Funds								
Regular Programs (subject to Appropriations)	$1,828,435	$601,656	$147,220	$1,692,717	$1,944,566	$6,214,594		**100%**
Program Income		-				$0		**0%**
Reprogrammed/Rolled Forward Funds - Prior Year						$0		**0%**
TOTAL	**$1,828,435**	**$601,656**	**$147,220**	**$1,692,717**	**$1,944,566**	**$6,214,594**	**$6,214,594**	**100%**

Targeted Program Funds		***$2,413,012***	***60%***
Non-targeted Program Funds		***$1,599,611***	***40%***
Note: 1) City Y&SS funds based on proposed City Manager's budget. 2)CIP $20,000 Administration of Shelter Plus Care Program.			
Homeless/Youth & Social Services	*These services are directed toward individual needs and are not part of the SORT targeting.*	***$2,201,971***	

2019 Consolidated Annual Action Plan
City of Topeka

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Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The Consolidated Plan regulations combine into a single submission the planning and application elements of the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), and HOME Investment Partnerships (HOME) programs. The reporting requirements for these programs are also consolidated into one performance report. In addition, the City produces the Consolidated Plan in order to ensure its eligibility for Supportive Housing, Shelter Plus Care, and other federal housing funds. The City of Topeka's Consolidated Plan program year runs from January 1, 2019 through December 31, 2019.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The following are the specific objectives and outcomes that the Department of Neighborhood Relations of the City of Topeka expects to achieve through community development activities funded by the CDBG, HOME, and ESG programs.

Objective: Enhance the quality of targeted Topeka neighborhoods

Measure: Increase homeownership; Decrease vacant houses; Stabilize/increase in property value of neighborhoods

Objective: Increase homeownership and rental housing opportunities

Measure: Households benefiting from services performed by KDOC housing rehabilitation; Homebuyers assisted financially; Single-family homes constructed; Housing units rehabilitated; Neighborhood infrastructure finance/started

Objective: Enhance the linkage of housing with supportive services

Measure: Citizens housed through Shelter programs; Homeless persons assisted; Homeless situations prevented; Families achieving self-sufficiency; Citizens receiving supportive services

Objective: Leveraging Federal Resources

Measure: Home required match provided; CIP neighborhood infrastructure; Debt capital investment generated; Additional Financial opportunities obtained; Non-paid citizen volunteer

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City of Topeka has monitoring procedures in regards to funds provided by HUD. The procedures were developed to address federal, state and city statutory and regulatory requirements in addition to providing City staff with a system of ensuring project compliance and accomplishments. The City reports annually on the progress made toward meeting the goals established for assisting families.

The City has three major monitoring tools: policies, contract requirements and on-site monitoring. All projects are evaluated to determine if they are eligible, consistent with local, state and federal regulations and viable.

Projects funded through CDBG, HOME, and ESG will be managed directly through the Department of Neighborhood Relations. All contracts contain the federal, state and local program requirements by which each sub-grantee must abide. Contracts are mailed to the agencies for their review before being executed. Construction projects that require compliance with federal wage standards are monitored by the City's Purchasing Department and its contract compliance officers to ensure compliance with Davis Bacon and all other purchasing requirements.

During the project year, City staff schedules monitoring visits with selected sub-grantees. During the site visit the monitor reviews and records any evidence of performance in the administration of the program, benefit to low-income households, procurement procedures, record keeping, etc. The City has standardized procedures that are submitted to HUD.

During the affordability period the units and related rental documents are subject to regular inspection and review to ensure the units remain affordable as to qualified tenants, rent levels, and that units are maintained in program acceptable condition.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

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In order to comply with the objectives established for the City of Topeka's Citizen Participation Plan, the following policies will be implemented by the Department of Neigborhood Relations:

Staff members will be available to furnish interested citizens with information concerning: The total amount of CDBG, ESG and HOME funds expected to be available for use; and the range of activities that may be undertaken with those funds.

The City of Topeka will publish the one (1) year action plan in the City's official newspaper. The summary will include the content and purpose of the consolidated plan and will contain a list of the locations where copies of the entire plan may be examined. A comment period of no less than thirty (30) calendar days after publication of the summary will be allowed for citizen input. In accordance with established policy, the City of Topeka will respond to written comments on the Consolidated Plan within fifteen (15) working days.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Comments received from citizens included:

- NIA information should be dispersed when working on homes. They should be encouraged to attend NIA meetings
- Remove money from demo, exterior and major rehab and move it into emergency and accessibility programs
- Do a survey with SORT grant for better customer service
- Utilize the CIRCLES group to help people get out of poverty
- Don't change what you are currently doing
- Eliminate $2,800 from Exterior Rehab
- Reallocate $33,500 from Exterior Rehab to Emergency
- Reallocate $35,000 from NIA support; $15,000 to KDOC and $22,800 to accessibility
- Improve requirements on newsletters for NIA support
- Focus accessibility program more on tenants (interior use)
- Add Major rehab $15,000
- Add Emergency Rehab $10,000
- Add accessibility Rehab $10,000
- Remove $20,000 from Empowerment
- Remove $15,000 from NIA support
- Reduce demolition by $15,000
- Reduce Major Rehab by $10,000 and move to homeownership counseling
- Accessibility available more to rentals

- Teach NIA to use social media instead of newsletters]
- Increase social service budget
- Redirect anti-blight funds to local neighborhoods
- Increase funds for accessibility
- Decrease NIA support by $22,500; utilize other ways instead of sending newsletters
- Move one inmate crew from KDOC to anti-blight
- Increase money for demolition while decreasing or eliminating exterior rehab
- Create program to assist with bedbugs
- Increase accessibility
- Remove $6,522 from the demolition program
- Add funding to assist with utilities in the amount of $5,522
- Create program to help citizens get ID's and birth certificates $1,000
- Create a weatherization program for rentals

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were reviewed and some comments were rejected as they were outside the parameters for the CDBG and HOME program specifications and some comments were rejected as there were no funds available to increase grants or general fund resources for social services.

7. Summary

The City of Topeka's 1 year Action Plan for 2019 establishes a unified vision for community and economic development by integrating the issues in a comprehensive and coordinated fashion.

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PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	TOPEKA	Department of Neighborhood Relations
HOME Administrator	TOPEKA	Department of Neighborhood Relations
ESG Administrator	TOPEKA	Department of Neighborhood Relations

Table 1 – Responsible Agencies

Narrative (optional)

Consolidated Plan Public Contact Information

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AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

Obtaining the input of citizens, professionals, and other governmental entities is of the utmost importance during the draft of the Consolidated Action Plan. Effectively planning for a community would be difficult, if not impossible, without the support of its residents, especially low-income citizens directly affected by community development projects and programs. It is for these reasons that citizen participation is strongly encouraged throughout the processes of community revitalization planning.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The City of Topeka coordinates services for housing with private and public assisted entities.

Health Services are provided by the Shawnee County Health Agency, Veterans Administration, Stormont Vail, Grace Med and Valeo Behavioral Health Care. The range of services provides access to youth up to the elderly. The collaboration is essential in providing health care to those in need to help maximize money and service the community. The child welfare agency is Kansas Department of Children and Families (DCF) and Kansas Childrens Service League; they provide runaway youth programs and collaborate with the CoC in efforts to help alleviate homelessness. Additionally, the Shawnee County Health Agency is responsible for youth lead poisoning and gives the City of Topeka updates on the needs in our community.

Positive Connections provides HIV/AIDS services to the community. The collaboration with the City of Topeka continues as they are a part of the CoC.

The Topeka Housing Authority plays a key role in the coordination of services for housing needs in the community. The needs of the THA are key in development of services that the City of Topeka implements. Every effort has been made to reach out to all parties and get feedback on what they see as areas for growth.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Topeka serves as the lead agency for the Continuum of Care. The CoC serves to coordinate efforts of all community stakeholders and service providers. As the lead agency, the city has ongoing constant communication with other providers who serve the chronically homeless, families with children, veterans, and unaccompanied youth. Examples of these providers include: Kansas Service Childrens League, Veterans Administration, Valeo Behavioral Health Care, Topeka Rescue Mission, etc. These agencies also address persons at risk to help alleviate future homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The chairperson of the HTF annually appoints a monitoring committee. The monitoring committee is responsible for conducting the on-site reviews and assessing performance standards. Once the monitoring committee has made recommendations, the reports are provided to the Homeless Task Force, which is the governing body of the CoC.

A request for proposal is sent out to the public to apply for ESG funds. Once the scores are established, a recommendation is made to the Homeless Task Force (HTF), the governing body of the CoC.

The City of Topeka manages the HMIS system. ESG agencies report quarterly on the outcomes of their programs and activities. Each agency funded with ESG funds is required to enter services into the system. The City of Topeka has policies and procedures for use of the system that each agency must adhere to.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

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Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	Topeka Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing Services-Children Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides information on housing needs, numbers of people affected, and strategies to alleviate the problem.
2	**Agency/Group/Organization**	YWCA
	Agency/Group/Organization Type	Housing Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services - Victims
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Strategy

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides information on the needs of persons experiencing domestic violence and strategies to help woman and children.A research-based program utilizing comprehensive education to empower young people to make healthy responsible decisions to reduce risky adolescent sexual behavior that can result in pregnancy and sexually transmitted infections.Purpose of the Center for Safety and Empowerment Shelter expenses.Provide a confidential emergency shelter, a 24-hour hotline and services to victims of domestic violence. There is also response to after-hours referrals received from law enforcement and hospitals.
4	**Agency/Group/Organization**	Citizen's Advisory Council
	Agency/Group/Organization Type	Business and Civic Leaders Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Market Analysis Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Citizen's Advisory Council is an integral part of the consolidated plan and provide essential input for the completion of the plan.

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5	**Agency/Group/Organization**	Housing and Credit Counseling, Inc.
	Agency/Group/Organization Type	Housing Services-Education Service-Fair Housing Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Market Analysis Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Housing and Credit Counseling provides fair housing information and statistics on people experiencing difficulties with their landlord or renter.Provide home ownership training for Topeka Opportunity to Own (TOTO) project clients.Provide services to council clients on their rights and responsibilities under the KS Residential Landlord and Tenant Act, City of Topeka Housing Code and Fair Housing Law. Also to utilize community social service resources to retain housing and avoid homelessness and to help resolve tenant landlord issues.
7	**Agency/Group/Organization**	CORNERSTONE OF TOPEKA, INC.
	Agency/Group/Organization Type	Housing Services - Housing Services-Persons with Disabilities Services-homeless

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	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Cornerstone of Topeka is crucial for the development of the Con Plan. They are the affordable housing provider in Topeka that focuses on low/moderate income individuals and families. They provide low rents to make the homes affordable. Their work with the Con Plan is important as it relates to affordable housing strategies.
8	**Agency/Group/Organization**	Valeo Behavioral Health Care
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Services - Victims Publicly Funded Institution/System of Care

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	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Valeo Behavioral Health Care is the community mental health center. They work with the Con Plan to improve coordination for the homeless in the community. Their input assisted with the development of social service funds being provided in the community.Social Detoxification Program, Valeo provides a safe, non-medical, therapeutic environment for clients with acute withdrawal from substance abuse.
9	**Agency/Group/Organization**	UNIVERSITY OF KANSAS MEDICAL PRACTICE ASSOCIATION
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services - Victims Health Agency
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	KU Med provides the community with information on how the City can assist with the low-income population while assisting with health related issues. This collaboration will give the City a more holistic approach to serving clientele.
10	**Agency/Group/Organization**	Homeless Task Force
	Agency/Group/Organization Type	Services-Education Planning organization Business Leaders Civic Leaders
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Market Analysis Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Homeless Task Force is the governing body of the CoC. The CoC and its members are important to the Con Plan process to help the City address homelessness in the community.

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11	**Agency/Group/Organization**	Stormont Vail Health Care
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services - Victims Publicly Funded Institution/System of Care Business Leaders
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Stormont Vail Health Care was consulted about the Con Plan to bring in health care aspects of low-income individuals. The Con Plan addresses these issues with social service funds and other anti-poverty strategies.
14	**Agency/Group/Organization**	Shawnee County Department of Corrections
	Agency/Group/Organization Type	Housing Publicly Funded Institution/System of Care Other government - State Regional organization
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Shawnee County Department of Corrections was consulted to assess the re-entry process. This is ongoing communication since they currently are releasing into homelessness. Ongoing communication will ensure better coordination of people being released from corrections.
18	**Agency/Group/Organization**	CASA-Child in Need of Care
	Agency/Group/Organization Type	Housing Services-Children Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Child Welfare Agency Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Use Court Appointed Special Advocates (CASA), volunteers, appointed by the court to help abused and neglected children by advocating for social services and legal decisions that are in the best interest of the children.

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19	**Agency/Group/Organization**	Catholic Charities Of NEKS
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless Service-Fair Housing Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Rapid Re-Housing (primarily for rental and or utility deposits and or first months rent.Provide rental and utility assistance to establish housing or keep from becoming homeless.

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20	**Agency/Group/Organization**	COMMUNITY ACTION
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-homeless Services-Education Child Welfare Agency Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provide a youth development program that uses an evidence based curriculum, based within the game of gold to instill life and character building skills to children ages 7 through 18.Homeless Prevention (primarily for rental arrears, utility disconnects and staff salaries)Rapid Re-Housing (primarily for rental deposit and or first months rent).

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21	**Agency/Group/Organization**	DOORSTEP INC
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Victims of Domestic Violence Services-homeless Services-Health Services - Victims Health Agency Child Welfare Agency Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provide prescription/dental assistance and transportation costs for families or individuals in need.Provide rent and utility assistance for families or individuals facing eviction or disconnection of utility services; Rental arrears and rental deposit and/or first month's rent.

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22	**Agency/Group/Organization**	East Topeka Council of Aging
	Agency/Group/Organization Type	Services-Elderly Persons Services-Persons with Disabilities Services-Health Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provide transportation, check-up phone calls, senior companions, educational and recreational activities to senior citizens and adults with disability, so they may achieve and maintain an optimum level of physical, nutritional, social and mental function in order to maintain their health, dignity and independence.
24	**Agency/Group/Organization**	Jayhawk Area on Aging
	Agency/Group/Organization Type	Services-Elderly Persons Services-Health Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provide unbiased education and assistance to new Medicare recipients informing them of the variety of supplemental insurance policies available to them.

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25	**Agency/Group/Organization**	LET'S HELP INC.
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-homeless Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provide rental and utility assistance to establish housing or keep from becoming homeless. Homeless Prevention (primarily for rental arrears, utility disconnects). Rapid Re-Housing (primarily for rental deposit and or first months rent).
28	**Agency/Group/Organization**	THE SALVATION ARMY
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless

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	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provide rental and utility assistance to establish housing or keep from becoming homeless.
29	**Agency/Group/Organization**	Shawnee County District Court
	Agency/Group/Organization Type	Services-Health Other government - County
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A program that combines problem-solving court sessions, community supervision and treatment into a public health approach towards helping substance-using offenders.
30	**Agency/Group/Organization**	Shawnee Medical Society
	Agency/Group/Organization Type	Services - Housing Services-Health Other government - County
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides for assistance for low-income uninsured residents of Shawnee County in finding medical homes/preventative primary care with access to donated specialty care, hospital services and medication.
31	**Agency/Group/Organization**	Shawnee Regional Prevention & Recovery
	Agency/Group/Organization Type	Services-Health Services-Education Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Conduct activities to prevent crime and substance use through citizen empowerment and mobilization by educating and empowering the community through presentations, trainings and meetings.

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32	**Agency/Group/Organization**	City of Topeka Development Services
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Development Services Department for the City of Topeka is instrumental in providing data on housing needs, numbers of people affected, and strategies to alleviate the problem.

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33	**Agency/Group/Organization**	Department of Children and Families
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Child Welfare Agency Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides information on housing needs, numbers of people affected, and strategies to alleviate the problem.

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34	**Agency/Group/Organization**	Strengthening Equipping Neighborhoods Together
	Agency/Group/Organization Type	Services-Children Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides information on housing needs, numbers of people affected, and strategies to alleviate the problem.
35	**Agency/Group/Organization**	USD 501
	Agency/Group/Organization Type	Services-Children Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides information on housing needs, numbers of people affected, and strategies to alleviate the problem.

