



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

Governing Body Agenda

December 17, 2019
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	Neil Dobler	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 seven (7) 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. ROLL CALL:

2. CONSENT AGENDA:

A. Resolution: Establishing City Boundary (2019)

RESOLUTION introduced by City Manager Brent Trout, declaring the entire boundary of the City of Topeka and rescinding City of Topeka Resolution No. 8963.

(Approval will comply with K.S.A. 12-517 which requires a declaration of the boundaries of the city if territory has been added in the calendar year.)

B. Resolution - 2020 Governing Body Meeting Schedule

RESOLUTION introduced by Deputy Mayor Sandra Clear, cancelling Governing Body meetings for calendar year 2020.

(Approval would provide notice that meetings would not be held on August 4, 2020, Primary Election Day and November 3, 2020, General Election Day)

C. Ordinance - Initiating Eminent Domain Proceeding (Wanamaker Sanitary Sewer Project)

ORDINANCE introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire easements for replacement of the Wanamaker Sanitary Sewer Main from the 6300 block of S.W. 9th to Danbury Lane. *(Project T-291056.00)*

(Approval would authorize the City Attorney to initiate eminent domain proceedings in the district court.)

D. MINUTES of the regular meeting of December 10, 2019

E. APPLICATIONS:

3. ACTION ITEMS:

A. Ordinance - Shamrock Valley Ventures LLC (Z19/8)

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 921 SW 10th Avenue from "O&I-2" Office and Institutional Dwelling District TO "M-2" Multiple Family Dwelling District (Z19/8) *(Council District No. 1)*

Voting Option Requirements: (1) Approve Planning Commission's recommendation, 6 votes is required of the Governing Body (2) Reject or Amend Planning Commission's recommendation, 7 votes is required of the Governing Body; or (3) Remand back to Planning Commission, 6 votes is required of the Governing Body.

(Approval of the zoning change will allow the single family residential structure to be converted to a duplex)

B. Policy and Finance Committee Report and Recommendation regarding Chapters 9.20

("Discrimination") and 9.25 ("Fair Housing")

APPROVAL of the Policy and Finance Committee Report and Recommendation regarding Title 9 amendments submitted through the Topeka Human Relations Commission.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(The Committee recommends the proposed Title 9 amendments be referred back to the Topeka Human Relations Commission for further research, review and evaluation.)

C. 2021 Social Services Grant Priorities and Budget Recommendation

APPROVAL of the 2021 Social Services Grant funding priorities and budget recommendation in the amount of \$434,904.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would establish 2021 funding priorities and budget recommendation for Social Services Grant funding in the amount of \$434,904. This amount includes \$367,067 in General Funds and \$67,857 in Community Development Block Grant funds.)

D. 2021 Social Services Grant Outsourcing Recommendation

APPROVAL of the recommendation from the Social Services Grant Committee to outsource the City of Topeka's Social Services Grant program to a third party.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would allow for the outsourcing of the City's Social Services Grant program and authorize staff to solicit proposal and enter into a contract for the provision of the Social Services Grant Program by a third party.)

E. Real Estate Agreement - New Fire Station - Request to Approve Land Acquisition

APPROVAL of a Real Estate Agreement between Cedar Crest Properties, LLC and the City of Topeka in the amount of \$290,000.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would authorize the purchase of Lots 6 and 7 from the Cedar Crest Office Park located at SW 6th Street shown in Attachment No. 1 for construction of a new fire station.

F. Disposal of Real Property - 421 SW Huntoon Street

APPROVAL of the Disposal of Real Property located at 421 SW Huntoon Street. (Council District No. 1) (Withdrawn from the agenda on December 3, 2019)

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would authorize sale of the property through private negotiated bid with adjacent property owner. All City departments have indicated they have no interest in the property and it has been declared surplus property.)

4. NON-ACTION ITEMS:

A. Discussion - Acquisition and Disposition of Real Property - Rapid Process Improvement (RPI) Event

DISCUSSION concerning the City's process for acquiring and disposing of real property.

(As a result of conducting a Rapid Process Improvement (RPI) event, staff is recommending updates to the current ordinances addressing acquisition and disposal of real property.)

5. PUBLIC COMMENT:

6. ANNOUNCEMENTS:

7. EXECUTIVE SESSION:

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

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

8. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 17, 2019

DATE:	December 17, 2019	
CONTACT PERSON:	Matt Broxterman, Manager of ROW and Surveys	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Brent Trout, declaring the entire boundary of the City of Topeka and rescinding City of Topeka Resolution No. 8963.

(Approval will comply with K.S.A. 12-517 which requires a declaration of the boundaries of the city if territory has been added in the calendar year.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Whether to comply with Kansas law which requires that the governing body declare the boundary of the city when territory has been added in the calendar year.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

BACKGROUND:

In 2019, the governing body annexed Sherwood Village. As territory has been added to the city, K.S.A. 12-517 requires that the governing body pass a resolution before December 31 identifying the boundary of the city.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

Map

Ordinance 20173 - Sherwood Village Annexation

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by City Manager Brent Trout, declaring the entire boundary
4 of the City of Topeka and rescinding City of Topeka Resolution No.
5 8963.
6

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

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

11 WHEREAS, in 2019, the City annexed property.

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

15 A. Corporate Limits and Boundaries as Follows to Wit:

16
17 Beginning at the intersection of the West line of the Southeast Quarter of Section
18 34, Township 11 South, Range 16 east of the 6th PM in Shawnee County, Kansas,
19 with a line which is 40 feet north of the South line of said Southeast Quarter; thence
20 North 88°31'07" East, North American Datum 1983, Kansas North Zone, parallel
21 with the South line of said Southeast Quarter, and on the North line of SE 6th St
22 and its extension, 182.36 feet; thence North 0°24'32" West on the North line of SE
23 6th St, 13.00 feet; thence North 88°31'07" East on the North line of SE 6th St,
24 180.38 feet; thence easterly on a curve concave northerly being the North line of SE
25 6th St, having a radius measure of 11,394.16 feet and an arc length of 262.22 feet
26 and a chord which bears North 87°51'34" East, 262.22 feet; thence North
27 80°50'48" East on the North line of SE 6th St, 45.29 feet; thence North 87°11'07"
28 East on the North line of SE 6th St, 73.07 feet; thence North 0°24'32" West on the
29 North line of SE 6th St, 130.12 feet; thence North 87°11'07" East on the North line
30 of SE 6th St, 96.46 feet; thence South 33°51'23" East on the North line of SE 6th St,
31 145.99 feet; thence North 88°58'29" East on the North line of SE 6th St, 351.46
32 feet; thence North 88°31'07" East on the North line of SE 6th St, 100.00 feet; thence
33 North 77°12'31" East on the North line of SE 6th St, 101.98 feet; thence North
34 37°10'42" East on the North line of SE 6th St, 28.62 feet; thence North 0°01'45"
35 West, 188.19 feet; thence South 88°31'07" West, 100.00 feet; thence North
36 0°01'45" 1642.61 feet; thence North 88°41', 34" East parallel with the North line of
37 said Southeast Quarter, 300.00 feet; thence South 0°01'45" East, 399.15 feet;
38 thence North 88°37'58" East, 922 49 feet to the West line of Croco Rd; thence

South 0°01'45" East, on the West line of Croco Rd, and parallel with the East line of said Southeast Quarter, 816.04 feet; thence South 88°31'07" West on the West line of Croco Rd, 15.00 feet; thence South 0°01'45" East on the West line of Croco Rd and its extension, 725.24 feet to an intersection with the North line of the Northeast Quarter of Section 3, Township 12 South, Range 16 east of the 6th P.M.; thence South 0°28'27" East parallel with the East line of said Northeast Quarter, 40.01 feet to an intersection with a line which is 40 feet south of the North line of said Northeast Quarter; thence South 88°31'07" West, parallel with the North line of said Northeast Quarter, on the South line of SE 6th St, 280.62 feet; thence South 0°25'53" West on the South line of SE 6th St, 10.00 feet to the Northeast corner of Lot 2, Block "A" in England Mobile Home Estates Subdivision; thence southerly, on the East line of said Lot 2, 477.03 feet; thence easterly, to a point which is 527.03 feet south of and 12.5 feet west of the Northeast corner of the Northeast quarter of said Section 3; thence on an assumed bearing of South 00°21'23" East, parallel with the East line of said Northeast Quarter, 1248.45 feet; thence South 88°38'12" West, 40 feet; thence southerly, on a line which is 52.50 feet west of the East line of the last said Northeast Quarter, 535.29 feet; thence easterly 2.50 feet; thence southerly, on the East line of the last said Lot 1, and its extension, 360.00 feet, to an intersection with the South line of the Northeast Quarter of Section 3, Township 12 south, Range 16 east; thence South 88°38'15" West, 25.89 feet; thence South 09°10'00" West, 156.20 feet; thence South 50°49'00" West, 907.50 feet; thence South 74°51'00" West, 547.39 feet to the East line of the West Half of the Southeast Quarter of said Section 3; thence southerly on said East line to the South Right-of-Way Line of U.S. Highway 40 as condemned in Case Number 91169; thence northeasterly on said South Right-of-Way Line and on a curve to the left that has a radius of 3969.83 feet, an arc distance of 443.15 feet; thence on an assumed bearing of North 83°34'24" East, on said South Right-of-Way Line, 820.00 feet to a point 80.00 feet west of the East line of said Southeast Quarter; thence south-southeasterly, 325.00 feet to a point that is 10.00 feet east of the Northeast corner of Lot 1, Altair Heights Subdivision; thence westerly 10.00 feet to the Northeast corner of Lot 1, Altair Heights Subdivision, being a point on the West Right-of-Way Line of Croco Road; thence southerly on the West line of Croco Road on an assumed bearing of South 02°34'12" West, 222.94 feet; thence west 300.00 feet; thence south 587.42 feet; thence South 32°26'30" West, 203.21 feet; thence South 61°42'24" West, 671.80 feet; thence South 74°32'18" West, 89.94 feet; thence South 88°25'06" West, 194.71 feet, to a point 30.00 feet north of the Southeast corner of the West Half of the Southeast Quarter of Section 3; thence south to the Northeast corner of the West Half of the Northeast Quarter of Section 10, Township 12 south, Range 16 east of the 6th P.M.; thence on an assumed bearing of South 00°48'00" West, on the East line of the West Half of the Northeast Quarter of said Section 10, 158.83 feet to the North line of the Kansas Turnpike Right-of-Way; thence South 63°15'40" West, on said right-of-way line, 790.86 feet; thence South 69°36'00" West, continuing on said right-of-way line, 452.77 feet; thence North 70°46'40" West, continuing on said right-of-way line, 337.69 feet to the Easterly Right-of-Way Line of Service Road "L" of the Kansas Turnpike Authority; thence southwesterly to the intersection of the Westerly Right-of-Way Line of Service Road

"L" of the Kansas Turnpike Authority, and the Northerly Right-of-Way line of the Kansas Turnpike; thence southwesterly approximately 290 feet on the Northerly Right-of-Way line of the Kansas Turnpike to a point which intersects with a line bearing North 27°15'56" West, extended from the most Northerly corner of Lot 24, Block "N", Aquarian Acres Subdivision; thence South 27°15'56" East, 300 feet, more or less, to said most Northerly corner of Lot 24; thence easterly on the Southerly Right-of-Way Line of the Kansas Turnpike to its intersection with the East line of the West Half of Section 10, also being the Northeast corner of Aquarian Acres Subdivision; thence on an assumed bearing of North 62°16'17" East, on the north line of Capricorn Woods Subdivision No. 2, 308.09 feet, to the North corner of Lot 11, Block 'C' in said subdivision; thence North 08°05'50" West, on the West line of Capricorn Woods Subdivision No. 3, a record distance of 462.28 feet to the most westerly West corner of Lot 11, Block A in said subdivision; thence North 51°49'07" East, on a North line of Capricorn Woods Subdivision No. 3, 399.13 feet; thence North 64°31'42" East, on a North line of Capricorn Woods Subdivision No. 3, a record distance of 896.71 feet to a point on the East line of the West Half of the Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M.; thence South 00°19'45" West, on an East line of Capricorn Woods Subdivision No.3, 728.46 feet to the Northwest corner of Lot 1, Block "AA" in Shawnee Gardens Subdivision; thence North 89°29'35" East, 1283.60 feet, to the Northeast corner of Lot 6, Block "B" in said subdivision; thence easterly, on the North line of Shawnee Gardens Subdivision, to an intersection with a line which is 30 feet west of the East line of the Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M.; thence on an assumed bearing of North 00°29'01" East, parallel with the East line of said Northeast Quarter, to an intersection with a line which is an extension of the South line of the North 792.0 feet of the Northwest Quarter of Section 11, Township 12 South, Range 16 east of the 6th P.M.; thence North 89°47'56" East, parallel with the North line of said Northwest Quarter, 1356.93 feet, to a point which is 6.99 feet west of the East line of the Northwest Quarter of the Northwest Quarter of said Section 11; thence South 00°27'04" West, 537.79 feet, to a point on the South line of the Northwest Quarter of the Northwest Quarter of said Section 11, which is 5.50 feet west of the Southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 11; thence South 89°58'08" West, on the South line of the Northwest Quarter of the Northwest Quarter of said Section 11, 1287.20 feet, to the Northwest corner of Lot 1, Block 'E' in Belhaze Subdivision No. 2; thence southerly, to the Northwest corner of Lot 8, Block 'D' in Belhaze Subdivision No. 2; thence westerly, to the Northeast corner of Lot 1, Block "D" in Shawnee Gardens Subdivision; thence on an assumed bearing of South 00°15'33" West, parallel with the East line of the Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M., to the Southeast corner of Lot 4, Block "D" in Shawnee Gardens Subdivision; thence North 89°44'27" West, 275.00 feet, to an East corner of Lot 15, Block "D" in said subdivision; thence South 00°15'33" West, 215.00 feet, to the most Easterly Southeast corner of Lot 16, Block "D" in said subdivision; thence South 89°44'27" East, 275.00 feet to the Northeast corner of Lot 27, Block "D" in said subdivision; thence South 00°15'33" West, 362.57 feet to the Southeast corner of Lot 12, Block