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36	**Agency/Group/Organization**	KANSAS HOUSING RESOURCES CORPORATION
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Publicly Funded Institution/System of Care Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides information on housing needs, numbers of people affected, and strategies to alleviate the problem.

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37	**Agency/Group/Organization**	City of Topeka Planning Department
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Planning Department for the City of Topeka is instrumental in providing data on housing needs, numbers of people affected, and strategies to alleviate the problem.

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38	**Agency/Group/Organization**	Habitat for Humanity
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Habitat for Humanity helps in the development of the Con Plan. They are the affordable housing provider in Topeka that focuses on low/moderate income individuals and families. They provide low rents to make the homes affordable. Their work with the Con Plan is important as it relates to affordable housing strategies.

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39	**Agency/Group/Organization**	City of Topeka Emergency Management
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Emergency Management Department for the City of Topeka is instrumental in providing data on housing needs, numbers of people affected, and strategies to alleviate the problem.

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40	**Agency/Group/Organization**	City of Lawrence
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides information on housing needs, numbers of people affected, and strategies to alleviate the problem.

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41	**Agency/Group/Organization**	Shawnee County Parks and Rec
	Agency/Group/Organization Type	Housing Services - Housing Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides information on housing needs, numbers of people affected, and strategies to alleviate the problem.
42	**Agency/Group/Organization**	City of Topeka Utilities
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Utilities Department for the City of Topeka is instrumental in providing data on housing needs, numbers of people affected, and strategies to alleviate the problem.
43	**Agency/Group/Organization**	Circles of Greater Topeka
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides information on housing needs, numbers of people affected, and strategies to alleviate the problem.

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44	**Agency/Group/Organization**	Heartland Visioning
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides information on housing needs, numbers of people affected, and strategies to alleviate the problem.
45	**Agency/Group/Organization**	Shawnee County Community Developmental Disability Organization
	Agency/Group/Organization Type	Services-Persons with Disabilities Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provides information on housing needs, numbers of people affected, and strategies to alleviate the problem.

Identify any Agency Types not consulted and provide rationale for not consulting

None

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	City of Topeka, Kansas	The Continuum of Care plan is part of the strategic plan. The CoC partners have identified permanent supportive housing as a need and the city is aware of this need in the community. If grant opportunities present themselves, the City will make every effort to leverage more resources.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

All of our community partners are important in the process of obtaining citizen input.

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AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

The City of Topeka holds public meetings and public hearings to encourage citizen participation. Newspaper ads are created to announce meetings, hearings and public comment periods. In addition, E-mails are sent to Neighborhood leaders in the community as well as to NIA's.

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Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Citizens Advisory Council	Non-targeted/broad community	Con Plan presented at Citizen's Advisory Council held on April 4, 2018.	NIA information should be dispersed when working on homes. They should be encouraged to attend NIA meetings; Remove money from demo, exterior and major rehab and move it into emergency and accessibility programs; Do a survey with SORT grant for better customer service; Utilize the CIRCLES group to help people get out of poverty; Dont change what you are currently doing	Without more federal funds many of the funding changes were not possible.	

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Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
				Eliminate $2,800 from Exterior Rehab; Reallocate $33,500 from Exterior Rehab to Emergency; Reallocate $35,000 from NIA support; $15,000 to KDOC and $22,800 to accessibility; Improve requirements on newsletters for NIA support; Focus accessibility program more on tenants (interior use); Add Major rehab $15,000; Add Emergency Rehab $10,000; Add accessibility Rehab $10,000; Remove $20,000 from Empowerment; Remove $15,000 from NIA support; Reduce demolition by $15,000; Reduce Major Rehab by $10,000 and move		

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Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Homeless Task Force Meeting	Non-targeted/broad community	Con Plan presented at Homeless Task Force Meeting held on May 9, 2018 at 1:00 p.m.	None	N/A	
4	Email Blast	Non-targeted/broad community	Emails sent to neighborhood leaders in the community.	Increase the number of SORT areas and increase SORT funding. Increase NIA funds. Increase infill housing funds. Add more general fund money.	After discussion with others in the community the department received equal number of requests to increase funds with no way to do so. If the money is available we will increase funding in these areas.	

Table 4 – Citizen Participation Outreach

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Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

For 42 years the Department of Neighborhood Relations (DNR) has administered a variety of federally funded housing and neighborhood programs that have widespread economic impacts. Four of the primary funding sources are from the U.S. Department of Housing and Urban Development (HUD). They include: 1) Community Development Block Grant, 2) HOME Investment Partnership Grant, 3) Shelter Plus Care, and 4) Emergency Shelter Grants. These programs are identified and administered through the City's approved 2016-2020 Consolidated Plan, the annual Consolidated Action Plans, and the Continuum of Care. In addition to the federal funds, DNR receives matching funds for the HOME Program as well as funds for Youth & Social Services from the City General Fund. In addition, CIP funds are also allocated to identified Target Areas.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		

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Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	1,828,435	0	0	1,828,435	1,828,435	CDBG funds will be used for administration, housing activities, public improvements, and public services.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	601,656	0	0	601,656	601,656	HOME funds will be used for homebuyer assistance, homeowner rehabilitation, new construction and tenant based rental assistance.

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Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	147,220	0	0	147,220	147,220	ESG will be used for rapid re-housing, homeless prevention and shelter activity.

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Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
Competitive McKinney-Vento Homeless Assistance Act	public - federal	Housing TBRA	1,692,717	0	0	1,692,717	1,692,717	Shelter Plus Care is a program designed to provide rental assistance to homeless persons with disabilities, (primarily those with serious mental illness, chronic problems with alcohol and/or drugs, or diagnosed with AIDS or a related disease) as a bridge to self- sufficiency. Participants may choose their residence from units where the landlord agrees to accept the established housing subsidy and abide by the Shelter Plus Care program guidelines. This rental assistance will provide the ongoing financial support needed to maintain the chosen residence as the participant works toward establishing greater financial stability and self-sufficiency.Individuals and families pay approximately 30% of their monthly-adjusted income toward the rent. If TBRA assistance was more readily available it would benefit the city'slarge percentage of low income individuals.

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Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
General Fund	public - local	Economic Development Public Improvements	1,944,566	0	0	1,944,566	1,944,566	Capital Improvement program dollars for infrastructure, rehabilitation and replacement in LMI neighborhoods. General Fund for Social Services. The remainder is match for the HOME program.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The department's Stages of Resource Targeting program leverages $330,000 in federal housing funds to acquire $1.4 million investment from the city's capital improvement funds. The combination of these funds is used to target housing and infrastructure needs in the city's most blighted and lowest income neighborhoods.

The Continuum of Care grant provides $1.6 million of in-kind match for Shelter Plus Care program. The city also provides $20,000 to the program as match to assist with administration.

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If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

City owned land is often converted to assist the department with infill housing for low to moderate income households. The land is also used for empowerment projects to build on, or create parks and sidewalks for neighborhoods.

Land is also used to help partner with service providers with the same mission to help provide affordable housing opportunities.

Discussion

The City is leveraging federal, state, and local funds to enhance affordable housing opportunities in Topeka. In addition, we are using our partnerships with affordable housing and social service providers, as well as other community stakeholders and residents. These collaborations enable the City's Department of Neighborhood Relations to maximize the HUD objectives.

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Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Infill Housing	2016	2020	Affordable Housing	Intensive Care Areas At-Risk Areas	Increase Homeownership and Rental Housing	CDBG: $3,824 HOME: $72,745	Homeowner Housing Added: 1 Household Housing Unit
2	Major Rehabilitation	2016	2020	Affordable Housing	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	CDBG: $66,163 HOME: $109,764 General Fund: $33,500	Homeowner Housing Rehabilitated: 9 Household Housing Unit
3	Exterior Rehabilitation	2016	2020	Affordable Housing	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	CDBG: $77,800 General Fund: $33,500	Rental units rehabilitated: 7 Household Housing Unit
4	Emergency Rehabilitation	2016	2020	Affordable Housing Homeless	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	CDBG: $263,146	Homeowner Housing Rehabilitated: 70 Household Housing Unit

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Accessibility Modifications	2016	2020	Affordable Housing Homeless	Intensive Care Areas At-Risk Areas	Increase Homeownership and Rental Housing	CDBG: $113,120	Rental units rehabilitated: 20 Household Housing Unit Homeowner Housing Rehabilitated: 25 Household Housing Unit
6	Voluntary Demolition	2016	2020	Non-Housing Community Development	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	CDBG: $86,522	Buildings Demolished: 4 Buildings
7	Homeownership	2016	2020	Affordable Housing	Intensive Care Areas At-Risk Areas	Increase Homeownership and Rental Housing	CDBG: $30,676 HOME: $177,589	Homeowner Housing Added: 9 Household Housing Unit
8	Homeownership Counseling	2016	2020	Affordable Housing	Intensive Care Areas At-Risk Areas	Increase Homeownership and Rental Housing	CDBG: $42,890 General Fund: $33,000	Other: 220 Other
9	CHDO Housing Devleopment	2016	2020	Affordable Housing	Intensive Care Areas At-Risk Areas	Increase Homeownership and Rental Housing	HOME: $90,248	Rental units rehabilitated: 1 Household Housing Unit
10	CHDO Operating Subsidy	2016	2020	Affordable Housing	Intensive Care Areas At-Risk Areas	Increase Homeownership and Rental Housing	HOME: $20,590	Other: 1 Other

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
11	Tenant Based Rental Assistance	2016	2020	Homeless	Intensive Care Areas At-Risk Areas	Increase Homeownership and Rental Housing	HOME: $70,554	Tenant-based rental assistance / Rapid Rehousing: 30 Households Assisted
12	Inmate Program	2016	2020	Affordable Housing	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	CDBG: $120,524	Public service activities for Low/Moderate Income Housing Benefit: 2000 Households Assisted
13	Program Delivery	2016	2020	Affordable Housing	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	CDBG: $394,321	Other: 1 Other
14	Empowerment Projects	2016	2020	Non-Housing Community Development	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	CDBG: $137,890	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2447 Persons Assisted
15	NIA Support	2016	2020	Non-Housing Community Development	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	CDBG: $65,000	Public service activities for Low/Moderate Income Housing Benefit: 17816 Households Assisted
16	Anti-Blight Activities	2016	2020	Non-Housing Community Development	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	CDBG: $60,000	Public service activities for Low/Moderate Income Housing Benefit: 17816 Households Assisted

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
17	Social Service Grants	2016	2020	Affordable Housing	At-Risk Areas	Enhance Linkage of Housing with Support Services	CDBG: $67,000 General Fund: $424,566	Public service activities for Low/Moderate Income Housing Benefit: 1000 Households Assisted
18	Emergency Solutions Grant	2016	2020	Homeless	Intensive Care Areas At-Risk Areas	Enhance Linkage of Housing with Support Services	ESG: $147,220	Tenant-based rental assistance / Rapid Rehousing: 30 Households Assisted Homelessness Prevention: 100 Persons Assisted
19	Shelter Plus Care	2016	2020	Homeless	Intensive Care Areas At-Risk Areas	Enhance Linkage of Housing with Support Services	Competitive McKinney-Vento Homeless Assistance Act: $1,574,227	Housing for Homeless added: 541 Household Housing Unit
20	Administration for CDBG	2016	2020	Affordable Housing	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	CDBG: $299,559	Other: 1 Other
21	HOME Administration	2016	2020	Affordable Housing	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	HOME: $60,166	Other: 1 Other

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
22	SORT Infrastructure	2016	2020	Infrastructure Activities	Intensive Care Areas At-Risk Areas	Enhance Quality of Targeted Neighborhoods	General Fund: $1,400,000	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 2000 Households Assisted
23	Administration for Shelter Plus Care	2016	2020	Homeless	Intensive Care Areas At-Risk Areas	Enhance Linkage of Housing with Support Services	Competitive McKinney-Vento Homeless Assistance Act: $118,490 General Fund: $20,000	Other: 1 Other

Table 6 – Goals Summary

Goal Descriptions

1	**Goal Name**	Infill Housing
	Goal Description	The CDBG and HOME Grants provide infill housing opportunities in both at-risk and intensive care areas. These funds will be used to increase homeownership and rental housing in these areas for low-moderate income individuals in the community.

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2	**Goal Name**	Major Rehabilitation
	Goal Description	The CDBG, HOME Grants and City of Topeka's General Fund provide opportunities for Major Rehabilitation of existing homes in both at-risk and intensive care areas. These funds will be used for Major Rehabilitation projects for low-moderate income individuals in the community. Major Rehabilitation provides up to $30,000 in grant funding for home rehabilitation for owner occupied housing. After 7 years living in the home, 50% of the loan is forgiven.
3	**Goal Name**	Exterior Rehabilitation
	Goal Description	The CDBG Grant and The City of Topeka's General Funds provide opportunities for Exterior Rehabilitation of existing rental units and homes in both at-risk and intensive care areas. These funds will be used for Exterior Rehabilitation projects for low-moderate income individuals in the community. Exterior Rehab provides up to $15,000 in grant funding to rehabilitate rental units occupied by low-income individuals and families. A 10% match is required. After 7 years living in the home, 60% of the loan is forgiven.
4	**Goal Name**	Emergency Rehabilitation
	Goal Description	The CDBG Grant provides opportunities for Emergency Rehabilitation of existing homes in both at-risk and intensive care areas. These funds will be used for Emergency Rehabilitation projects for low-moderate income individuals in the community. Emergency Rehabilitation provides repair for major life-safety concerns, like repairs and replacements for the roof, furnace and sewer and water lines, in low-income, owner-occupied housing.

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5	**Goal Name**	Accessibility Modifications
	Goal Description	The CDBG Grant provides opportunities for Accessibility Modifications of existing rental units and homes in both at-risk and intensive care areas. These funds will be used for Accessibility projects for low-moderate income individuals in the community. The Accessibility Program funds modifications, like installing ramps and widening doors, to homes and rental units occupied by low-income individuals.
6	**Goal Name**	Voluntary Demolition
	Goal Description	The CDBG Grant provides opportunities for Voluntary Demolition of blighted structures as part of the voluntary demolition program. These funds will be used for Demolition of existing buildings within the At-risk and Intensive Care Areas.
7	**Goal Name**	Homeownership
	Goal Description	The Topeka Opportunity to Own (TOTO) Homeownership Program is intended to help first time homebuyers purchase a home of up to the value of $65,000. The homeowner will pay a $500 down payment and receive homebuyer counseling from Housing and Credit Counseling, prior to purchasing their home. The homeowner finds the home they want to purchase and then the City inspects the home with the intention to make improvements to bring the appraisal value of the home up at closing. With the rehabilitation, that will be completed after closing, the home is appraised at a higher value and the home is then affordable to the homeowner. The rehabilitation is done after closing but the after rehab value is used to make the home affordable to the homeowner. The closing of the home is done simultaneously with the bank, whom the City works closely.

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8	**Goal Name**	Homeownership Counseling
	Goal Description	The CDBG Grant and the City of Topeka's General Fund provides the opportunity for The City of Topeka to partner with Housing and Credit Counseling to provide homeownership and credit counseling to low-income buyers in the TOTO program, and to provide fair housing information and statistics on people experiencing difficulties with their landlord or renter; provide home ownership training for Topeka Opportunity to Own (TOTO) project clients and to provide services to council clients on their rights and responsibilities under the KS Residential Landlord and Tenant Act, City of Topeka Housing Code and Fair Housing Law. These funds also utilize community social service resources to retain housing and avoid homelessness and to help resolve tenant landlord issues.
9	**Goal Name**	CHDO Housing Devleopment
	Goal Description	The HOME grant allows the City of Topeka to partner with Community Housing Development Organizations like Cornerstone and Habitat for Humanity to purchase and rehabilitate housing to make it more affordable and to develop new rental units. They are the affordable housing providers in Topeka that focus on low/moderate income individuals and families. They provide low rents to make homes affordable in the At Risk and Intensive Care areas.
10	**Goal Name**	CHDO Operating Subsidy
	Goal Description	The HOME Grant funds the CHDO Operating Subsidy to increase home ownership and rental housing through Community Housing Development Organizations. The City of Topeka has partnered with Cornerstone and Habitat for Humanity for this purpose.
11	**Goal Name**	Tenant Based Rental Assistance
	Goal Description	The HOME grant provides funds for the Tenant Based Rental Assistance Program for deposit assistance for low income households.

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12	**Goal Name**	Inmate Program
	Goal Description	The Inmate Program utilizes CDBG funds to provide approximately 8,000 hours of service by two inmate crews. The Inmate Program also utilizes the City of Topeka's General Funds to fund five inmate crews, Neighborhood Action Team A & B, Concrete, Affordable Housing and Code inmate crews, as well as the Neighborhood Relations Inmate Coordinator. These five crews provide approximately 29,194 hours of services.
13	**Goal Name**	Program Delivery
	Goal Description	CDBG Grant funds are utilized for program delivery for all CDBG programs, Infill, Major Rehab, Exterior Rehab, Emergency Repair, Accessibility, Voluntary Demolition, Homeownership and Homeownership Counseling, KDOC Affordable Housing, NIA Support, Empowerment Activities, and Anti-blight Activities.
14	**Goal Name**	Empowerment Projects
	Goal Description	The CDBG grant funds the Empowerment Grant program. This program will improve public facilities (primarily sidewalks and parks) in approximately 12 Neighborhood Improvement Associations.
15	**Goal Name**	NIA Support
	Goal Description	NIA – Neighborhood Improvement Association – entities created by the City and tied to our HUD funding and Consolidated Action Plan – must be formed by residents in areas with at least 51% low-moderate income residents (based on census data). The CDBG Grant funds Neighborhood Improvement Associations (NIA) support. NIA support will provide assistance to 21 NIAs in the form of newsletters and operational support.
16	**Goal Name**	Anti-Blight Activities
	Goal Description	The CDBG Grant funds the Anti-Blight Program. Anti-Blight will assist the clean-ups of the 21 NIAs and remove approximately 15,000 bags of trash and debris.

17	**Goal Name**	Social Service Grants
	Goal Description	The City of Topeka utilizes their general funds and some CDBG funds for social service grants to fund agencies to provide contractual services to assist an estimated 25,000 individuals. Social Service programs are provided by YWCA, Valeo Behavioral Health Care, CASA, Catholic Charities, Community Action, Doorstep, East Topeka Council on Aging, Jayhawk Area on Aging, Let's Help, the Salvation Army, Shawnee County District Court, Shawnee County Medical Society and Shawnee County Regional Prevention and Recovery.
18	**Goal Name**	Emergency Solutions Grant
	Goal Description	The ESG Grant provides shelter and essential services to households who are or may be at-risk of homelessness. In addition, the ESG Grant provides rental deposit assistance and supportive services to low income households.
19	**Goal Name**	Shelter Plus Care
	Goal Description	Continuum of Care: Dedicated to rent assistance for low income individuals who have been diagnosed with chronic mental illness or substance abuse. The City of Topeka serves as the lead agency for the Continuum of Care to provide affordable housing through the Shelter Plus Care Program. The Shelter Plus Care Program offers rental and utility assistance to extremely low income households. The CoC serves to coordinate efforts of all community stakeholders and service providers. As the lead agency, the city has ongoing constant communication with other providers who serve the chronically homeless, families with children, veterans, and unaccompanied youth. Examples of these providers include: Kansas Service Children's League, Veterans Administration, Valeo Behavioral Health Care, Topeka Rescue Mission, etc. These agencies also address persons at risk to help alleviate future homelessness.
20	**Goal Name**	Administration for CDBG
	Goal Description	The CDBG Grant funds Administration costs for personnel salary, benefits and expenses to administer all CDBG programs.

21	**Goal Name**	HOME Administration
	Goal Description	The HOME Grant funds Administration costs for personnel salary, benefits and expenses to administer all HOME programs.
22	**Goal Name**	SORT Infrastructure
	Goal Description	The City of Topeka's General Funds provide Capital Improvement program dollars for infrastructure, rehabilitation and replacement in LMI neighborhoods. Stages of Resource Targeting (SORT): Provides housing rehabilitation funds over two years in targeted neighborhoods.
23	**Goal Name**	Administration for Shelter Plus Care
	Goal Description	The Shelter Plus Care Grant funds Administration costs for personnel salary, benefits and expenses to administer the Shelter Plus Care program.

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Projects

AP-35 Projects – 91.220(d)

Introduction

2018 Projects

Projects

#	Project Name
1	2019 In-Fill Housing & Development
2	2019 Major Rehabilitation Program
3	2019 Exterior Rehabilitation
4	2019 Emergency Rehabilitation
5	2019 Accessibility Modifications
6	2019 Voluntary Demolition
7	2019 Homeownership
8	2019 Homeownership Counseling
9	2019 CHDO Non-Project Set-Aside and Rental Rehabilitation
10	2019 CHDO Operating Subsidy
11	2019 Tenant-Based Rental Assistance
12	2019 KDOC Affordable Housing
13	2019 Rehabilitation Program Delivery
14	2019 Empowerment Project
15	2019 NIA Support
16	2019 Anti-Blight Activities
17	2019 Social Services
18	2019 HESG
19	2019 Shelter Plus Care
20	2019 Home Administration
21	2019 CDBG Administration
22	2019 SORT Infrastructure
23	2019 Shelter Plus Care Administration

Table 7 - Project Information

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Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Priorities are given to rehabilitation of homes in target areas with emergency and accessibility programs to supplement efforts.

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AP-38 Project Summary

Project Summary Information

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1	**Project Name**	2019 In-Fill Housing & Development
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Infill Housing
	Needs Addressed	Increase Homeownership and Rental Housing
	Funding	CDBG: $3,824 HOME: $72,745
	Description	Construction of new housing
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	One home will be constructed with the collaborative efforts between the City of Topeka and Habitat for Humanity. The City will do the concrete work and Habitat will construct the home on the lot. All activities will benefit low income individuals.
	Location Description	City of Topeka Limits, address unknown at this time.
	Planned Activities	The City will partner with Habitat for Humanity to construct a new home. The City will do the foundation and Habitat will place a home on it.
2	**Project Name**	2019 Major Rehabilitation Program
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Major Rehabilitation
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	CDBG: $66,163 HOME: $109,764 General Fund: $33,500
	Description	Rehabilitation on homes that are owner-occupied in target areas.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals. The City will complete 9 major rehabilitations during the grant year.
	Location Description	City of Topeka Limits, address unknown at this time.
	Planned Activities	Owner-occupied homes will be rehabbed in target areas.

3	**Project Name**	2019 Exterior Rehabilitation
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Exterior Rehabilitation
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	CDBG: $77,800 General Fund: $33,500
	Description	Rental properties will be rehabbed in target areas.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income families. Exterior rehabilitation will be done on 7 rental units during the grant year.
	Location Description	City of Topeka Limits. Addresses unknown at this time.
	Planned Activities	Rental properties will be rehabbed in target areas.
4	**Project Name**	2019 Emergency Rehabilitation
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Emergency Rehabilitation
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	CDBG: $263,146
	Description	Owner-occupied homes will be rehabbed that have concerns of immediate health and safety.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals/families. Emergency Repair will be completed on 70 homes which are owner occupied.
	Location Description	City of Topeka Limits, addresses unknown at this time.
	Planned Activities	Homes with immediate health and safety issues will be rehabbed to help homeowners remain in their home.
5	**Project Name**	2019 Accessibility Modifications

	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Accessibility Modifications
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	CDBG: $113,120
	Description	Homes will be rehabbed to help families gain access to their home or modifications to their bathroom.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals/families. Accessibility modifications will be completed on 25 homeowner units and 20 rental units.
	Location Description	City of Topeka Limits, addresses unknown at this time.
	Planned Activities	
6	**Project Name**	2019 Voluntary Demolition
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Voluntary Demolition
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	CDBG: $86,522
	Description	Blighted structures will be demolished.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals/families. Four homes will be demolished during the grant year.
	Location Description	City of Topeka Limits, addresses unknown at this time.
	Planned Activities	Homes will be demolished to remove blight from the neighborhoods.
7	**Project Name**	2019 Homeownership
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Homeownership
	Needs Addressed	Increase Homeownership and Rental Housing

	Funding	CDBG: $30,676 HOME: $177,589
	Description	Low income families will be assisted with rehabilitation on their newly purchased home.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals/families. Homebuyer assistance will be provided to 9 homes.
	Location Description	City of Topeka Limits, addresses unknown at this time.
	Planned Activities	Project will assist with homeownership by providing deferred 2nd mortgages to subsidize the purchase cost and the rehabilitation of homes for LMI households.
8	**Project Name**	2019 Homeownership Counseling
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Homeownership Counseling
	Needs Addressed	Increase Homeownership and Rental Housing
	Funding	CDBG: $42,890 General Fund: $33,000
	Description	Counseling will be provided in regards to homeownership.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals/families. Housing counseling will be provided to 220 individuals during the grant year.
	Location Description	City of Topeka Limits
	Planned Activities	Project will support the Homeownership project and assist LMI households with pre-ownership and post-ownership training in English and Spanish.
9	**Project Name**	2019 CHDO Non-Project Set-Aside and Rental Rehabilitation
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	CHDO Housing Devleopment

	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	HOME: $90,248
	Description	Project provides funds for the CHDO.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals/families. One home will be rehabilitated during the grant year.
	Location Description	City of Topeka Limits, address unknown at this time.
	Planned Activities	Project provides funds for costs directly associated with administering the CDBG programs that rehabilitate residential housing units.
10	**Project Name**	2019 CHDO Operating Subsidy
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	CHDO Operating Subsidy
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	HOME: $20,590
	Description	Project will help support CHDO in housing development
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	Operating funds will benefit our CHDO's in their effort to increase and/or maintain affordable housing. All activities supported with operating funds benefit low-income individuals/families.
	Location Description	City of Topeka Limits
	Planned Activities	Project will assist the CHDO with operational costs.
11	**Project Name**	2019 Tenant-Based Rental Assistance
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Tenant Based Rental Assistance
	Needs Addressed	Increase Homeownership and Rental Housing
	Funding	HOME: $70,554
	Description	Deposit assistance to LMI families.

	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals/families. Tenant-based rental assistance will be provided to 30 individual/families.
	Location Description	City of Topeka Limits, addresses unknown at this time.
	Planned Activities	
12	**Project Name**	2019 KDOC Affordable Housing
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Inmate Program
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	CDBG: $120,524
	Description	Provide funds to support Inmate Crews to rehab homes.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individual/families. Activities will benefit 2,000 individuals in low-income areas.
	Location Description	City of Topeka Limits, addresses unknown at this time.
	Planned Activities	Project will provide two crews minimum security women prisoners for the rehabilitation of affordable housing units and rehab sidewalks. Funds will be used for supervisor salaries as well as materials and supplies needed.
13	**Project Name**	2019 Rehabilitation Program Delivery
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Program Delivery
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	CDBG: $394,321
	Description	Provide funds for administering the CDBG programs.
	Target Date	12/31/2019

	Estimate the number and type of families that will benefit from the proposed activities	Program delivery costs will allow inspections of units and supplies to assist low-income individuals/families.
	Location Description	City of Topeka Limits
	Planned Activities	
14	**Project Name**	2019 Empowerment Project
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Empowerment Projects
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	CDBG: $137,890
	Description	Public Facility grants.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals/families. Empowerment projects will impact 2,447 people in affected neighborhoods.
	Location Description	City of Topeka Limits, addresses unknown at this time.
	Planned Activities	Public facility grants will be issued to neighborhoods to do small infrastructure projects.
15	**Project Name**	2019 NIA Support
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	NIA Support
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	CDBG: $65,000
	Description	Support for neighborhood groups to improve capacity.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals/families. NIA support will affect 17,816 individuals in low-income neighborhood improvement areas.

	Location Description	City of Topeka Limits, addresses unknown at this time.
	Planned Activities	This fund will assist in the operations of NIA's for newsletter mailings and other qualified activities.
16	**Project Name**	2019 Anti-Blight Activities
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Anti-Blight Activities
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	CDBG: $60,000
	Description	Project will help support the clean up of LMI areas.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals/families. Anti-blight activities will impact 17,816 individuals in low-income neighborhood areas.
	Location Description	City of Topeka Limits, addresses unknown at this time.
	Planned Activities	Project will clean up all LMI areas by providing dumpsters for LMI clean-ups and KDOC crews for public right-of-way.
17	**Project Name**	2019 Social Services
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Social Service Grants
	Needs Addressed	Enhance Linkage of Housing with Support Services
	Funding	CDBG: $67,000 General Fund: $424,566
	Description	Project will fund agencies to help with youth, seniors, mentally ill, victims of domestic violence and other social services.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities benefit low-income individuals/families. Socail service activity will benefit 1,000 individuals.
	Location Description	City of Topeka Limits

	Planned Activities	Social Service grants will be issued to agencies to help LMI families with supportive services based on their needs.
18	**Project Name**	2019 HESG
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Emergency Solutions Grant
	Needs Addressed	Enhance Linkage of Housing with Support Services
	Funding	ESG: $147,220
	Description	Project will help agencies provide emergency services.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individuals/families. Rent and/or deposit assistance will be provided to 130 individuals.
	Location Description	City of Topeka Limits, addresses unknown at this time.
	Planned Activities	LMI families will be assisted with rent and/or deposit assistance to prevent homelessness.
19	**Project Name**	2019 Shelter Plus Care
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Shelter Plus Care
	Needs Addressed	Enhance Linkage of Housing with Support Services
	Funding	Competitive McKinney-Vento Homeless Assistance Act: $1,574,227 General Fund: $20,000
	Description	Rent subsidy to homeless individuals.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	All activities will benefit low-income individual/families. Rent assistance will be provided to 541 individuals during the grant year.
	Location Description	City of Topeka Limits, addresses unknown at this time.
	Planned Activities	Rent and utility assistance is provided to homeless families who have a disability.

20	**Project Name**	2019 Home Administration
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	HOME Administration
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	HOME: $60,166
	Description	HOME Administration to administer all HOME projects.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	HOME Administration will help support the City's efforts in low-income neighborhood areas.
	Location Description	City of Topeka Limits
	Planned Activities	
21	**Project Name**	2019 CDBG Administration
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Administration for CDBG
	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	CDBG: $299,559
	Description	Assist with Administration for all CDBG Projects.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	CDBG Administration will help support the City's efforts in low-income neighborhoods.
	Location Description	City of Topeka
	Planned Activities	Administration will assist with all CDBG projects.
22	**Project Name**	2019 SORT Infrastructure
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	SORT Infrastructure

	Needs Addressed	Enhance Quality of Targeted Neighborhoods
	Funding	General Fund: $1,400,000
	Description	CIP Infrastructure
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	SORT activities will affect 1,000 individuals in low-income neighborhood areas.
	Location Description	City of Topeka Limits.
	Planned Activities	
23	**Project Name**	2019 Shelter Plus Care Administration
	Target Area	Intensive Care Areas At-Risk Areas
	Goals Supported	Administration for Shelter Plus Care
	Needs Addressed	Enhance Linkage of Housing with Support Services
	Funding	Competitive McKinney-Vento Homeless Assistance Act: $118,490
	Description	Administration to support SPC grant.
	Target Date	12/31/2019
	Estimate the number and type of families that will benefit from the proposed activities	Administration for the Shelter Plus Care program will ensure that the program is meeting all federal regulations.
	Location Description	City of Topeka
	Planned Activities	Administration support to help with Shelter Plus Care grant

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

As adopted by the Neighborhood Element of the Comprehensive Plan, the City's goal is to commit up to 60% of annual Consolidated Plan funding for neighborhood development activities into high priority *intensive care* or *at risk* neighborhoods or areas. Neighborhood development is defined as any combination of housing, economic, or capital investment that substantially leverages outside resources to advance the long-term revitalization of a neighborhood or portion thereof. Five-year funding targets are established to implement adopted neighborhood revitalization plans for each planning area. At a minimum, the total funds spent for housing development in high priority areas will be as indicated during the five-year period of this plan. With minor exceptions, spending in these areas will be concentrated in multi-block areas that have been strategically identified through a neighborhood/area plan process for multi-faceted housing in-fill development and rehabilitation. Efforts will also be made to substantially accelerate housing activities in one or more high priority neighborhoods in 2019 by drawing on unspent funds.