"E" in said subdivision; thence North 89°26'55" East, on the North line of the Southeast Quarter of Section 10, to an intersection with a line which is 30 feet west of the East line of said Southeast quarter; thence southerly on the West line of Croco Road, 1432.51 feet; thence south on said West line of Croco Road 1176.40 feet to the North Right-of-Way Line of S.E. 29th Street; thence westerly on the North Right-of-Way Line of 29th Street to the East Right-of-Way Line of Wittenberg Road; thence northerly on the East Right-of-Way Line of Wittenberg Road to a point 1689.93 feet north of the South line of Section 10, Township 12 south, Range 16 east of the 6th P.M.; thence westerly parallel with and 1689.93 feet north of the South line of said Section 10 to the West line of Section 10; thence northerly on the West line of Section 10 to its intersection with the North Right-of-Way Line of the Kansas Turnpike; thence southwesterly on the Northerly Right-of-Way Line of the Kansas Turnpike to its intersection with the East line of the West Half of the West Half of Section 16, Township 12 South, Range 16 east of the 6th P.M.; thence south to the Northeast corner of the West Half of the Southwest Quarter of said Section 16; thence easterly, on the North line of said Southwest Quarter, 1324.26 feet, to the Northeast corner of said Southwest Quarter; thence on an assumed bearing of 00°05'54" East on the West line of the Northeast Quarter of said Section 16, 1771.63 feet to an intersection with the Southeast right of way line of United States Interstate Highway 470/335, also known as Kansas Turnpike Tract No. 27-70; thence on said Southeast right of way line, being a curve concave northwesterly, having a radius measure of 5879.58 feet and an arc length of 1005.83 feet, the chord of which bears North 45°01'09" East, 1004.60 feet; thence North 40°07'06" East on said Southeast right of way line, 5.75 feet to the Southwest corner of Kansas Turnpike Tract 27-20E; thence North 84°56'53" East on the South line of said Turnpike Tract 27-20E, 524.39 feet; thence North 60°49'13" East on a South line of said Turnpike Tract 27-20E, 80.71 feet to an intersection with the South right of way line of SE 29th Street; thence South 89°28'02" East on the South right of way line of SE 29th Street, being 50.00 feet south of the North line of the West Half of said Northeast Quarter, 28.16 feet to a point on the East line of said West Half; thence South 00°15'13" West on the East line of said West Half, to a point on a line which is 300.00 feet south of the North line of the Northeast Quarter of Section 16; thence easterly, parallel with the North line of said Northeast Quarter, to the Southwest corner of Franklin Subdivision; thence northerly on the West line of said subdivision to the Northwest corner of Lot 1, Block A in Franklin Subdivision; thence easterly, to the Northeast corner of Lot 9, Block "J" in Shawnee Estates Subdivision; thence southerly, on the East line of Lot 9, to an intersection with a line which is 50 feet south of the North line of the Northeast Quarter of said Section 16, said line being the South line of Southeast 29th Street; thence easterly, parallel with the North line of said Northeast Quarter, to an intersection with a line which is 20 feet west of the East line of said Northeast Quarter, said line being the West line of West Edge Road; thence southerly, parallel with the East line of said Northeast Quarter, to an intersection with the North line of Lakeview Subdivision; thence westerly, on the North line of Lakeview Subdivision, to the Northeast corner of Lot 1 in said subdivision; thence southerly, to the Southeast corner of Lot 28 in Lakeview Subdivision; thence easterly, to an intersection with a line which is 20 feet west of

the East line of the Northeast Quarter of said Section 16, said line also being the West line of West Edge Road; thence southerly, parallel with the East line of said Northeast Quarter, to an intersection with the South line of said Northeast Quarter; thence westerly, on the South line of said Northeast Quarter, to the Northeast corner of Lot 9, Block "D" in Lake Shawnee Subdivision "C"; thence southerly to the Southeast corner of Lot 19, Block "H" in Lake Shawnee Subdivision "C"; thence westerly, on the North line of S.E. 35th Street Terrace, and its extension, to an intersection with the West line of Shoreline Drive; thence southerly on the West line of Shoreline Drive to the Southeast corner of Lot 10, Block N in Shawnee Lake Subdivision 'C'; thence westerly to the Southwest corner of Block K in Shawnee Lake Subdivision 'C'; thence southerly on the East line of the Southwest Quarter of said Section 16 to an intersection with a line 30.00 feet north of the South line of said Southwest Quarter; thence westerly parallel with the South line of said Southwest Quarter to a point 100 feet easterly distant from the West line of the East Half of said Southwest Quarter; thence northerly to the Southeast corner of Lot 1 in Rolling Meadows Subdivision No.2; thence westerly to the Southwest corner of said Lot 1; thence southerly to the Southwest corner of the East Half of the Southwest Quarter of said Section 16; thence continuing southerly on the East line of the West Half of the West Half of Section 21, Township 12 south, Range 16 east of the 6th P.M. to a point 1650.00 feet south of the North line of said Section 21; thence west 1320.00 feet to an intersection with the East line of the Northeast Quarter of Section 20; thence on an assumed bearing of South 01°40'19" West, on the East line of said Northeast Quarter, to a point 660.00 feet north of the Southeast corner of said Northeast Quarter; thence South 88°21'14" West, 1648.96 feet; thence North 01°40'19" West 661.21 feet; thence South 88°21'35" West, on the South line of the North Half of the Northeast Quarter of said Section 20, to the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 20; thence southerly, 1320.35 feet, to the Northeast corner of the Southwest Quarter of Section 20, Township 12 South, Range 16 east of the 6th P.M.; thence on an assumed bearing of North 88°21'37" East, 2186.81 feet, to the Southwest corner of Lot 1, Block 'A' KPL Substation Subdivision; thence northerly, to the Northwest corner of said Lot 1; thence easterly, to the Northeast corner of Lot 1; thence southerly, to the Southeast corner of Lot 1; thence North 88°21'37" East, on the South line of KPL Substation Subdivision, to the Northeast corner of the Southeast Quarter of Section 20, said point also being the Northwest corner of the Southwest Quarter of Section 21, Township 12 South, Range 16 east of the 6th P.M.; thence easterly on the North line of said Southwest Quarter, 275.30 feet; thence southerly, on a line which is 275.30 feet east of the West line of said Section 21, 516.00 feet; thence west 8.90 feet; thence southerly, on a line which is 266.40 feet east of the West line of Section 21, 553.00 feet; thence easterly 75.40 feet; thence southerly on a line which is 341.80 feet east of the West line of Section 21, 216.50 feet; thence westerly on the North line of the South Half of the Southwest Quarter of Section 21, Township 12 South, Range 16 east of the 6th P.M., to a point on a line which is 30 feet east of the West line of the Southwest Quarter of Section 21; thence southerly, parallel with the West line of said South Half, 210.00 feet; thence easterly on a north line of Stone Crest Subdivision, to the Northwest corner of Lot 4, Block 'E' in Stone Crest

Subdivision; thence northerly to the Northwest corner of Lot 22, Block 'E' in Stone Crest Subdivision; thence easterly on the North line of the South Half of the Southwest Quarter of said Section 21, to the East corner of Lot 9, Block 'H' in Stone Crest Subdivision; thence southerly on the East line of the South Half of the Southwest Quarter of said Section 21, to the Southeast corner of Lot 1, Block 'I' in Stone Crest Subdivision; thence westerly on the North line of S.E. 45th Street and its extension, to the Southwest corner of Lot 9, Block 'D' in Stone Crest Subdivision; thence northerly at a right angle to the Northwest corner of Lot 4, Block 'D' in Stone Crest Subdivision; thence westerly parallel with the South line of the Southwest Quarter of said Section 21, to a corner of Stone Crest Subdivision on the East line of Lot 8, Block 'C' in said subdivision; thence southerly on the East line of Block 'C' and its extension, in Stone Crest Subdivision, to an intersection with a line which is 50 feet south of the North line of the Northwest Quarter of Section 28, Township 12 South, Range 16 east of the 6th P.M.; thence South 88°35'26" West, North American Datum 1983, Kansas North Zone, 527.09 feet to a point 662.59 feet east of the West line of said Northwest Quarter; thence South 1°43'10" East, 610.78 feet; thence South 88°37'51" West, 662.61 feet to an intersection with the West line of said Northwest Quarter, said intersection also being the Southeast corner of Marlatte Center Subdivision; thence South 88°20'31" West on the South line of Marlatte Center Subdivision to the Southwest corner of said subdivision; thence northerly, on the Westerly line of said subdivision and its extension, to an intersection with a line which is 45 feet north of the North line of Section 29; thence westerly parallel with the South line of Section 20, to the West line of the East Half of said Section 20; thence on an assumed bearing of South 1°23'17" West, on the East line of the Southwest Quarter of said Section 20, 40.00 feet to the Northeast corner of the Northwest Quarter of Section 29, Township 12 South, Range 16 east of the 6th P.M.; thence South 1°52'43" East on the East line of said Northwest Quarter, 1650.18 feet; thence South 88°25'22" West, 1594.70 feet; thence North 2°08'17" West, 1692.12 feet to a point on a line which is 40.00 feet north of the South line of the Southwest Quarter of said Section 20; thence westerly on a line which is 40.00 north of the South line of the Southwest Quarter of said Section 20, to the East line of Section 19; thence continuing westerly to a point 30.00 feet west of the East line of Section 19, also being the West line of Adams Street; thence westerly parallel with and 40.00 feet north of the South line of Section 19, to a point that is 40.00 feet north of the Northeast corner of the West Half of the Northeast Quarter of Section 30, Township 12 South, Range 16 east of the 6th P.M.; thence southerly 2694.79 feet on the East line of South Village Subdivision, to the Southeast corner of said subdivision; thence westerly, on the South line of said subdivision to the Northeast corner of the Southwest Quarter of Section 30, Township 12 South, Range 16 east of the 6th P.M.; thence southerly on an assumed bearing of South 02°24'27" East, on the East line of said Southwest Quarter, to a point which is 44.20 feet north of the Southeast corner of Terra Heights Subdivision, said point also being on the Southwesterly line of the right of way of the former Missouri Pacific Railroad Company; thence South 56°03'19" East on the Southwesterly line of said right of way, 1304.94 feet; thence southeasterly, southerly and southwesterly on said right of way line, on a curve concave westerly

having a radius measure of 419.28 feet and an arc length of 1020.97 feet, the chord of which bears South 20°32'28" West, 786.78 feet; thence South 88°10'41" West on said right of way line, 132.83 feet; thence westerly on said right of way line, on a curve concave southerly having a radius measure of 613.69 feet and an arc length of 207.93 feet, the chord of which bears South 78°26'03" West, 206.93 feet, to a point on a line which is 45 feet north of the South line of said Southeast Quarter; thence South 88°10'41" West parallel with the South line of said Southeast Quarter, 407.12 feet; thence South 88°35'12" West on a line which is 45 feet north of the South line of said Southwest Quarter, 2224.75 feet to a point on the East line of Topeka Boulevard; thence North 02°07'29" West on the East line of Topeka Boulevard, 602.47 feet; thence North 01°34'34" West on the East line of Topeka Boulevard, 878.59 feet; thence northerly on the East line of Topeka Boulevard, to an intersection with the North line of the Southwest Quarter of said Section 30; thence westerly, on the South line of the Northwest Quarter of Section 30 to the Southeast corner of the Northeast Quarter of Section 25, Township 12 South, Range 15 east of the 6th P.M.; thence northerly, on the East line of said Northeast Quarter, 20.00 feet, to the North line of S.W. 49th Street, extended from the west; thence westerly, on a line which is 20.00 feet north of the South line of the Northeast Quarter of said Section 25, to an intersection with the West line of the right of way of the Burlington Northern Santa Fe Railway Company; thence southerly, on the West line of said right of way, to the Northeast corner of Lot 1, Block "A" in Laird Noller Subdivision; thence westerly, to the Northwest corner of said Lot 1; thence southerly, to the Southwest corner of said Lot 1; thence westerly, 33.00 feet, to a corner of Lot 1, Block "A" in S.W. 57th Street Distribution Center Subdivision; thence southerly on the most westerly East line of the last said Lot 1, and its extension, to an intersection with a line which is 30 feet south of the North line of the Southeast Quarter of said Section 36; thence westerly, on an assumed bearing of South 88°03'15" West, parallel with the North line of the Southeast Quarter of said Section 36, to an intersection with a line which is 40 feet west of the East line of the Northwest Quarter of the Southeast Quarter of said Section 36; thence southerly, parallel with the East line of the Northwest Quarter of the Southeast Quarter of said Section 36, to an intersection with a line which is 50 feet south of the North line of said Southeast Quarter; thence South 88°03'15" West, 280.00 feet; thence southerly, parallel with the East line of the Northwest Quarter of the Southeast Quarter of said Section 36, to an intersection with a line which is 60 feet south of the North line of said Southeast Quarter; thence South 88°03'15" West, to a point which is 535.10 feet east of the Northwest corner of the Southeast Quarter of said Section 36, and 60.00 feet south of the North line of said Southeast Quarter, as measured on the North line of, and normal from the North line of said Southeast Quarter; thence South 76°44'39" West, 101.98 feet; thence South 88°03'15" West, 400.00 feet; thence South 61°29'21" West, 55.90 feet; thence South 88°03'13" West, 1535.10 feet; thence North 87°38'30" West, 199.78 feet; thence North 01°56'47" West, normal to the North line of the Southwest Quarter of said Section 36, 90.00 feet, to an intersection with said North line at a point which is 893.59 feet east of the Northwest corner of said Southwest Quarter; thence continuing North 01°56'47" West, 90.00 feet; thence South 88°03'13" West,