Geographic Distribution

Target Area	Percentage of Funds
Intensive Care Areas	30
At-Risk Areas	30

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Based on the neighborhood health model of *intensive care, at risk, out patient*, and *healthy* neighborhoods, treatment for neighborhoods should be based on a “continuum of care” approach. Those neighborhoods that are most distressed (*intensive care*) require the most intervention and therefore, will require sizeable resources and attention. But if all relevant resources are devoted to an *intensive care* area, an *at risk* neighborhood or an unstable *outpatient* neighborhood may fall prey to blighting influences themselves. To avoid “pushing the blight around”, a four-pronged approach, or continuum of care, should be employed (the neighborhoods below are not inclusive of all neighborhoods in Topeka and do not represent an absolute commitment to funding).

Discussion

Based on the Strategic Plan, the City allocates its non-administrative CDBG and HOME to projects and

activities that benefit low to moderate income people.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City of Topeka develops annual goals for rehabilitating homes through major rehab, exterior rehab, emergency repair and accessibility modifications, demolishing blighted sturctures as part of the voluntary demolition program and asissting first-time homebuyers through Topeka's homebuyer program and providing homebuyer counseling. Rental Assistance goals include deposit assistance, providing shelter and essential services to households who are or may be at-risk of homelessness, providing rental assistance and supportive services, providing contractual services to three organizations through Community Development Block Grant (CDBG), and providing contractual services to 24 organizations through City general funds. In addition, approximately 8,000 hours of services are provided by two inmate crews.

One Year Goals for the Number of Households to be Supported	
Homeless	330
Non-Homeless	15
Special-Needs	35
Total	380

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	330
The Production of New Units	2
Rehab of Existing Units	35
Acquisition of Existing Units	0
Total	367

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City of Topeka has recognized the need of homeless services based on information gathered from the Topeka/Shawnee County Homeless Task Force (HTF) and census data. The HTF involves agencies who are subrecipients of ESG funds and others who are funded by the Continuum of Care. There has always been a level of assistance provided to address homelessness in the community.

AP-60 Public Housing – 91.220(h)

Introduction

The Topeka Housing Authority's mission is to successfully provide accessible, affordable housing. Success is defined as: Putting applicants, tenants and participants first; market competitiveness; and fiscal strength and integrity.

In general, THA is well respected in the Topeka community by elected officials, staff and provider agencies. In the past 5 years the stock of THA owned/supported housing has increased from 1,739 units to 2,079 units or 19.6%.

Actions planned during the next year to address the needs to public housing

Over the next year the Topeka Housing Authority hopes to increase the total number of Section 8 vouchers. Additionally, the THA hopes to increase their landlord base so participants have a better chance of finding affordable housing.

Another goal of the THA is to increase the number of employed adults by 5%, while taking affirmative measures to insure fair and equal access to affordable housing.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The Topeka Housing Authority just received a grant from the Kansas Health Foundation which requires a resident lead initiative. This will be a new goal for the THA and one that will increase participation from the public housing residents.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The Topeka Housing Authority is not designated as troubled.

Discussion

Currently THA has 744 public housing units divided among 9 sites in Topeka. The oldest development was built between 1959-1963 and the newest developments were constructed in 2011. THA maintains our properties to the best of their ability with the funding that is available. Some of the older designed units are in need of being redeveloped and we are exploring and competing for different funding options to rehabilitate or reconstruct the older units. All THA units are part of a PHA plan.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Topeka has implemented many successful strategies to prevent homelessness, encourage individuals living on the street to moving to housing, and provide services to those living in emergency shelters with the goal of successful permanent housing placements.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Topeka has a partnership with the Topeka Rescue Mission (TRM), which is the homeless shelter. The TRM has an outreach team that goes out every day to find and assess homelessness in the community. Once individuals have been identified as homeless an assessment of their needs is completed and appropriate referrals and guidance are provided. The City has routine contact with this outreach team and participates in the referral process when possible.

Outreach efforts are also recognized at the monthly Homeless Task Force meeting, in which the City plays a large role. This meeting is attended by all service providers who directly work with people who are homeless or near homelessness.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Topeka uses Emergency Solutions Grant funds to help provide Rapid Re-Housing to eligible participants for deposit and first month's rent. The City of Topeka allows 100% of the cost to be funded through ESG funds. No funds are spent beyond the deposit and first month's rent. When participants apply for homeless prevention, the City can pay up to 100% of the eligible costs to prevent homelessness. The participant can receive ESG assistance only one time a year to be eligible.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Topeka utilizes ESG funds for rapid re-housing. In addition, the City offers social service

agencies approximately $470,000 in funding, of which 25% is spent on emergency services. These emergency services help to fund additional rapid re-housing activities. The transitional housing agencies in our community are very aware of these funds to help individuals transition into permanent housing. The goal of all our transitional housing agencies is to transition all individuals immediately into permanent housing. Our CoC and ESG funded agencies give priority to chronic homeless individuals. Veterans are referred to the HUD VASH program, which has been able to successfully house all the homeless Veterans. Families with children are given extra services at the mission so they can successfully transition to permanent housing and not return to homelessness.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City of Topeka uses both ESG funds and general fund money for Homeless Prevention. An RFP process goes out and local agencies can apply for prevention funding. Each agency is required to income qualify and enter each applicant in the HMIS. Homeless Prevention assistance is geared towards helping those from becoming homeless. The agencies work with the institutions to help people move into permanent housing and prevent them from entering into homelessness. The Emergency Aid meeting meets monthly to discuss who has available funding to help with prevention. The network of providers frequently discusses issues related to prevention and best practices for reaching other mainstream resources.

Discussion

The City of Topeka continues to monitor its goal to end homelessness in our community. It is well understood that this is a community effort and everyone must work together to maximize resources and to offer the best possible services.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The Barriers To Affordable Housing are as follows:

Public policies affect the low to moderate income households more dramatically. An increase in the sales tax rate has a much more negative impact on low income households. This is due to a greater proportion of their income going to consumables and sales taxable items.

Demographics of the Community - The City of Topeka has a large majority of low to moderate income individuals. 18.3% of household are living in poverty.

Quality Housing Stock- Homes of quality sell and rent at higher rates that are not affordable to our low to moderate income constituents.

Lending Practices and Qualified Applicants - All groups involved in providing affordable homeownership opportunities state the biggest reason more affordable owner-occupied housing is not built or renovated is because of the lack of qualified applicants. Too often, a low-moderate income household has excessive credit problems that limit their ability to obtain private financing on the open market.

Lack of a down payment is also a problem.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Despite new challenges associated with local and state economic conditions, the major Obstacles to comprehensively meeting the needs of a primarily low-income population are continuing underinvestment, and lack of job center locations.

The City of Topeka recognizes the need for more economic growth. Its collaboration with the Chamber of Commerce in getting new companies to locate in Topeka could help our low income constituents obtain and maintain employment. This effort will continue this year in effort to lower the unemployment rate.

Additionally, the City of Topeka will continue conversations with the Topeka Metro, the transportation agency, in helping low income individuals receive low fair pricing to ride the bus. Conversation is continuing and the city recognizes that a larger transportation route could be beneficial to the low income constituents.

Discussion:

Although lending practices and qualified applicants are one of the toughest barriers to overcome, the City of Topeka will continue its efforts to help first time homebuyers with homeownership assistance.

AP-85 Other Actions – 91.220(k)

Introduction:

To help remove obstacles to meeting underserved needs and improve service delivery, the City of Topeka will facilitate the existing relationships with social service organizations, disseminate news and information, eliminate duplication of effort, and spearhead community-wide solutions to local needs.

The City of Topeka will continue to support the use of HMIS technology by all homeless service providers as a way to link the various categories of services provided in the community and has taken on the administration of HMIS from the CRC. Finally, DNR will work with its various departments and divisions to find opportunities for collaboration between programs to leverage resources.

Actions planned to address obstacles to meeting underserved needs

The major obstacle to meeting the identified needs is the lack of funding resources. Significant funding cuts in previous years have had an impact on all programming. The City of Topeka will continue to maintain existing, ongoing efforts to meet the needs of the underserved in the community.

Actions planned to foster and maintain affordable housing

The City of Topeka will continue to support our CHDO and nonprofits, such as Habitat for Humanity, and Cornerstone. These organizations provide affordable housing to the constituents. The City will provide funding for owner occupied and renter occupied rehabilitation to assist low income families with maintaining their homes.

Actions planned to reduce lead-based paint hazards

Rehabilitation projects require the use of formal paint testing, risk assessment and planning. Additionally, the paint repair work requires the use of “trained workers”. Since the city has a very large amount of homes that were built before 1970 it is imperative that we combat the issue of lead based paint within the scope of our work. The City collaborates with the state that has a grant for lead remediation. The city will continue this collaboration and explore other options.

Actions planned to reduce the number of poverty-level families

The City of Topeka will continue to combat the number of poverty-level families by supporting incentives to attract, retain, and expand businesses. Additionally, the city will support organizations and

programs that provide job training, education, and placement services.

Actions planned to develop institutional structure

The City of Topeka staff will continue to coordinate with various social service agencies, government departments, and businesses, to find opportunities to better serve the citizens within the city. These relationships are integral in streamlining the implementation of our CDBG and HOME projects in a time of limited funding. Communication will continue to be the key in the success of the programs. The City of Topeka will continue to foster these relationships to improve the success rate of our programs.

Actions planned to enhance coordination between public and private housing and social service agencies

Although the City of Topeka does not own or operate any public housing development, it collaborates with the Topeka Housing Authority on housing issues. Additionally, the City of Topeka contributes general fund money to support the social service agencies to meet the needs of the community.

Discussion:

The City of Topeka will continue to coordinate with social service partners and consultant agencies and organizations to better serve client constituents.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

The City will adhere to all referenced regulations.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**0**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

   Not Applicable

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

   The resale provisions for a regulatory period in accordance with the "HOME Affordability Period" table are included in all funding contracts for homebuyer activities. These require that any resale of the property during the regulatory period must be affordable to a reasonable range of low income homebuyers who meet HOME income requirements and who will use the property as their principal residence. If this restriction is not met, recapture of the entire amount of the HOME investment is triggered. The resale provision is designed to assure that resale of property within the period of affordability be made only to income eligible households.

   The recapture provision happens if the housing does not continue to be the principle residence of the buyer for the duration of the HOME period of affordability then the HOME investment amount shall be recaptured on a prorate basis for the time the homeowner has owned and occupied the housing, following project completion, measured against the required affordability period. For the homebuyer program the mortgage is a deferred loan, payable upon resale according to the following conditions. The Borrower hereby agrees to repay the principal under the following method:

   *This Second Mortgage shall be partially forgiven by **Five thousand No/100 dollars ($5,000.00)**, upon the conclusion of the first year of ownership, This Second Mortgage, less the amount from A. above, shall also be partially forgiven by fifty-percent (50%) upon the conclusion of the homeowner's seventh year of ownership, with the balance due and payable upon resale. The annual reduction on a percentage basis shall be implemented as 7% per year up until 50% has been forgiven.*

   If all or any part of the property or interest is sold or transferred by Borrower, payment shall be made in the original amount of the note less a credit for the forgivable portion of the loan as indicated above. The amount subject to recapture is the direct subsidy received by the homebuyer. Funds will only be recaptured from net proceeds available from the sale of the property.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

   The homeowners must meet income guidelines and not pay more than 30% of their income towards housing costs.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

   Not Applicable

Emergency Solutions Grant (ESG)
Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

   The City of Topeka has many standards in regards to ESG assistance. Homeless Prevention is provided to individuals who are not yet homeless but are near homelessness. Rapid Re-Housing assistance is provided to those who are already homeless. ESG funds are given to multiple agencies and they disperse funds based on the required qualifications and on a first-come basis at each agency.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

   The HMIS is administered by the City of Topeka, Department of Neighborhood Relations. DNR uses ESG funds for administration to enter services into the system. The City of Topeka has policies and procedures for use of the system that each agency must adhere to. The City of Topeka is monitored by the Homeless Task Force and any administrative procedures are created at this meeting. The City of Topeka currently is using the HMIS to make referrals to other agencies and to assess individual's needs.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

   A request for proposal is sent out to the public to apply for ESG funds. The applications are reviewed by a committee and scored. Once the scores are established a recommendation is made to the Homeless Task Force (HTF), the governing body of the CoC. The HTF member's votes on whether or not to fund the ESG agencies. Once approved by the HTF, the recommendation is made to the full city council for approval.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

   The City of Topeka is governed by an elected body; it is not possible to provide for the participation of a homeless individual or formerly homeless individual. However, the City of Topeka is the lead agency of the Topeka/Shawnee County Homeless Task Force which is the governing body of the CoC. The HTF is responsible for all aspects of the CoC including the ESG policies and procedures. This body has several formerly homeless individuals in attendance and they have the opportunity to vote on matters.

5. Describe performance standards for evaluating ESG.

   The Chairperson of the HTF annually appoints a monitoring committee. The monitoring committee is responsible for conducting the on-site reviews and assessing performance standards. Additionally, the monitoring committee meets quarterly to conduct on-site monitoring and establish the CoC funding priorities.

The City of Topeka has a designated staff person to make sure the Department of Neighborhood Relations is following all the federal and local regulations.

City of Topeka
Department of Neighborhood Relations
620 SE Madison Street
Topeka, KS 66607

MEMORANDUM

TO: Topeka Metro News
ATTN: Shirley

Contact: Corrie Wright
Telephone: (785) 368-3711

Date: July 17, 2018
Payment: PO# 41387

Note: Please publish the following ad as a Legal Notice. We would like the ad to run on **Monday, July 23, 2018 and Monday, July 30, 2018**. Please send the invoice and affidavit to the contact at the above address. If you have any questions, please give me a call. Thank You!

PUBLIC HEARING NOTICE

The City of Topeka will hold a **final public hearing** for the City of Topeka's draft **FY2019 Consolidated Annual Action Plan** on **Tuesday, August 7, 2018 at 6:00 p.m.** during the **regular meeting of the City Council in the Council Chambers** located at 214 S.E. 8th Street. The purpose of the public hearing is to obtain citizen input on the City of Topeka's draft FY 2019 Consolidated Annual Action Plan. Written comments may be submitted, through Monday, August 6, 2018, to the Department of Neighborhood Relations, 620 SE Madison, Topeka, KS 66607.

If any citizen is in need of special accommodations, such as an interpreter or sign language, they should contact the office of Neighborhood Relations as soon as possible, no later than 3 days prior to the hearing.

Further information may be obtained or written comments may be submitted, by contacting the Department of Neighborhood Relations, 620 SE Madison, Topeka, Kansas 66607, or by calling (785) 368-3711.

###

Department of Neighborhood Relations
2019 Consolidated Annual Action Plan

Why Do We Need A Plan?

- 1 Year Planning & Resource Allocation document
- Assessment of Affordable Housing & Market Conditions
- Required by HUD for grant funding

What are the objectives?

HUD Objectives

- Suitable Living Environment - Availability and Accessibility
- Decent Affordable Housing - Affordability
- Creating Economic Opportunities - Sustainability

Neighborhood Relations Objectives

- Enhance the quality of neighborhoods
- Increase Home Ownership
- Enhance Housing with Support Services
- Leverage Other Resources

Neighborhood Relations Objectives

- Enhance the quality of neighborhoods
- Increase Home Ownership
- Enhance Housing with Support Services
- Leverage Other Resources

Which Grant Funds are Included?