parallel with the South line of the Northwest Quarter of said Section 36, 358.12 feet; thence North 07°53'08" East, 679.72 feet; thence North 23°43'11" East, 509.21 feet; thence North 14°17'25" East, 517.29 feet; thence North 00°04'32" West, 210.05 feet; thence northerly, on a curve which is concave westerly, having a radius measure of 5889.58 feet and an arc length of 719.40 feet, the chord of which bears North 06°17'43" East, 718.95 feet, to an intersection with the South line of the Southwest Quarter of said Section 25; thence northerly, on a curve which is concave westerly, having a radius measure of 5889.58 feet and an arc length of 547.79 feet, the chord of which bears North 00°16'44" West, 547.59 feet; thence North 01°48'09" West, 1517.06 feet; thence North 02°03'30" East, 514.28 feet; thence North 01°48'02" West, normal to the South line of the Northwest Quarter of said Section 25, 80.00 feet, to an intersection with said South line at a point which is 1149.74 feet east of the Southwest corner of said Northwest Quarter; thence continuing North 01°48'02" West, to an intersection with a line which is 20 feet north of the South line of the Northwest Quarter of said Section 25; thence westerly, on a line which is 20 feet north of the South line of the Northwest Quarter of said Section 25, to an intersection with the East line of Section 26, Township 12 South, Range 15 east of the 6th P.M.; thence continuing westerly, parallel with and 20.00 feet north of the South line of the North Half of said Section 26 to the East line of Burlingame Road; thence northerly on the East line of Burlingame Road to an intersection with the North line of S.W. 45th Street, extended from the west, said North line of S.W. 45th Street being 30.00 feet north of the South line of Section 23, Township 12 South, Range 15 east of the 6th P.M.; thence westerly, parallel with and 30.00 feet north of the South line of said Section 23 to an intersection with the West line of the East Half of the Southeast Quarter of Section 23; thence northerly on the West line of the East Half of the Southeast Quarter of Section 23, to an intersection with the North line of the Southeast Quarter of said Section 23; thence westerly, on the North line of said Southeast Quarter, to the Northeast corner of the Southwest Quarter of Section 23, Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of South 87°44'36" West, on the North line of said Southwest Quarter, to the Northeast Quarter of Lot 4, Block 'B' in Misty Harbor Estates No. 2 Subdivision; thence South 08°11'25" West, 149.95 feet; thence on a curve concave southerly, having a radius measure of 537.50 feet and an arc length of 22.92 feet, the chord of which bears South 80°35'17" East, 22.92 feet; thence South 10°38'02" West, 250.08 feet; thence South 88°30'14" East, 53.58 feet; thence South 71°00'42" East, 57.83 feet; thence South 01°29'46" East, 281.87 feet; thence South 88°30'14" West, 75.00 feet; thence South 01°28'50" East, 522.53 feet; thence South 88°30'14" West, 27.13 feet; thence South 01°29'46" East, 130.00 feet, to the Northeast corner of Lot 1, Block 'E' in Misty Harbor Estates No. 2 Subdivision; thence North 88°30'14" East, 580.41 feet; thence on a curve concave easterly, having a radius measure of 500.00 feet and an arc length of 5.01 feet, the chord of which bears North 3°32'39" West, 5.01 feet; thence North 88°31'10" East, 449.05 feet to a point on the East line of said Southwest Quarter; thence South 1°28'50" East on the East line of said Southwest Quarter, 894.93 feet; thence South 1°28'50" East, on the East line of said Southwest Quarter, 1280.18 feet to the Northeast corner of the Northwest Quarter of Section 26, Township 12

South, Range 15 east of the 6th P.M.; thence South 00°09'12" East, on the East line of said Northwest Quarter, 1299.00 feet; thence South 56°16'49" West, 720.00 feet; thence South 00°09'12" East, parallel with the East line of said Northwest Quarter, 919.99 feet; thence South 89°02'19" West, on a line which is 45 feet north of the South line of said Northwest Quarter, 708.43 feet; thence westerly, on a curve concave southerly, having a radius measure of 447.50 feet and an arc length of 35.26 feet, the chord of which bears South 86°46'54" West, 35.25 feet, to a point which is 16.84 feet north of the Southeast corner of Lot 9 Block "G", in Colly Creek Subdivision No. 6; thence on an assumed bearing of South 00°13'06" East, on the East line of the West Half of the Northwest Quarter of Section 26, Township 12 South, Range 15 east of the 6th P.M., 16.84 feet, to the Southeast corner of Lot 9, Block "G" in Colly Creek Subdivision No. 6; thence on a 460.00 foot radius curve to the right, 264.29 feet; thence North 79°51'05" West, 493.87 feet; thence on a 540.00 foot radius curve to the left, 410.24 feet; thence South 56°37'15" West, 38.90 feet; thence on a 460.00 foot radius curve to the right, 206.79 feet; thence South 82°22'40" West, 261.54 feet; thence North 83°24'11" West, 163.01 feet; thence westerly, 80 feet south of and parallel with the South line of the Northeast Quarter of Section 27, Township 12 South, Range 15 east of the 6th P.M., 429.69 feet; thence North 73°38'13" West, 382.80 feet; thence North 00°20'44" West, 139.53 feet; thence North 89°44'11" East, 217.86 feet; thence North 00°15'49" West, 400.00 feet; thence South 89°44'11" West, 85.12 feet; thence North 00°15'49" West, 200.00 feet; thence South 89°44'11" West, 58.01 feet; thence North 00°15'49" West, 200.00 feet; thence South 89°44'11" West, to an intersection with the East line of S.W. Gage Boulevard; thence North 00°39'50" West, 860.02 feet; thence North 89°44'11" East, 250.39 feet; thence North 00°15'39" West, 200.00 feet; thence South 89°44'11" West, 251.79 feet; thence North 00°39'50" West, 636.15 feet, to a point on the South line of Section 22, Township 12 South, Range 15 east of the 6th P.M.; thence westerly, on said line 11.76 feet to the Southwest corner of Lot 4 in said Section 22; thence continuing westerly on said South line, to an intersection with a line which is 30 feet west of the East line of Lot 5 in said Section 22; thence northerly, on a line which is 30 feet west of the East line of Lots 5, 6 and 7 in said Section 22, to a point which is 502.00 feet north and 30 feet west of the Southeast corner of said Lot 7; thence westerly, on the South line of S.W. 40th Street, and its extension, to the Southwest corner of Blackburn Subdivision; thence northerly, to the Northwest corner of Lot 1, Block 'A' in Blackburn Subdivision; thence easterly, on the North line of Blackburn Subdivision, and its extension, to an intersection with a line which is 30 feet west of the East line of said Lot 7; thence northerly, on a line which is 30 feet west of the East lines of Lots 7 and 8 in said Section 22 to an intersection with the North line of Section 22; thence west on the North line of Section 22 to a point 527.20 feet east of the Northeast corner of the Northwest Quarter of Section 22, Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of South 00°47'14" West, 1321.98 feet; thence North 89°29'14" West, 527.19 feet; thence North 89°23'29" West, 2650.19 feet, to an intersection with the West line of Section 22; thence southerly on the West line of said section to the East Quarter corner of Section 21, Township 12 South, Range 15 east of the 6th P.M.; thence on an