- Community Development Block Grant
- Emergency Solutions Grant
- Continuum of Care - Shelter Plus Care
- HOME Investment Partnership

Community Development Block Grant
$1.8 million
HOME Investment Partnership
$601k

- SORT Housing Rehabilitation
- Emergency Repair
- Accessibility
- Voluntary Demolition
- Housing Development/ Redevelopment Partnerships
- Topeka Opportunity to Own (TOTO)
- Empowerment Projects
- Neighborhood Support Funding
- Anti-blight Activities
- Social Service grants

Emergency Solutions Grant
$147k

- Rapid Re-housing
- Homeless Prevention
- Emergency Shelter Funding
- Homeless Management Information System (HMIS)

Continuum of Care - Shelter Plus Care
$1.7 million

- Housing with Supportive Services

Community Development Block Grant
$1.8 million
HOME Investment Partnership
$601k

- SORT Housing Rehabilitation
- Emergency Repair
- Accessibility
- Voluntary Demolition
- Housing Development/ Redevelopment Partnerships
- Topeka Opportunity to Own (TOTO)
- Empowerment Projects
- Neighborhood Support Funding
- Anti-blight Activities
- Social Service grants

2017 By the Numbers

- 32 home rehabilitation projects
- 48 owner occupied emergency repair projects
- 29 accessibility projects
- 5 voluntary demolitions
- 10 First time home buyers - TOTO
- 145 individuals received home buyer counseling
- 3 in-fill housing projects - Habitat for Humanity
- 2 in-fill projects - Cornerstone

Emergency Solutions Grant
$147k

- Rapid Re-housing
- Homeless Prevention
- Emergency Shelter Funding
- Homeless Management Information System (HMIS)

Continuum of Care - Shelter Plus Care
$1.7 million

- Housing with Supportive Services

2017 By the Numbers

- 32 home rehabilitation projects
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- 2 in-fill projects - Cornerstone

2017 continued...

- 80 renters provided deposit assistance - S+C
- 230 households at risk of homelessness received shelter assistance & essential services
- 33 agencies received funding to provide services to an estimated 23k individuals

How Did We Involve Citizens?

- Continuum of Care Presentation
- Public Meetings - 2
- Citizen's Advisory Council presentation and discussion
- Public Comment Period - 30 days
- Final Public Hearing - City Council Meeting August 7, 2018

Questions

Sasha Haehn
shaehn@topeka.org

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 14, 2018

DATE:	**August 14, 2018**	
CONTACT PERSON:	**Nick Hawkins**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**2019 City Operating Budget**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 005 Miscellaneous**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

AN APPROPRIATION ORDINANCE introduced by City Manager Brent Trout, approving and adopting the operating budget for calendar year 2019 and appropriating the amounts for the purpose set forth therein.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would adopt the City's 2019 Operating Budget.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6)

POLICY ISSUE:

Determine appropriation of funding amounts for the 2019 City of Topeka annual budget and impose the requisite property tax.

STAFF RECOMMENDATION:

Staff recommends the Council move to adopt the ordinance.

BACKGROUND:

K.S.A. 79-2933 requires adoption of an annual budget after a public hearing has been conducted to consider taxpayer input.

The 2019 Proposed Budget was formulated with citizen input and feedback from the City Council during budget sessions. The Governing Body's role in the 2019 budget process formally began with the City Council's adoption of budget priorities in April 2018. This was preceded by an open house and online/in person surveys

which gave citizens the opportunity to ask questions and give input into the budget.

The Governing Body reviewed the 2019 Proposed Budget at the June 16, June 19, June 20, July 3, and July 10, 2018 special Governing Body and regular City Council meetings.

On July 10, the Governing Body set the maximum taxes levied and approved the Public Hearing date of August 7, 2018. The proposed 2019 budget was officially published at $309,462,812, including all funds. The total taxes levied for the General Fund, Debt Service Fund, and Special Liability Fund totals $44,917,814. The total estimated mill levy of 39.92 remains unchanged from the 2018 budget, subject to the County Clerk's finalization of the assessed valuation and the certification of the mill levies later this year.

BUDGETARY IMPACT:

Budgetary impact will be based on the adopted 2019 City of Topeka Operating Budget.

SOURCE OF FUNDING:

All budgeted funds as outlined in the budget document.

ATTACHMENTS:

Description

2019 Budget Appropriation Ordinance
2019 State Forms
Proof of Publication - Budget Hearing

(Published in the Topeka Metro News_____.)

ORDINANCE NO. _____

AN APPROPRIATION ORDINANCE introduced by City Manager Brent Trout, approving and adopting the operating budget for the City of Topeka, for the year 2019, and appropriating the amounts for the purpose as set forth therein.

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

Section 1. *Budget incorporated by reference as a part of this Ordinance.* The operating budget for the City of Topeka, Kansas, for the year 2019 as set forth in a 202 page document in the format prescribed by the Director of Accounts and Reports of the Kansas Department of Administration, as required by law, which has been published in a summary format together with a notice of public hearing, is hereby incorporated by reference as a part of this Ordinance with the same force and effect as if it were set forth herein in its entirety.

Section 2. *Budget approved and adopted.* The operating budget as described and incorporated by reference in Section 1 above is hereby approved and adopted as the operating budget for the year 2019.

Section 3. *Funds appropriated by budget.* The budget as approved and adopted herein shall constitute and shall be declared to be appropriations for the funds and departments as set forth therein, and the appropriations thus made shall not be used for any other purpose. No money in any fund or fund type shall be used to pay for any indebtedness created in excess of the amount appropriated for such fund or fund type, or for the departments of such fund or fund type as referred to in the operating budget. The appropriations made herein are for the year 2019 and no expenditures shall be incurred as being authorized by such appropriations prior to January 1, 2019 or subsequent to December 31, 2019.

Section 4. *Budget amendments.* Any 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 upon passage.

PASSED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

_____

Michelle De La Isla, Mayor

ATTEST:

_____

Brenda Younger, City Clerk

Input Sheet for City1 Budget Workbook

Enter city name ("City of _____"):	**City of Topeka**
Enter county name followed by "County":	**Shawnee**

Enter year being budgeted (YYYY):	**2019**
CPI Percentage - 5 Year Average	**1.40%**
CPI Percentage - Preceding Year	**1.40%**

Enter the following information from the sources shown. This information will flow throughout the budget worksheets to the appropriate locations.

Note: All amounts are to be entered as whole numbers only.

The input for the following comes directly from the 2018 Budget, Certificate Page:
If amended, then use the amended figures.

Fund Names:	Statute	2018 *Expenditures*	2017 Ad Valorem Tax
General	12-101a	104,951,039	26,790,949
Debt Service	10-113	26,950,281	15,610,726
Library	12-1220		
Fund name for all other funds with a tax levy:			
Special Liability		1,873,297	843,978
Total Tax Levy Funds for 2018 Budgeted Year			43,245,653

Other (non-tax levy) fund names:

Special Highway	7,334,675
Special Alcohol & Drug	535,970
Alcohol & Drug Safety	111,220
Law Enforcement	690,921
Transient Guest Tax	3,427,789
Retirement Reserve	3,567,577
KP&F Rate Equilization	392,693
Neighborhood Revitalization	391,002
Historical Asset Tourism	24,513
Half Cent Sales Tax (JEDO)	28,610,110
Half Cent Sales Tax (Street)	28,432,827
Tax Increment Financing	690,000
Court Technology	66,642
Downtown Improvement	232,555

	Community Development	560,000
	Employee Separation	0
	Tourism Improvement	488,250

Single Non Tax Levy:

1	Combined Utilities	69,668,726
2	Public Parking	3,456,048
3	Facilities	1,845,241
4	Fleet	3,002,938
5	IT	4,270,995
Total Expenditures for 2018 Budgeted Year		291,575,309

Non-Budgeted (A):

1	Risk Funds	18,361,175

Non-Budgeted (B)

From the 2018 Budget, Budget Summary Page	2016 Tax Rate (2017 Column)
General	24.735
Debt Service	14.413
Library	
Special Liability	0.779
TMTA	4.200
Total	44.127

Total Tax Levied (2017 budget column)	42,663,840
Assessed Valuation (2017 budget column)	1,068,583,794

Outstanding Indebtedness, January 1:	2016	2017
G.O. Bonds	208,005,000	199,475,000
Revenue Bonds	130,460,000	147,380,000
Other	52,810,634	46,909,050
Lease Purchase Principal	2,797,754	3,526,552

City of Topeka 2019

Note: All amounts are to be entered as whole numbers only.

From the County Clerk's 2019 Budget Information:	
Total Assessed Valuation for 2018	1,125,189,769
New Improvements for 2018	19,404,117
Personal Property - 2018	22,513,255
Territory Added: (Current Year Only)	
Real Estate	
State Assessed	
New Improvements	
Property that has changed in use for 2018	16,200,385
Personal Property - 2017	23,432,186
Expiration of Property Tax Abatement	
Gross earnings (intangible) tax estimate for 2019	
Neighborhood Revitalization	21,360,601

Actual Tax Rates for the 2018 Budget:

Fund	**Rate**
General	24.730
Debt Service	14.410
Library	0.000
Special Liability	0.780
TMTA	4.200
Total	44.120

Final Assessed Valuation from the November 1, 2017 Abstract	1,083,356,783

From the County Treasurer's Budget Information - 2019 Budget Year Estimates:	
Motor Vehicle Tax Estimate	3,480,750
Recreational Vehicle Tax Estimate	19,246
16\20 M Vehicle Tax	9,927
Commercial Vehicle Tax Estimate	169,094
Watercraft Tax Estimate	13,182
LAVTR	
City and County Revenue Sharing	

Computation of Delinquency

Actual Delinquency for 2016 Tax - (e.g. rate .01213 = 1.213%; key in 1.2)

Delinquency % used in this budget will be shown on all fund pages with a tax levy**	3.1%

****Note**: The delinquency rate can be up to 5% more than the actual delinquency rate from the previous year.

From the League of Municipalities' Budget Tips (Special City and County Highway Fund):	
2019 State Distribution for Kansas Gas Tax	3,437,950
2019 County Transfers for Gas***	1,815,584
Adjusted 2018 State Distribution for Kansas Gas Tax	3,425,440
Adjusted 2018 County Transfers for Gas***	1,808,830

***__Note__: Only used when a portion of the County monies are distributed to the Cities under the K.S.A. 79-3425c

From the 2017 Budget Certificate Page	
Funds	2017 Expenditure Amounts Budget Authority
General	101,410,998
Debt Service	20,994,125
Library	
Special Liability	1,956,507
Retirement Reserve	3,474,471
KP&F Rate Equalizat	300,000
Neighborhood Revita	397,882
Historical Asset Tour	113,914
Half Cent Sales Tax (	23,894,102
Half Cent Sales Tax (	23,000,000
Tax Increment Financ	250,000
Court Technology	65,000
Downtown Improven	183,500
Special Highway	6,993,704
Special Alcohol & Dr	620,000
Alcohol & Drug Safe	106,746
Law Enforcement	690,921
Transient Guest Tax	3,284,523
Community Develop	460,000
Employee Separation	1,000,000
Combined Utilities	68,197,280
Public Parking	3,136,638
Facilities	1,995,577
IT	4,255,374
Fleet	1,980,000
Risk Funds	15,205,373

Note: If the 2017 budget was amended, then the expenditure amounts should reflect the amended expenditure amounts.

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 reveiwed. Please input information in the green areas.

Official Name:	Brenda Younger
Official Title:	City Clerk
Date:	August 7, 2018
Time:	6:00 p.m.
Location:	City Council Chambers at 214 E Eighth Street
Available at:	Office of the City Clerk at City Hall

Must be at least 10 days between date published and hearing held.
Latest date for notice to be published in your newspaper: July 28, 2018

January
February
March
April
May
June
July
August
September
October
November
December

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

July
J7
July 28, 2018
7
28
2018

2019

CERTIFICATE

To the Clerk of Shawnee, State of Kansas
We, the undersigned, officers of
City of Topeka
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 expenditures for the various funds for the year 2019; and
(3) the Amount(s) of 2018 Ad Valorem Tax are within statutory limitations.

			2019 Adopted Budget		
Table of Contents:		Page No.	Budget Authority for Expenditures	Amount of 2018 Ad Valorem Tax	County Clerk's Use Only
Computation to Determine Limit for 2019		2			
Allocation of MVT, RVT, and 16/20M Vehicle T		3			
Schedule of Transfers		4			
Statement of Indebtedness		5			
Statement of Lease-Purchases		6			
Fund	**K.S.A.**				
General	12-101a	7	105,872,571	27,826,202	
Debt Service	10-113	8	28,592,801	16,213,957	
Library	12-1220	8			
Special Liability	75-6110	9	2,096,434	877,655	
Special Highway	12-1, 119	10	7,578,445		
Special Alcohol & Drug	79-41A04	10	570,000		
Alcohol & Drug Safety	Administrative	11	401,800		
Law Enforcement	City Code 2-334	11	690,921		
Transient Guest Tax	Charter Ord 69	12	3,190,017		
Retirement Reserve	Administrative	12	3,129,954		
Historical Asset Tourism	City Code 2-331	13	31,156		
Half Cent Sales Tax (JEDO)	Administrative	13	28,796,211		
Half Cent Sales Tax (Street)	Admin; Code Sec. 138-36	14	21,090,466		
Tax Increment Financing	12-1775 (b)(2)	14	750,000		
Court Technology	City Code 3.25.170	15	313,810		
Downtown Improvement	12-1792	15	283,296		
Community Development	Administrative	16	760,000		
Employee Separation	Ord. 17546; 17505	16			
KP&F Rate Equilization	Administrative	17	29,380		
Neighborhood Revitalization	12-17, 114	17	287,531		
Tourism Improvement	12-1792	18	500,000		
Combined Utilities	Code Chpt. 146, Art 1	19	72,443,501		
Public Parking	13-1379	20	3,651,955		
Fleet	Ord. 15665	21	2,978,015		
Facilities	Administrative	22	1,857,635		
IT	City Code Sec. 2-144	23	4,017,289		
Non-Budgeted Funds-A		24	19,549,625		
Totals		xxxxx	309,462,812	44,917,814	
					County Clerk's Use Only
Budget Summary		25			
Neighborhood Revitalization Rebate					Nov 1, 2018 Total Assessed Valuation

Tax Lid Limit (from Computation Tab) **51,616,184**
Does the City Need to Hold and Election? **NO**

Tax Levy for Other Agencies

Topeka Metro Transit Authority	Charter Ord 115	9	5,261,231	4,872,298

Assisted by: _____

Address: _____

Email: _____

Attest: _____ 2018

County Clerk

Governing Body

City of Topeka 2019

Computation to Determine Limit for 2019

				Amount of Levy
1.	Total tax levy amount in 2018 budget		+ $	47,794,816
2.	Library levy in 2018 budget		- $	
	Other tax entity levy in 2018 budget		- $	4,549,163
3.	Net tax levy		$	43,245,653

2019 Budget Percentage Adjustments

4.	New improvements for 2018 :			+ 19,404,117	
5.	Increase in personal property for 2018 :				
	5a. Personal property 2018	+	22,513,255		
	5b. Personal property 2017	-	23,432,186		
	5c. Increase in personal property (5a minus 5b)			+ 0	
				(Use Only if > 0)	
6.	Valuation of annexed territory for 2018 :				
	6a. Real estate	+	0		
	6b. State assessed	+	0		
	6c. New improvements	+	0		
	6d. Total adjustment (sum of 6a, 6b, and 6c)			+ 0	
7.	Valuation of property that has changed in use during 2018 :			+ 16,200,385	
8.	Expiration of property tax abatements			+ 0	
9.	Expiration of TIF, Rural Housing, and NR Districts (Incremental assessed value over base)			+	
10.	Total valuation adjustment (sum of 4, 5c, 6d, 7, 8 & 9)			35,604,502	
11.	Total estimated valuation July 1, 2018		1,125,189,769		
12.	Percentage adjustment factor - Line 10 / (Line 11 - Line 10))			0.0327	
13.	Percentage adjustment increase (12 times 3)				+ $ 1,413,143
14.	Consumer Price Index for all urban consumers for calendar year 2017 (5 year average)				1.40%
15.	Consumer Price Index adjustment (Line 3 times Line 14)				$ 605,439
16.	**Total Percentage Adjustments**				$ **2,018,582**

2019 Revenue Adjustments

17.	Property tax revenues for debt service in 2019 budget:				+	16,213,957
	Property tax revenues for debt service in 2018 budget:				-	15,610,726
	Increase property tax revenues spent on debt service					603,231
18.	Property tax revenues spent for public building commission and lease payments in the 2019 budget: (Obligations must have been incurred prior to July 1, 2016) (Do not include amounts already reported in debt service levy)				+	666,768
	Property tax revenues spent for public building commission and lease payments in the 2018 budget:				-	771,614
	Increase property tax revenues spent on public building commission and lease payments					0
19.	Property tax revenues spent on special assessments in the 2019 budget: (Do not include amounts already reported in debt service levy)				+	0
20.	Property tax revenues spent on court judgments or settlements and associated legal costs in the 2019 bud				+	743,786
21.	Property tax revenues spent on Federal or State mandates (effective after June 30, 2015) and loss of funding from Federal sources after January 1, 2017 in the 2019 budget:				+	0
22.	Property tax revenues spent on expenses realted to disaster or Federal Emergency in the 2019 budget:				+	0
23.	Law enforcement expenses - 2019 budget:		+	40,191,451		
	Law enforcement expenses - 2018 budget:		-	39,621,902		
	CPI adjustment	1.40%		554,707		
	Increased law enforcement expenses in 2019 budget: (Do not include building construction or remodeling costs)				+	14,842
24.	Fire protection expenses - 2019 budget:		+	27,697,548		
	Fire protection expenses - 2018 budget:		-	27,198,970		
	CPI adjustment	1.40%		380,786		
	Increased fire protection expense in 2019 budget: (Do not include building construction or remodeling costs)				+	117,792
25.	Emergency medical expenses - 2019 budget:		+	331,869		
	Emergency medical expenses - 2018 budget:		-	477,912		
	CPI adjustment	1.40%		6,691		
	Increased emergency medical expenses in 2019 budget: (Do not include building construction or remodeling costs)				+	0
26.	**Total Revenue Adjustments**					**1,479,652**

City of Topeka 2019

Levies on Behalf of Another Political or Governmental Subdivision

27.	Library levy - 2019 budget:	+	
	Other tax entity levy - 2019 budget:	+	
	Other tax entity levy - 2019 budget:	+	4,872,298
28.	**Total Levies on Behalf of Another Political or Governmental Subdivision**	+	4,872,298
29.	**Total Computed Tax Levy**		**51,616,184**

Other Tests - Property Tax Decline

Note - In order to use the test, there must be a decline in tax revenues in at least one of the years listed below.