assumed bearing of South 88°46'43" West, on the North line of the Southeast Quarter of said Section 21, 464.91 feet; thence South 54°02'14" West, 363.09 feet; thence South 50°29'18" West, 44.16 feet; thence southwesterly, on a curve concave northwesterly, having a radius measure of 1030.00 feet and an arc length of 710.30 feet, the chord of which bears South 70°14'39" West, 696.31 feet; thence South 90°00'00" West, 8.57 feet; thence northwesterly, on a curve concave northeasterly, having a radius measure of 810.00 feet and an arc length of 272.67 feet, the chord of which bears North 80°21'22" West, 271.39 feet; thence North 70°42'44" West, 708.74 feet; thence northwesterly, on a curve concave southwesterly, having a radius measure of 966.50 feet and an arc length of 348.32 feet, the chord of which bears North 81°02'12" West, 346.44 feet; thence South 88°38'20" West, 332.17 feet; thence South 86°43'47" West, 180.10 feet; thence South 88°38'20" West, 35.22 feet; thence South 01°21'40" East, 51.49 feet; thence South 34°56'17" West, 344.26 feet; thence South 03°56'09" West, 122.53 feet; thence South 11°52'54" West, 231.70 feet; ; thence South 89°06'31" East, 71.26 feet; thence South 67°46'48" East, 126.07 feet; thence South 49°59'15" East, 218.99 feet; thence South 28°03'34" East, 130.00 feet; thence South 00°23'53" East, 154.39 feet; thence South 76°03'46" West, 147.76 feet; thence southerly, on a curve concave westerly, having a radius measure of 412.00 feet and an arc length of 155.03 feet, the chord of which bears South 00°28'07" West, 154.12 feet; thence South 70°02'14" East, 187.76 feet; thence South 86°46'44" East, 149.34 feet; ; thence South 67°24'25" East, 163.14 feet; thence South 42°41'52" East, 80.40 feet; thence South 24°46'56" East, 142.36 feet; thence South 68°32'44" East, 173.53 feet; thence South 32°54'02" East, 129.08 feet; thence South 00°32'09" East, 213.07 feet; thence South 16°50'03" West, 30.00 feet; thence westerly, on a curve concave southerly, having a radius measure of 530.00 feet and an arc length of 124.82 feet, the chord of which bears North 79°54'45" West 124.53 feet; thence South 03°20'26" West, 60.00 feet; thence westerly, on a curve concave southerly, having a radius measure of 470.00 feet and an arc length of 28.84 feet, the chord of which bears North 88°25'02" West, 28.83 feet; thence South 00°38'39" East, 149.80 feet; thence South 89°27'34" West, 645.28 feet; thence North 00°40'39" West, 224.59 feet; thence South 89°28'25" West, 896.92 feet; thence North 00°30'03" West, 462.09 feet; thence South 87°33'24" West, 826.16 feet; to the northeast corner of Elevation Hill Subdivision; thence South 88°36'57" West, 227.50 feet; thence North 01°10'51" West, on a line which is 52.50 feet east of the west line of the southwest quarter of said Section 21, to an intersection with a line which is 30.00 feet north of the South line of the North Half of the Southeast Quarter of Section 20, Township 12 South, Range 15 east of the 6th P.M.; thence westerly, on said extension, to an intersection with the East line of said Southeast Quarter; thence westerly, on a line which is 30.00 feet north of the South line of the North Half of said Southeast Quarter, 100.00 feet; thence southerly, parallel with the East line of said Southeast Quarter, to an intersection with the South line of the North Half of said Southeast Quarter; thence on an assumed bearing of South 89°28'33" West, on the South line of the North Half of said Southeast Quarter, 726.34 feet, to the Northeast corner Lot 4, Block 'D' in Brian's Addition No. 3; thence South 25°50'40" East 202.34 feet to the East corner