2015 Tax Levy (Less Levy for other Governmental Units)		
2016 Tax Levy (Less Levy for other Governmental Units)		None
2017 Tax Levy (Less Levy for other Governmental Units)		None
2018 Tax Levy (Less Levy for other Governmental Units)		None
Average Tax Levy (last three years)		
CPI Adjustment of 0.014		
Average Tax Levy Adjusted by CPI	0	
2019 Total Tax Levy (Less Levy for Other Governmental Units)		

Exemption from Election Requirement
Other Tests - Lost Valuation Test

Assessed Valuation Loss		
2019 Tax Levy (Less Levy for other Governmental Units)		
2018 Tax Levy (Less Levy for other Governmental Units)		
Change in Levy	0	
CPI Adjustment		605,439
2019 Mill Rate (Less Mills for other Governmental Units)		
Loss of Assessed Valuation Multiplied by 2019 Mill Rate		0
Total Adjustment for Loss of Assessed Valuation		605,439

Exemption from Election Requirment **Yes**

City of Topeka

2019

Allocation of MV, RV, 16/20M, Commercial Vehicle, and Watercraft Tax Estimates

Budgeted Funds for 2018	Ad Valorem Levy Tax Year 2017	Allocation for Year 2019				
		MVT	RVT	16/20M Veh	Comm Veh	Watercraft
General	26,790,949	2,156,346	11,923	6,149	104,755	8,166
Debt Service	15,610,726	1,256,474	6,947	3,584	61,039	4,759
Library						
Special Liability	843,978	67,930	376	194	3,300	257
TOTAL	43,245,653	3,480,750	19,246	9,927	169,094	13,182

County Treas Motor Vehicle Estimate	3,480,750				
County Treas Recreational Vehicle Estimate		19,246			
County Treas 16/20M Vehicle Estimate			9,927		
County Treas Commercial Vehicle Tax Estimate				169,094	
County Treas Watercraft Tax Estimate					13,182

Motor Vehicle Factor	0.08049				
Recreational Vehicle Factor		0.00045			
16/20M Vehicle Factor			0.00023		
Commercial Vehicle Factor				0.00391	
Watercraft Factor					0.00030

City of Topeka 2019

Schedule of Transfers

Expenditure Fund Transferred From:	Receipt Fund Transferred To:	Actual Amount for 2017	Current Amount for 2018	Proposed Amount for 2019	Transfers Authorized by Statute
TIF College Hill	Bonds & Interest	207,969	190,000	250,000	12-1774
Non Departmental General Fund	Capital Projects	568,080			12-1, 118
Transient Guest Tax	General Fund	186,163	202,004	193,757	12-1698
Retirement Reserve	Bonds & Interest	250,000	250,000		12-101
Information Technology	Capital Projects	290,000			12-1, 118
Debt Service	Capital Projects	349,505	300,000	450,000	12-1, 118
Transient Guest Tax Sunflower Soccer	Capital Projects		379,986	372,374	12-1, 118
Streets & Trafficways	Bonds & Interest		124,045		12-1, 118
Bridges Capital Projects	Bonds & Interest		87,194		12-1, 118
Water Utility	Capital Projects	800,000	500,000	500,000	12-1, 118
Stormwater Utility	Capital Projects	1,910,000	1,350,000	750,000	12-1, 118
Wastewater Utility	Capital Projects	891,000	500,000	1,375,000	12-1, 118
	Totals	5,452,717	3,883,229	3,891,131	
	Adjustments*				
	Adjusted Totals	5,452,717	3,883,229	3,891,131	

*Note: Adjustments are required only if the transfer is being made in 2018 and/or 2019 from a non-budgeted fund.

City of Topeka 2019

STATEMENT OF INDEBTEDNESS

Type of Debt	Date of Issue	Date of Retirement	Interest Rate %	Beginning Amount Amount Issued	Beginning Amount Outstanding Jan 1,2018	Date Due Interest	Date Due Principal	Amount Due 2018 Interest	Amount Due 2018 Principal	Amount Due 2019 Interest	Amount Due 2019 Principal
General Obligation:											
2010C	9/29/2010		2.050 - 4.850	4,570,000	3,895,000	2/15 & 8/15	8/15	163,415	235,000	156,248	245,000
2011A Star	9/20/2011		2.000 - 4.250	27,820,000	6,705,000	2/15 & 8/15	8/15	173,550	830,000	156,950	850,000
2011B	9/29/2011		2.000 - 4.000	3,430,000	2,680,000	2/15 & 8/15	8/15	91,125	155,000	88,025	160,000
2013A	6/4/2013		2.200 - 4.000	20,335,000	14,785,000	2/15 & 8/15	8/15	459,615	2,425,000	362,615	2,005,000
2013B	9/30/2013		3.000 - 4.500	9,790,000	8,615,000	2/15 & 8/15	8/15	326,950	415,000	314,500	425,000
2013C	9/30/2013		2.000 - 2.500	5,000,000	2,060,000	2/15 & 8/15	8/15	47,420	1,020,000	26,000	1,040,000
2014A	9/25/2014		2.000 - 3.250	5,590,000	4,910,000	2/15 & 8/15	8/15	140,075	230,000	133,175	240,000
2015A	9/15/2015		2.500 - 5.000	55,265,000	48,730,000	2/15 & 8/15	8/15	1,702,241	3,230,000	1,540,741	4,210,000
2016 TIF	5/19/2016		2.000 - 2.000	4,430,000	3,985,000	2/15 & 8/15	8/15	79,700	445,000	70,800	455,000
2016A	5/9/2016		2.500 - 5.000	20,850,000	19,385,000	2/15 & 8/15	8/15	625,750	1,500,000	550,750	1,580,000
2016B	9/13/2016		2.500 - 5.000	22,705,000	21,310,000	2/15 & 8/15	8/15	613,125	1,370,000	544,625	1,435,000
2017A	9/5/2017		2.250 - 5.000	28,490,000	28,490,000	2/15 & 8/15	8/15	932,438	2,745,000	850,038	1,895,000
2017A Temp Notes	9/5/2017		3.00	42,385,000	42,385,000	At Maturity	10/1				
Total G.O. Bonds					**207,935,000**			**5,355,404**	**14,600,000**	**4,794,467**	**14,540,000**
Revenue Bonds:											
2010A	9/22/2010		4.550 - 4.900	985,000	985,000	2/1 & 8/1	8/1	47,460		47,460	
2010B	9/22/2010		5.100 - 5.250	9,155,000	9,155,000	2/1 & 8/1	8/1	476,835		476,835	
2010C	9/22/2010		3.75	85,000	85,000	2/1 & 8/1	8/1	3,188		3,188	
2011A	9/29/2011		2.000 - 4.500	18,900,000	13,415,000	2/1 & 8/1	8/1	411,219	1,445,000	382,319	1,470,000
2012A	6/12/2012		3.000 - 3.500	22,045,000	20,425,000	2/1 & 8/1	8/1	659,869	65,000	657,919	65,000
2013A	5/21/2013		1.500 - 5.000	35,985,000	35,055,000	2/1 & 8/1	8/1	1,065,370	305,000	1,056,220	315,000
2014A	12/23/2014		3.125 - 5.000	45,510,000	36,885,000	2/1 & 8/1	8/1	1,414,213	3,060,000	1,261,213	3,220,000
2016A	9/6/2016		2.000 - 3.000	24,945,000	24,945,000	2/1 & 8/1	8/1	689,638		689,638	310,000
2016B	9/6/2016		0.850 - 1.300	1,745,000	1,025,000	2/1 & 8/1	8/1	11,663	665,000	4,680	360,000
2017A	9/5/2017		2.250 - 5.000	17,975,000	17,975,000	2/1 & 8/1	8/1	564,021	385,000	603,595	345,000
Total Revenue Bonds					**159,950,000**			**5,343,476**	**5,925,000**	**5,183,067**	**6,085,000**
Other:											
KDHE - KS Water Pollution	1/27/1993		3.110 - 3.660	110,215,967	30,745,029	12/1 & 6/1	12/1 & 6/1	776,376	4,327,165	654,063	4,460,379
KDHE - KS Publci Water Su	4/6/1998		2.500 - 3.750	33,182,304	10,186,579	8/1/ & 2/1	8/1/ & 2/1	356,670	1,555,427	308,370	1,608,546
Total Other					**40,931,608**			**1,133,046**	**5,882,592**	**962,433**	**6,068,925**
Total Indebtedness					**408,816,608**			**11,831,926**	**26,407,592**	**10,939,967**	**26,693,925**

City of Topeka 2019

STATEMENT OF CONDITIONAL LEASE-PURCHASE AND CERTIFICATE OF PARTICIPATION*

Item Purchased	Contract Date	Term of Contract (Months)	Interest Rate %	Total Amount Financed (Beginning Principal)	Principal Balance On Jan 1 2018	Payments Due 2018	Payments Due 2019
Fire Trucks	6/25/2010	120	2.47	2,899,123	985,089	323,229	328,336
Police Cars	2/6/2015	36	1.38	870,000	293,984	293,984	
Fire Trucks	9/6/2016	120	2.65	1,639,296	1,487,464	154,401	157,013
Self Contained Breathing appara	7/21/2017	60	1.89	924,576	924,576	178,051	181,419
Totals					**3,691,113**	**949,665**	**666,768**

***If you are merely leasing/renting with no intent to purchase, do not list--such transactions are not lease-purchases.

City of Topeka 2019

FUND PAGE FOR FUNDS WITH A TAX LEVY

Adopted Budget **General**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	11,288,087	11,853,246	11,153,247
Receipts:			
Ad Valorem Tax	25,291,810	25,985,402	xxxxxxxxxxxxxxxxx
Delinquent Tax	466,434	571,988	550,000
Motor Vehicle Tax	2,305,327	2,106,614	2,156,346
Recreational Vehicle Tax		10,899	11,923
16/20M Vehicle Tax		5,478	6,149
Commercial Vehicle Tax		85,462	104,755
Watercraft Tax		7,777	8,166
Gross Earning (Intangible) Tax			0
LAVTR			0
City and County Revenue Sharing			0
Mineral Production Tax			
Local Alcoholic Liquor			
Compensating Use Tax			
Local Sales Tax	30,227,578	31,484,036	31,484,036
Franchise Tax			
Licenses	471,016	596,420	471,584
Permits	1,226,558	1,355,000	1,221,651
Franchise Fees	13,973,191	14,650,000	14,287,491
Intergovernmental Revenue	1,081,172	1,071,940	1,139,901
Fees for Services	4,125,891	4,192,556	4,492,003
Municipal Court Fees & Fines	2,657,060	3,000,000	3,000,000
Service Assessments	275,825	160,000	285,000
Administrative Fees			
Transfers	186,163	188,500	193,757
Sale of Property	44,479	14,000	17,000
PILOT	7,319,432	7,471,168	7,474,791
Rental Fees	69,460	58,947	70,121
NRA Rebate		0	
Miscellaneous	673,240	584,035	755,124
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**90,394,637**	**93,600,222**	**67,729,798**
Resources Available:	**101,682,724**	**105,453,468**	**78,883,045**

City of Topeka

FUND PAGE - GENERAL

Adopted Budget General	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Resources Available:	101,682,724	105,453,468	78,883,045
Expenditures:			
City Council	371,069	401,558	378,493
Mayor	153,445	164,276	166,276
Executive	1,210,131	1,390,290	1,631,751
Finance	2,269,307	2,499,251	2,608,609
City Attorney	1,167,613	1,243,983	1,168,246
Human Resources	1,261,044	1,299,107	1,375,546
Municipal Court	1,742,506	1,977,507	1,763,365
Fire	26,655,052	27,676,882	28,029,417
Police	35,446,390	39,621,902	40,191,451
Public Works	6,553,206	8,291,604	8,407,725
Park and Recreation	539,990	535,970	569,951
Zoo	2,610,591	2,595,276	2,582,399
Planning	903,723	2,544,193	2,719,548
Cemeteries	217,905	220,000	220,000
Franchise Fee Program	100,000	104,600	104,600
Neighborhood Relations	3,932,160	2,948,108	2,320,263
Topeka Performing Arts Center	743,619	535,538	492,047
Prisoner Care	726,009	700,000	700,000
Non-Department	3,225,717	-449,824	10,442,885
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**89,829,478**	**94,300,221**	**105,872,571**
Unencumbered Cash Balance Dec 31	11,853,246	11,153,247	xxxxxxxxxxxxxxxxx
2017/2018/2019 Budget Authority Amount:	101,410,998	104,951,039	105,872,571
		Non-Appropriated Balance	
		Total Expenditure/Non-Appr Balance	105,872,571
		Tax Required	26,989,527
	Delinquent Comp Rate:	3.1%	836,675
		Amount of 2018 Ad Valorem Tax	27,826,202

City of Topeka 2019

Adopted Budget **General Fund - Detail Expenditures**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Expenditures:			
City Council			
Salaries	338,905	368,115	350,719
Contractual	31,558	32,658	26,624
Commodities	606	785	1,150
Capital Outlay			
Total	**371,069**	**401,558**	**378,493**
Mayor			
Salaries	122,135	125,809	127,581
Contractual	29,466	37,217	37,495
Commodities	1,844	1,250	1,200
Capital Outlay			
Total	**153,445**	**164,276**	**166,276**
Executive			
Salaries	799,480	1,061,822	1,266,615
Contractual	317,479	251,258	279,485
Commodities	81,197	77,210	78,892
Capital Outlay	11,975		6,759
Total	**1,210,131**	**1,390,290**	**1,631,751**
Finance			
Salaries	1,847,878	2,022,117	2,143,458
Contractual	410,840	464,474	454,201
Commodities	10,589	12,660	10,950
Capital Outlay			
Total	**2,269,307**	**2,499,251**	**2,608,609**
City Attorney			
Salaries	993,528	1,058,349	982,881
Contractual	155,275	165,248	167,918
Commodities	18,810	20,386	17,447
Capital Outlay			
Total	**1,167,613**	**1,243,983**	**1,168,246**
Human Resources			
Salaries	851,916	881,830	956,417
Contractual	381,935	395,907	400,509
Commodities	27,193	21,370	18,620
Capital Outlay			
Total	**1,261,044**	**1,299,107**	**1,375,546**
Municipal Court			
Salaries	1,291,255	1,478,750	1,266,655
Contractual	436,862	486,545	485,437
Commodities	14,389	12,212	11,273
Capital Outlay			
Total	**1,742,506**	**1,977,507**	**1,763,365**
Fire			
Salaries	24,076,204	24,484,570	2,166,301
Contractual	1,920,792	1,925,129	23,811,010
Commodities	598,429	826,000	1,887,656
Capital Outlay	59,627	441,183	164,450
Total	**26,655,052**	**27,676,882**	**28,029,417**

Page Total	**34,830,167**	**36,652,854**	**37,121,703**

(Note: Should agree with general sub-totals.)

Page No. 2

Adopted Budget General Fund - Detail Expenditures	Prior Year Actual for 2017	Current Year Estimate for 2018	
Expenditures:			
Police			
Salaries	29,557,316	33,890,307	34,260,250
Contractual	4,036,517	3,932,572	4,205,615
Commodities	1,161,015	1,149,023	1,075,586
Capital Outlay	691,542	650,000	650,000
Total	**35,446,390**	**39,621,902**	**40,191,451**
Public Works			
Salaries	3,949,204	4,664,443	4,766,005
Contractual	3,300,976	4,547,448	4,614,462
Commodities	126,761	107,948	95,904
Capital Outlay	(823,735)	(1,028,235)	(1,068,646)
Total	**6,553,206**	**8,291,604**	**8,407,725**
Park and Recreation			
Salaries			
Contractual	539,990	535,970	569,951
Commodities			
Capital Outlay			
Total	**539,990**	**535,970**	**569,951**
Zoo			
Salaries	1,410,088	1,467,160	1,525,821
Contractual	931,654	865,516	815,887
Commodities	262,845	247,600	235,691
Capital Outlay	6,004	15,000	5,000
Other			
Total	**2,610,591**	**2,595,276**	**2,582,399**
Planning			
Salaries	727,736	2,102,422	2,203,275
Contractual	170,382	406,441	458,858
Commodities	5,605	35,330	35,353
Capital Outlay			22,062
Total	**903,723**	**2,544,193**	**2,719,548**
Cemeteries			
Salaries			
Contractual	217,905	220,000	220,000
Commodities			
Capital Outlay			
Total	**217,905**	**220,000**	**220,000**
Franchise Fee Program			
Expenditures	100,000	104,600	104,600
Total	**100,000**	**104,600**	**104,600**
Page Total	**45,831,815**	**53,913,545**	**54,795,674**

(Note: Should agree with general sub-totals.)

Page No. 3

Adopted Budget General Fund - Detail Expenditures	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Expenditures:			
Neighborhood Relations			
Salaries	2,395,642	1,433,686	1,457,141
Contractual	1,304,879	1,474,717	823,061
Commodities	69,886	39,705	40,061
Capital Outlay	161,753		
Total	3,932,160	2,948,108	2,320,263
Topeka Performing Arts Center			
Salaries			
Contractual	743,619	535,538	492,047
Commodities			
Capital Outlay			
Total	743,619	535,538	492,047
Prisoner Care			
Salaries			
Contractual	726,009	700,000	700,000
Commodities			
Capital Outlay			
Total	726,009	700,000	700,000
Non-Department			
Expenditures	3,225,717	(449,824)	(710,362)
Contingency			11,153,247
Total	3,225,717	(449,824)	10,442,885
Page Total 3	**8,627,506**	**3,733,822**	**13,955,195**
Page Total 2	**46,371,805**	**53,913,545**	**54,795,674**
Page Total 1	**34,830,167**	**36,652,854**	**37,121,703**
Page Grand Total	**89,829,478**	**94,300,221**	**105,872,571**

City of Topeka 2019

FUND PAGE FOR FUNDS WITH A TAX LEVY

Adopted Budget **Debt Service**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	5,227,075	6,797,338	6,979,527
Receipts:			
Ad Valorem Tax	14,737,471	15,141,344	xxxxxxxxxxxxxxxx
Delinquent Tax	267,705	300,000	300,000
Motor Vehicle Tax	1,343,358	1,227,513	1,256,474
Recreational Vehicle Tax		6,351	6,947
16/20M Vehicle Tax		3,191	3,584
Commercial Vehicle Tax		49,798	61,039
Watercraft Tax		4,532	4,759
PILOT IRB	1,186	40,000	5,000
Sales Tax Heartland Park	40,786	81,495	82,310
State Heartland Park	178,081	210,792	240,000
Transfer from Capital Projects	457,950	731,694	216,351
Special Assessment	3,135,948	3,314,972	3,182,406
Refunding Bonds	639,917		397,891
Interest on Idle Funds	166,503	128,788	130,076
Neighborhood Revitalization Rebate			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**20,968,905**	**21,240,470**	**5,886,837**
Resources Available:	**26,195,980**	**28,037,808**	**12,866,364**
Expenditures:			
Principal Payments	13,641,306	16,041,253	15,138,900
Interest Payments	5,099,876	4,672,028	5,011,308
Cost of Issuance	1,000		
Other Costs	306,955	45,000	929,702
Refunding Bonds			
Other Funding Costs			
Transfers	349,505	300,000	450,000
Retirement Reserve Bond Payment			
Contingency			7,062,891
Cash Basis Reserve (2019 column)			
Miscellaneous			
Does miscellanous exceed 10% of Total E			
Total Expenditures	**19,398,642**	**21,058,281**	**28,592,801**
Unencumbered Cash Balance Dec 31	6,797,338	6,979,527	xxxxxxxxxxxxxxxx
2017/2018/2019 Budget Authority Amoun	20,994,125	26,950,281	28,592,801
		Non-Appropriated Balance	
		Total Expenditure/Non-Appr Balance	28,592,801
		Tax Required	15,726,437
	Delinquent Comp Rate:	3.1%	487,520
		Amount of 2018 Ad Valorem Tax	16,213,957

Adopted Budget **Library**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1		0	0
Receipts:			
Ad Valorem Tax		0	xxxxxxxxxxxxxxxx
Delinquent Tax			
Motor Vehicle Tax			
Recreational Vehicle Tax			
16/20M Vehicle Tax			
Commercial Vehicle Tax			
Watercraft Tax			
Interest on Idle Funds			
Neighborhood Revitalization Rebate			0
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**0**	**0**	**0**
Resources Available:	**0**	**0**	**0**
Expenditures:			
Miscellaneous			
Does miscellaneous exceed 10% of Total E			
Total Expenditures	**0**	**0**	**0**
Unencumbered Cash Balance Dec 31	0	0	xxxxxxxxxxxxxxxx
2017/2018/2019 Budget Authority Amoun	0	0	0
		Non-Appropriated Balance	
		Total Expenditure/Non-Appr Balance	0
		Tax Required	0
	Delinquent Comp Rate:	3.1%	0
		Amount of 2018 Ad Valorem Tax	0

City of Topeka 2019

FUND PAGE FOR FUNDS WITH A TAX LEVY

Adopted Budget **Special Liability**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	2,065,424	2,103,294	1,145,734
Receipts:			
Ad Valorem Tax	796,535	818,601	xxxxxxxxxxxxxxxx
Delinquent Tax	14,363	25,377	25,377
Motor Vehicle Tax	72,537	69,759	67,930
Recreational Vehicle Tax			376
16/20M Vehicle Tax			194
Commercial Vehicle Tax			3,300
Watercraft Tax			257
IRB PILOT	64	2,000	2,000
Other	11,838		
Interest on Idle Funds			
Neighborhood Revitalization Rebate			0
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**895,337**	**915,737**	**99,434**
Resources Available:	2,960,761	3,019,031	1,245,168
Expenditures:			
Personnel	276,288	322,249	449,671
Contractual	576,766	728,548	743,786
Commodities	4,412	4,500	4,500
Capital Outlay			
Other		818,000	898,477
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**857,467**	**1,873,297**	**2,096,434**
Unencumbered Cash Balance Dec 31	2,103,294	1,145,734	xxxxxxxxxxxxxxxx
2017/2018/2019 Budget Authority Amoun	1,956,507	1,873,297	2,096,434
		Non-Appropriated Balance	
		Total Expenditure/Non-Appr Balance	2,096,434
		Tax Required	851,266
	Delinquent Comp Rate:	3.1%	26,389
		Amount of 2018 Ad Valorem Tax	877,655

Adopted Budget **Topeka Metropolitan Transit Authority**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	0	0	0
Receipts:			
Ad Valorem Tax	4,294,555	4,549,163	xxxxxxxxxxxxxxxx
Delinquent Tax	80,125		146,500
Motor Vehicle Tax	392,627	360,522	366,675
Recreational Vehicle Tax			2,027
16/20M Vehicle Tax			1,044
Commercial Vehicle Tax			17,800
Watercraft Tax			1,387
IRB Payment	346		0
Other			0
Interest on Idle Funds			0
Neighborhood Revitalization Rebate			0
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**4,767,653**	**4,909,685**	**535,433**
Resources Available:	**4,767,653**	**4,909,685**	**535,433**
Expenditures:			
Payment to TMTA	4,767,653	4,909,685	5,261,231
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**4,767,653**	**4,909,685**	**5,261,231**
Unencumbered Cash Balance Dec 31	0	0	xxxxxxxxxxxxxxxx
2017/2018/2019 Budget Authority Amoun	4,722,170	4,909,685	5,261,231
		Non-Appropriated Balance	
		Total Expenditure/Non-Appr Balance	5,261,231
		Tax Required	4,725,798
	Delinquent Comp Rate:	3.1%	146,500
		Amount of 2018 Ad Valorem Tax	4,872,298

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget **Special Highway**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	3,308,852	3,045,193	2,546,392
Receipts:			
State of Kansas Gas Tax	3,367,670	3,301,830	3,424,179
County Transfers Gas	2,087,851	2,650,027	2,150,956
Link Maintenance		16,404	
Sale of Property	10,026		
Inmate Program Income	315,441	370,091	369,785
Other	46,751		
Interest on Idle Funds			
Miscellaneous		12,040	34,000
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**5,827,739**	**6,350,392**	**5,978,920**
Resources Available:	**9,136,591**	**9,395,585**	**8,525,312**
Expenditures:			
Personnel	3,015,293	3,064,000	3,641,880
Contractual	1,467,114	2,273,486	2,417,327
Commodities	704,376	569,616	810,068
Capital	595,565	572,000	339,385
Inmate Program	309,050	370,091	369,785
Other			
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**6,091,398**	**6,849,193**	**7,578,445**
Unencumbered Cash Balance Dec 31	3,045,193	2,546,392	946,867
2017/2018/2019 Budget Authority Amount	6,993,704	7,334,675	7,578,445

Adopted Budget

Special Alcohol & Drug	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	141,669	142,757	142,757
Receipts:			
Liquor Tax	539,990	535,970	570,000
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**539,990**	**535,970**	**570,000**
Resources Available:	**681,659**	**678,727**	**712,757**
Expenditures:			
Grant to Outside Agency	538,902	535,970	570,000
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**538,902**	**535,970**	**570,000**
Unencumbered Cash Balance Dec 31	142,757	142,757	142,757
2017/2018/2019 Budget Authority Amount	620,000	535,970	570,000

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget **Alcohol & Drug Safety**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	359,797	333,133	329,246
Receipts:			
Court Fees	41,386	74,800	74,800
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**41,386**	**74,800**	**74,800**
Resources Available:	**401,183**	**407,933**	**404,046**
Expenditures:			
Personnel	62,804	67,338	55,577
Contractual	2,066	6,304	6,304
Commodities	3,181	5,045	5,045
Other			334,874
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**68,050**	**78,687**	**401,800**
Unencumbered Cash Balance Dec 31	333,133	329,246	2,246
2017/2018/2019 Budget Authority Amount	106,746	111,220	401,800

Adopted Budget

Law Enforcement	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	1,903,522	1,851,108	1,442,187
Receipts:			
Revenue	337,648	282,000	222,500
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**337,648**	**282,000**	**222,500**
Resources Available:	**2,241,170**	**2,133,108**	**1,664,687**
Expenditures:			
Contractual	233,981	429,000	429,000
Commodities	43,661	121,000	121,000
Capital	112,420		
Other		140,921	140,921
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**390,062**	**690,921**	**690,921**
Unencumbered Cash Balance Dec 31	1,851,108	1,442,187	973,766
2017/2018/2019 Budget Authority Amount	690,921	690,921	690,921

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget **Transient Guest Tax**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	609,946	468,159	468,158
Receipts:			
Transient Guest Tax	1,907,225	1,957,535	1,977,111
Transient Guest Tax- Sunflower Soccer	388,878	368,687	372,374
Transient Gues Tax- New 1% Allocation	372,327	368,687	372,374
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**2,668,430**	**2,694,909**	**2,721,859**
Resources Available:	**3,278,376**	**3,163,068**	**3,190,017**
Expenditures:			
Visit Topeka	1,675,471	1,726,546	1,743,811
Grants Other Agencies	651,544	361,314	364,927
Transfer Capital Sunflower Soccer	274,242	361,314	364,927
Transfer to General Fund (Zoo)	186,163	191,838	193,757
Admin Fees	53,190	53,898	54,436
Contingency			468,159
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**2,840,610**	**2,694,910**	**3,190,017**
Unencumbered Cash Balance Dec 31	468,159	468,158	0
2017/2018/2019 Budget Authority Amount	3,284,523	3,427,789	3,190,017

Adopted Budget

Retirement Reserve	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	2,367,991	2,257,668	1,309,362
Receipts:			
Fees from Departments	1,784,963	1,806,687	1,820,592
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**1,784,963**	**1,806,687**	**1,820,592**
Resources Available:	**4,152,954**	**4,064,355**	**3,129,954**
Expenditures:			
Personnel	1,648,682	2,500,600	2,500,600
Contractual	24,858	4,393	23,635
Other (Transfer to Debt Service)	250,000	250,000	
Contingency			605,719
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**1,923,540**	**2,754,993**	**3,129,954**
Unencumbered Cash Balance Dec 31	2,257,668	1,309,362	0
2017/2018/2019 Budget Authority Amount	3,474,471	3,567,577	3,129,954

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Historical Asset Tourism	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	24,513	40,573	31,157
Receipts:			
Transfer from Transient Guest	24,200		
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**24,200**	**0**	**0**
Resources Available:	**48,713**	**40,573**	**31,157**
Expenditures:			
Grants			
Contractual	8,140		31,156
Other		9,416	
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**8,140**	**9,416**	**31,156**
Unencumbered Cash Balance Dec 31	40,573	31,157	1
2017/2018/2019 Budget Authority Amoun	113,914	113,914	31,156

Adopted Budget

Half Cent Sales Tax (JEDO)	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	-768,292	10,290,941	10,000,000
Receipts:			
Transfer from Sales Tax	23,834,627	17,723,914	17,901,153
Inter-Governmental			
Interest on Idle Funds			
Miscellaneous		886,196	895,058
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**23,834,627**	**18,610,110**	**18,796,211**
Resources Available:	**23,066,335**	**28,901,051**	**28,796,211**
Expenditures:			
Contractual Services	12,639,674	18,901,051	27,901,153
Transfer			
Other	135,720		895,058
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**12,775,394**	**18,901,051**	**28,796,211**
Unencumbered Cash Balance Dec 31	10,290,941	10,000,000	0
2017/2018/2019 Budget Authority Amoun	23,894,102	28,610,110	28,796,211

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Half Cent Sales Tax (Street)	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	14,083,931	8,381,774	6,264,365
Receipts:			
Sales Tax	15,113,789	14,765,801	14,765,801
Private Contributions	36,908	30,000	30,000
Interest on Idle Funds	130,242		
Other		30,300	30,300
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**15,280,939**	**14,826,101**	**14,826,101**
Resources Available:	**29,364,871**	**23,207,875**	**21,090,466**
Expenditures:			
Personnel	153,503	168,663	174,940
Contractual	20,570,511	15,158,847	13,650,536
Commodities	259,083	1,616,000	1,616,000
Capital Outlay			
Other			5,648,990
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**20,983,097**	**16,943,510**	**21,090,466**
Unencumbered Cash Balance Dec 31	8,381,774	6,264,365	0
2017/2018/2019 Budget Authority Amount	23,000,000	28,432,827	21,090,466