of Lot 5, Block 'D' in Brian's Addition No. 3; thence southwesterly on a curve concave southeasterly, having a radius measure of 280.00 feet and an arc length of 55.87 feet, the chord of which bears South 58°22'32" West, 55.78 feet; thence southwesterly on a curve concave northwesterly, having a radius measure of 220.00 feet and an arc length of 23.68 feet, the chord of which bears South 55°44'31" West, 23.67 feet; thence South 31°09'29" East, 312.31 feet to the most northerly East corner of Lot 1, Block 'E' in Brian's Addition No. 3; thence South 00°49'39" East 78.55 feet to the Southeast corner of Brian's Addition No. 3; thence North 89°28'53" East on the North line of Lauren's Bay Villas No.2, to the Northeast corner of Lot 15, Block A in said subdivision; thence South 0°54'31" East on a line which is 60.00 feet west of the East line of the Southeast Quarter of Section 20, Township 12 South, Range 15 east of the 6th P.M., to an intersection with the South line of said Southeast Quarter; thence South 0°18'18" East, on a line which is 60.00 feet west of the East line of the Northeast Quarter of Section 29, Township 12 South, Range 15 east of the 6th P.M., to the Southeast corner of Lot 30, Block B in Lauren's Bay Villas No. 2; thence North 89°45'29" West, 375.60 feet to the Southwest corner of Lot 29, Block B in said subdivision; thence South 0°18'18" East, 200.00 feet to the Southeast corner of Lot 7 in Block B in said subdivision; thence North 89°45'29" West on the South line of the Pottawatomie Reserve, 820.94 feet to the Northwest corner of Lot 1, Block E in Woodland Heights 2nd Subdivision; thence South 0°15'48" East on the West line of Woodland Height 2nd Subdivision, 405.65 feet; thence South 0°10'48" East on the West lines of Woodland Heights Subdivision No. 3 and Woodland Heights 2nd Subdivision, 220.00 feet; thence North 89°39'50" East on the South line of SW 46th Terrace, formerly SW 47th Street Terrace as platted in Woodland Heights 2nd Subdivision, 195.70 feet; thence South 0°17'38" East on the West line of Lot 2, Block "G" in Woodland Heights 2nd Subdivision, 155.00 feet; thence North 89°42'22" East on the South line of Lot 2, Block "G" in Woodland Heights 2nd Subdivision, 244.57 feet; thence South 0°18'26" East on a West line of Woodland Heights 2nd Subdivision, 214.07 feet; thence North 89°40'25" East on a South line of a public street platted in Woodland Heights 2nd Subdivision, 107.64 feet; thence northeasterly on a South line of a public street platted in Woodland Heights 2nd Subdivision, on a curve concave northwesterly, having a radius measure of 282.00 feet and an arc length of 168.26 feet, the chord of which bears North 72°34'49" East, 165.78 feet; thence South 34°33'36" East on the Southwest line of Lot 5, Block "C" in Woodland Heights 2nd Subdivision, 261.85 feet; thence South 30°20'26" East, 182.33 feet; thence North 89°45'39" East, 44.40 feet; thence South 30°23'44" East, 59.89 feet to a point on the South line of Algonquin Trafficway as platted in Woodland Heights Subdivision; thence North 59°44'00" East on the South line of Algonquin Trafficway, 31.97 feet; thence northeasterly on the South line of Algonquin Trafficway on a curve concave southeasterly, having a radius measure of 222.00 feet and an arc length of 116.20 feet, the chord of which bears North 75°02'50" East, 114.89 feet; thence North 89°41'27" East on the South line of Algonquin Trafficway, 40.04 feet to an intersection with a line which is 60 feet west of the East line of said Northeast Quarter; thence South 0°19'43" East parallel with the East line of said Northeast Quarter, 386.19 feet to a point on the North line of Algonquin

499 Trafficway as platted in Woodland Heights Subdivision; thence South 89°40'16"
500 West on the North line of said Algonquin Trafficway, 40.00 feet; thence westerly on
501 the North line of said Algonquin Trafficway, on a curve concave northerly, having a
502 radius measure of 792.00 feet and an arc length of 142.16 feet, the chord of which
503 bears North 84°50'50" West, 141.97 feet to an intersection with an extension of the
504 West line of Block D in Woodland Heights Subdivision; thence South 10°30'07"
505 West on the West line of said Block D and its extension, 636.35 feet to the
506 Southwest corner of Lot 3 in said Block D; thence South 89°16'56" West on the
507 South line of said Northeast Quarter, 398.96 feet; thence South 0°15'47" East
508 parallel with the East line of the Southeast Quarter of said Section 29, 1128.48 feet
509 to a point 198.0 feet north of the South line of the Northeast Quarter of said
510 Southeast Quarter; thence North 88°57'31" East, 99.94 feet; thence South
511 0°17'00" East, 198.12 feet to a point on the South line of the Northeast Quarter of
512 said Southeast Quarter which is 660.00 feet west of the Southeast corner of the
513 Northeast Quarter of said Southeast Quarter; thence North 89°11'00" East on the
514 North line of the Southeast Quarter of the Southeast Quarter of said Section 29,
515 620.00 feet to an intersection with a line which is 40.00 feet west of the East line of
516 said quarter-quarter section; thence South 0°15'52" East, parallel with the East line
517 of said quarter-quarter section, 1189.27 feet; thence South 16°46'48" West, 53.30
518 feet to a point which is 85.00 feet north of the South line of the Southeast Quarter of
519 the Southeast Quarter of said Section 29 and 55.62 feet west of the East line of
520 said quarter-quarter section; thence South 77°37'36" West, 80.57 feet to a point
521 which is 69.00 feet north of the South line of said quarter-quarter section; thence
522 South 0°57'05" East, 29.00 feet; thence South 89°02'55" West on a line which is
523 40.00 feet north of the South line of said quarter-quarter section, 335.89 feet;
524 thence South 0°57'05" East, 15.00 feet; thence South 89°02'55" West on a line
525 which is 25.00 feet north of the South line of the Southeast Quarter of the Southeast
526 Quarter of said Section 29, 848.08 feet to an intersection with the West line of said
527 quarter-quarter section; thence North 0°19'05" West on the West line of said
528 quarter-quarter section, 1303.00 feet to the Northwest corner of the Southeast
529 Quarter of the Southeast Quarter of said Section 29; thence South 89°11'00" West
530 on the South line of the North Half of the Southeast Quarter of said Section 29,
531 1319.04 feet to the Southwest corner of the Northwest Quarter of the Southeast
532 Quarter of said Section 29; thence North 0°30'27" West on the West line of the
533 North Half of the Southeast Quarter of said Section 29, 1329.04 feet to the
534 Northwest corner of the Southeast Quarter of said Section 29; thence South
535 89°19'02" West, on the South line of the Southeast Quarter of the Northwest
536 Quarter of said Section 29, 1319.13 feet; thence North 0°30'32" West on the West
537 line of the Southeast Quarter of the Northwest Quarter of said Section 29 and on
538 the West line of the East Half of Lot 2 in the Northwest Quarter of said Section 29,
539 1693.97 feet; thence North 89°49'59" East, 676.36 feet; thence North 0°32'21"
540 West, 673.72 feet to a point on the North line of Lot 2 in the Northwest Quarter of
541 said Section 29, also being the Southwest corner of Lot 3, Block C in Bridle Path
542 Acres Subdivision; thence North 89°51'00" East on the North line of Lot 2 in the
543 Northwest Quarter of said Section 29, 650.24 feet to the Northeast corner of said
544 Lot 2; thence North 00°25'18" West, on the West line of the Northeast Quarter of