Adopted Budget

Tax Increment Financing	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1		0	0
Receipts:			
College Hill	207,950	190,000	250,000
Wheatfield		500,000	500,000
General Property			
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**207,950**	**690,000**	**750,000**
Resources Available:	**207,950**	**690,000**	**750,000**
Expenditures:			
Debt Service Payment			
Contractual Services		500,000	500,000
Other	207,950	190,000	250,000
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**207,950**	**690,000**	**750,000**
Unencumbered Cash Balance Dec 31	0	0	0
2017/2018/2019 Budget Authority Amount	250,000	690,000	750,000

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Court Technology	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	228,641	274,882	261,025
Receipts:			
Municipal Court Fees	53,731	52,785	52,785
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**53,731**	**52,785**	**52,785**
Resources Available:	**282,372**	**327,667**	**313,810**
Expenditures:			
Contractual Services	7,490	45,000	60,000
Other		21,642	253,810
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**7,490**	**66,642**	**313,810**
Unencumbered Cash Balance Dec 31	274,882	261,025	0
2017/2018/2019 Budget Authority Amount	65,000	66,642	313,810

Adopted Budget

Downtown Improvement	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	23,384	31,742	53,494
Receipts:			
BID Assessments	182,479	189,051	208,050
Sale of Property			
Other		21,752	21,752
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**182,479**	**210,803**	**229,802**
Resources Available:	**205,863**	**242,545**	**283,296**
Expenditures:			
Transfer to Downtown Topeka	174,121	189,051	208,051
Other			75,245
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**174,121**	**189,051**	**283,296**
Unencumbered Cash Balance Dec 31	31,742	53,494	0
2017/2018/2019 Budget Authority Amount	690,921	232,555	283,296

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Community Development	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	10,036	8,051	8,051
Receipts:			
Sales Tax	351,915	560,000	760,000
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**351,915**	**560,000**	**760,000**
Resources Available:	**361,951**	**568,051**	**768,051**
Expenditures:			
Payment to Developer	353,900	560,000	760,000
Other Funding Uses	0	0	0
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**353,900**	**560,000**	**760,000**
Unencumbered Cash Balance Dec 31	8,051	8,051	8,051
2017/2018/2019 Budget Authority Amoun	460,000	560,000	760,000

Adopted Budget

Employee Separation	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1		0	0
Receipts:			
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**0**	**0**	**0**
Resources Available:	**0**	**0**	**0**
Expenditures:			
Personnel			
Contractual			
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**0**	**0**	**0**
Unencumbered Cash Balance Dec 31	0	0	0
2017/2018/2019 Budget Authority Amoun	1,000,000	0	0

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget **KP&F Rate Equilization**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	690,910	422,073	29,380
Receipts:			
Interest on Idle Funds	3,340	0	0
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**3,340**	**0**	**0**
Resources Available:	**694,250**	**422,073**	**29,380**
Expenditures:			
Retirement Spike Payment	300,000	392,693	29,380
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**272,177**	**392,693**	**29,380**
Unencumbered Cash Balance Dec 31	422,073	29,380	0
2017/2018/2019 Budget Authority Amount	300,000	392,693	29,380

Adopted Budget

Neighborhood Revitalization	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	327,882	387,531	272,531
Receipts:			
NRA	34,695	35,000	15,000
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**34,695**	**35,000**	**15,000**
Resources Available:	**362,577**	**422,531**	**287,531**
Expenditures:			
Contractual Services	3,166	150,000	130,000
Other			157,531
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**3,166**	**150,000**	**287,531**
Unencumbered Cash Balance Dec 31	387,531	272,531	0
2017/2018/2019 Budget Authority Amount	397,882	391,002	287,531

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget **Tourism Improvement**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	0	0	0
Receipts:			
Special Assessments		465,000	480,000
Interest on Idle Funds			
Miscellaneous		23,250	20,000
Does miscellaneous exceed 10% Total R			
Total Receipts		**488,250**	**500,000**
Resources Available:		**488,250**	**500,000**
Expenditures:			
Contractual		465,000	480,000
Cash Forward (2019 column)			
Miscellaneous		23,250	20,000
Does miscellaneous exceed 10% Total E			
Total Expenditures	**0**	**488,250**	**500,000**
Unencumbered Cash Balance Dec 31	0	0	0
2017/2018/2019 Budget Authority Amou	0	488,250	500,000

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget **Combined Utilities**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	18,548,672	23,973,616	22,226,390
Receipts:			
Other	326,078	126,000	126,000
Service Fees	66,526,711	66,264,350	72,760,692
Special Assessments	67,967	40,000	40,000
Interest on Idle Funds			
Miscellaneous	2,646,262	1,491,150	1,764,100
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**69,567,018**	**67,921,500**	**74,690,792**
Resources Available:	**88,115,690**	**91,895,116**	**96,917,182**
Expenditures:			
Personnel	13,596,710	15,267,275	15,654,480
Contractual	22,593,438	22,921,140	23,376,934
Commodities	6,507,309	8,254,511	8,108,052
Capital Outlay	819,352	700,000	1,000,000
Debt	16,966,705	17,587,355	18,414,127
Transfers	3,601,000	2,350,000	2,625,000
Other	57,561	2,588,445	3,264,907
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**64,142,074**	**69,668,726**	**72,443,501**
Unencumbered Cash Balance Dec 31	23,973,616	22,226,390	24,473,681
2017/2018/2019 Budget Authority Amount	68,197,280	69,668,726	72,443,501

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget **Public Parking**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	2,006,921	2,192,884	1,593,206
Receipts:			
User Fees	2,602,694	2,654,083	2,709,162
Fines	186,118	183,287	183,287
Interest on Idle Funds			
Miscellaneous	81,083	19,000	19,000
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**2,869,895**	**2,856,370**	**2,911,449**
Resources Available:	**4,876,816**	**5,049,254**	**4,485,655**
Expenditures:			
Personnel	725,385	878,066	804,461
Contractual	1,043,907	1,381,558	1,575,871
Commodities	73,734	129,100	130,192
Capital Outlay		261,528	261,528
Debt Service	837,074	805,796	784,526
Depreciation / Bad debt	3,831		
Other			95,377
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**2,683,932**	**3,456,048**	**3,651,955**
Unencumbered Cash Balance Dec 31	2,192,884	1,593,206	833,700
2017/2018/2019 Budget Authority Amount	3,136,638	3,456,048	3,651,955

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget **Fleet**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	801,707	958,846	835,908
Receipts:			
Department Fees	1,980,082	1,980,000	2,050,000
Sale of Property	8,827		
Other	3,346		900,000
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**1,992,255**	**1,980,000**	**2,950,000**
Resources Available:	**2,793,962**	**2,938,846**	**3,785,908**
Expenditures:			
Personnel	1,445,256	1,587,700	1,583,971
Contractual	281,266	316,003	317,828
Commodities	58,753	74,735	91,460
Capital	52,007	124,500	984,755
Other/Clearing	(2,166)		
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**1,835,116**	**2,102,938**	**2,978,015**
Unencumbered Cash Balance Dec 31	958,846	835,908	807,893
2017/2018/2019 Budget Authority Amount	1,980,000	3,002,938	2,978,015

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget **Facilities**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	149,658	339,286	222,704
Receipts:			
Department Fees	1,832,844	1,695,583	1,634,931
Misc	1,539		
Other	1,394		
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**1,835,777**	**1,695,583**	**1,634,931**
Resources Available:	**1,985,435**	**2,034,869**	**1,857,635**
Expenditures:			
Personnel	893,326	1,081,892	1,081,133
Contractual	604,552	501,004	451,588
Commodities	118,138	113,200	107,500
Capital			44,710
Other/Clearing	(8,111)		
Depreciation			
Other/Clearing		116,069	172,704
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**1,607,905**	**1,812,165**	**1,857,635**
Unencumbered Cash Balance Dec 31	339,286	222,704	0
2017/2018/2019 Budget Authority Amount	1,995,577	1,845,241	1,857,635

City of Topeka 2019

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget **IT**	Prior Year Actual for 2017	Current Year Estimate for 2018	Proposed Budget Year for 2019
Unencumbered Cash Balance Jan 1	1,810,084	1,319,727	979,776
Receipts:			
Department Fees	3,806,906	3,921,044	3,931,275
Franchise Fees	34,043	10,000	10,000
Other Funding Uses			
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% Total Rec			
Total Receipts	**3,840,949**	**3,931,044**	**3,941,275**
Resources Available:	**5,651,033**	**5,250,771**	**4,921,051**
Expenditures:			
Personnel	1,759,131	1,649,024	1,701,836
Contractual	2,135,529	2,105,221	2,092,099
Capital		340,000	123,354
Commodities	146,687	176,750	100,000
Depreciation			
Other	(41)		
Transfers	290,000		
Cash Forward (2019 column)			
Miscellaneous			
Does miscellaneous exceed 10% Total Exp			
Total Expenditures	**4,331,306**	**4,270,995**	**4,017,289**
Unencumbered Cash Balance Dec 31	1,319,727	979,776	903,762
2017/2018/2019 Budget Authority Amount	4,255,374	4,270,995	4,017,289

0 **NON-BUDGETED FUNDS (B)** 2019

(Only the actual budget year for 2017 is to be shown)

Non-Budgeted Funds-B

(1) Fund Name:		(2) Fund Name:		(3) Fund Name:		(4) Fund Name:		(5) Fund Name:		
Workers Comp Self Ins		**Property & Vehicle Ins**		**Group Health Ins**		**Risk Management Res**		**Unemployment**		
Unencumbered		Unencumbered		Unencumbered		Unencumbered		Unencumbered		Total
Cash Balance Dec 31	914,301	Cash Balance Dec 31	500,764	Cash Balance Dec 31	3,966,129	Cash Balance Dec 31	368,657	Cash Balance Dec 31	96,231	5,846,082
Receipts:		Receipts:		Receipts:		Receipts:		Receipts:		
Fees for Services	2,418,185	Fees for Services	835,419	Fees for Services	11,651,660	Fees for Services		Fees for Services	67,836	
Interest	16,941	Interest		Interest	30,571	Interest	1,889	Interest		
Refunds & Recoveries		Refunds & Recoverie	16,700	Refunds & Recoveries		Refunds & Recoveries		Refunds & Recoveries		
Other	11,500	Other		Other	38,203	Other		Other		
Total Receipts	2,446,626	Total Receipts	852119	Total Receipts	11720434.5	Total Receipts	1889.4	Total Receipts	67836	15,088,905
Resources Available:	3,360,927	Resources Available:	1,352,883	Resources Available:	15,686,564	Resources Available:	370,546	Resources Available:	164,067	20,934,987
Expenditures:		Expenditures:		Expenditures:		Expenditures:		Expenditures:		
Wages & Benefits	93,185	Wages & Benefits		Wages & Benefits	25,407	Wages & Benefits		Wages & Benefits	14,856	
Contractual Services	1,620,524	Contractual Services	830,557	Contractual Services	10,073,651	Contractual Services		Contractual Services		
				Commodities	802					
Total Expenditures	1,713,709	Total Expenditures	830,557	Total Expenditures	10,099,860	Total Expenditures	0	Total Expenditures	14,856	12,658,982
Cash Balance Dec 31	1,647,218	Cash Balance Dec 31	522,326	Cash Balance Dec 31	5,586,703	Cash Balance Dec 31	370,546	Cash Balance Dec 31	149,211	**8,276,005** **
										8,276,005 **

**Note: These two block figures should agree.

NOTICE OF BUDGET HEARING

The governing body of

City of Topeka

will meet on August 7, 2018 at 6:00 p.m. at City Council Chambers at 214 E Eighth Street for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax.
Detailed budget information is available at Office of the City Clerk at City Hall and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2019 Expenditures and Amount of 2018 Ad Valorem Tax establish the maximum limits of the 2019 budget.
Estimated Tax Rate is subject to change depending on the final assessed valuation.

	Prior Year Actual for 2017		Current Year Estimate for 2018		Proposed Budget for 2019		
FUND	Expenditures	Actual Tax Rate *	Expenditures	Actual Tax Rate *	Budget Authority for Expenditures	Amount of 2018 Ad Valorem Tax	Estimate Tax Rate *
General	89,829,478	24.735	94,300,221	24.730	105,872,571	27,826,202	24.730
Debt Service	19,398,642	14.413	21,058,281	14.410	28,592,801	16,213,957	14.410
Library							
Special Liability	857,467	0.779	1,873,297	0.780	2,096,434	877,655	0.780
Special Highway	6,091,398		6,849,193		7,578,445		
Special Alcohol & Drug	538,902		535,970		570,000		
Alcohol & Drug Safety	68,050		78,687		401,800		
Law Enforcement	390,062		690,921		690,921		
Transient Guest Tax	2,840,610		2,694,910		3,190,017		
Retirement Reserve	1,923,540		2,754,993		3,129,954		
Historical Asset Tourism	8,140		9,416		31,156		
Half Cent Sales Tax (JEDO)	12,775,394		18,901,051		28,796,211		
Half Cent Sales Tax (Street)	20,983,097		16,943,510		21,090,466		
Tax Increment Financing	207,950		690,000		750,000		
Court Technology	7,490		66,642		313,810		
Downtown Improvement	174,121		189,051		283,296		
Community Development	353,900		560,000		760,000		
KP&F Rate Equilization	272,177		392,693		29,380		
Neighborhood Revitalization	3,166		150,000		287,531		
Tourism Improvement			488,250		500,000		
Combined Utilities	64,142,074		69,668,726		72,443,501		
Public Parking	2,683,932		3,456,048		3,651,955		
Fleet	1,835,116		2,102,938		2,978,015		
Facilities	1,607,905		1,812,165		1,857,635		
IT	4,331,306		4,270,995		4,017,289		
Risk Funds	12,658,982		18,361,175		19,549,625		
Totals	243,982,898	39.927	268,899,133	39.920	309,462,812	44,917,814	39.920
Less: Transfers	5,452,717		3,883,229		3,891,131		
Net Expenditure	238,530,181		265,015,904		305,571,681		
Total Tax Levied	42,663,840		43,245,653		xxxxxxxxxxxxxxxxx		
Assessed Valuation	1,068,583,794		1,083,356,783		1,125,189,769		

Outstanding Indebtedness, January 1,	2016	2017	2018
G.O. Bonds	208,005,000	199,475,000	207,935,000
Revenue Bonds	130,460,000	147,380,000	159,950,000
Other	52,810,634	46,909,050	40,931,608
Lease Purchase Principal	2,797,754	3,526,552	3,691,113
Total	394,073,388	397,290,602	412,507,721

*Tax rates are expressed in mills

	2017 Actual	Mill Levy	2018 Expenditures	Mill Levy	2019 Budget Authority	Amount of 2018 Ad Valorem Tax	Estimated Tax Rate
Metropolitan Transit Author	4,767,653	4.200	4,909,685	4.200	5,261,231	4,872,298	4.200

Brenda Younger
City Official Title: City Clerk

The Topeka Metro News

P.O. Box 1794
Topeka, KS 66601-1794
(785) 232-8600

CITY OF TOPEKA - CITY CLERK'S OFFICE
215 SE 7TH ST RM 166
TOPEKA KS 66603-3914

Proof of Publication

STATE OF KANSAS, SHAWNEE COUNTY, SS; Pam Kruse, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Billing Clerk for The Topeka Metro News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Shawnee County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a *period of* more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

BUDGET HEARING - TOPEKA
7/16/18

Pam Kruse
Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:
July 16, 2018

Penny Knight
Notary Public

PENNY KNIGHT
Notary Public-State of Kansas
My Appt. Expires Dec. 31, 2021

L74855
Publication Fees: $62.00

NOTICE OF BUDGET HEARING

rst published in The Topeka Metro News, Monday, July 16, 2018.

State of Kansas
City

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SEAL OF TOPEKA CAPITAL CITY INCORPORATED FEB. 14, 1857 KANSAS

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