Section 29, Township 12 South, Range 15 east of the 6th P.M., 308.95 feet, to the Southwest corner of the Southeast Quarter of said Section 20; thence North 00°39'49" West, 1314.81 feet, to the Northwest corner of the Southwest Quarter of said Southeast Quarter; thence northerly, on the West line of said Southeast Quarter, also being on the West line of Monarch Meadow Subdivision, 1320.79 feet, to the Northwest corner of said Southeast Quarter; thence on an assumed bearing of North 00°39'56" West, on the West line of the Northeast Quarter of said Section 20, 1321.86 feet, to the Northwest corner of Lot 8, Block "B" in South Branch Subdivision; thence on an assumed bearing of North 00°39'11" West, 376.40 feet; thence South 57°47'36" East, 129.93 feet; thence North 18°16'12" East, 45.99 feet; thence North 89°19'37" East, 91.26 feet; thence South 07°42'39" West, 111.46 feet to the front common lot corner of Lots 9 and 10, Block "A", Glenwood Subdivision also being on the North line of S.W. 38th Place; thence southerly and easterly on said North line and its extension across S.W. Arvon Place to the Southwest corner of Lot 28, Block "B", Glenwood Subdivision; thence North 00°40'23" West, on the West lines of Lots 28 through 15, Block "B" to the Northwest corner of said Lot 15, being on the South line of S.W. 37th Street; thence easterly on said South line, to an intersection with the West line of Shadywood West Subdivision, when extended southerly; thence northerly on said extension to the North line of S.W. 37th Street; thence North 00°47'12" West, 1280.10 feet; thence North 00°13'15" East, 529.59 feet; thence South 89°20'15" West, 340.00 feet; thence North 00°13'15" East, 200.00 feet to the South line of S.W. 34th Terrace; thence South 89°20'15" West, 100.00 feet; thence North 00°13'15" East, 270.02 feet; thence North 89°20'15" East, 100.00 feet; thence North 00°13'15" East, 321.13 feet, to the North line of the Southeast Quarter of Section 17, Township 12 South, Range 15 east of the 6th P.M.; thence easterly on the North line of said Southeast Quarter, 1424.63 feet; thence on an assumed bearing of South 00°17'23" East, 208.71 feet; thence North 89°20'50" East, to the West line of S.W. Wanamaker Road; thence northerly on the West line of Wanamaker Road to the South line of Crestridge Square Subdivision No. 2; thence on an assumed bearing of South 89°37'17" West, to the Southwest corner of Lot 9, Block "A" of said subdivision; thence westerly, on the South line of Mission Center Subdivision No. 1, to the Southwest corner of said subdivision also being on the West line of the Northeast Quarter of Section 17; thence northerly, on said West line to the Southeast corner of the Southwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M.; thence northerly, on the East line of said Southwest Quarter, to the Southeast corner of Lot 19, Block "A", Southwest Meadows Subdivision; thence westerly, on the North line of S.W. 29th Street, and its extensions to the Southeast corner of Lot 1, Block "A", Mission Woods Subdivision No. 2; thence westerly on a line which is 50 feet north of the South line of the Southwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M. to a point which is 738.59 feet east of the Southwest corner of said Southwest Quarter; thence westerly on the North line of S.W. 29th Street, to an intersection with an extension of the East line of Sherwood Estates Subdivision No. 23; thence southerly on the East line of Sherwood Estates Subdivision No. 23, and its extension, to the Southeast corner of said subdivision; thence westerly on the South

line of said subdivision to an intersection with the East line of S.W. Urish Road, being a line which is 40 feet east of the West line of the Northwest Quarter of Section 17, Township 12 South, Range 15 east of the 6th P.M.; thence northerly, parallel with the West line of the Northwest Quarter of said Section 17 to an intersection with the North Line of said Northwest Quarter; thence northerly on a line which is 40 feet east of the West line of the Southwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M., to an intersection with an extension of the North line of SW 29th Street from the East, also being a line which is 50 feet north of the South line of said Southwest Quarter; thence westerly parallel with the South line of the Southwest Quarter of said Section 8 to an intersection with the West line of said Southwest Quarter; thence west-southwesterly to the intersection of the West line of Urish Road and the North line of SW 29th Street, being an intersection of a line which is 40 feet west of the East line of the Southeast Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M. with a line which is 40 feet north of the South line of said Southeast Quarter; thence northerly on said West line of Urish Road to the Southeast corner of Lot 1, Block "A", Good Shepherd Lutheran Church Subdivision; thence westerly on the South line of said Lot 1, 458.98 feet, to the East line of Lot 2, Block "A", of said subdivision; thence southerly on the East line of said Lot 2 to the North line of S.W. 29th Street; thence westerly on said North line to the Southwest corner of Lot 1, Block "A", Tallgrass Subdivision; thence northerly on the West line of said Lot 1, 1268.94 feet, to an intersection with the South line of the North Half of the South Half of Section 7, Township 12 south, Range 15 East of the 6th P.M.; thence westerly on the South line of the North Half of said South Half to a point that is 694.00 feet easterly of the West line of the Southwest Quarter of said Section 7; thence northerly, parallel with said West line, 200.00 feet; thence westerly parallel with the South line of the North Half of the Southwest Quarter, 654.00 feet, more or less, to an intersection with a line which is 25 feet east of the West line of said Southwest Quarter; thence southerly, parallel with the West line of said Southwest Quarter, to an intersection with the South line of the North Half of said Southwest Quarter; thence westerly on the South line of the North Half of said Southwest Quarter, to the Northeast corner of the South Half of the Southeast Quarter of Section 12, Township 12 South, Range 14 east of the 6th P.M.; thence westerly on the North line of the South Half of said Southeast Quarter, to an intersection with a line which is 52.50 feet west of the East line of said Southeast Quarter; thence on an assumed bearing of South 00°01'43" West, on a line which is parallel with the East line said Southeast Quarter, also being the West line of S.W. Indian Hills Road, to the most southerly Northeast corner of Lot 9, Block "D" in Sherwood Park Subdivision; thence South 05°44'27" West, 120.60 feet to an East corner of Lot 8, Block "D" in Sherwood Park Subdivision; thence South 00°01'43" West, 161.79 feet to an East corner of Lot 7, Block "D" in Sherwood Park Subdivision; thence South 45°31'42" West, 39.25 feet to a South corner of said Lot 7; thence North 88°58'19" West, 11.79 feet to a South corner of said Lot 7; thence South 87°12'50" West, 180.40 feet to a South corner of Lot 6, Block "D" in Sherwood Park Subdivision which is 50.50 feet east of the Southwest corner of said Lot 6; thence North 88°58'19" West, on a line which is 52.50 feet north of the South line of said Southeast Quarter, to an intersection with

the West line of said Southeast Quarter; thence on an assumed bearing of North 88°58'19" West, on a line which is 52.50 feet north of the Southwest Quarter of said Section 12, 748.83 feet to the Southwest corner of Lot 4, Block 'A' in Sherwood Park Subdivision No. 8; thence North 01°01'41" East, 1290.30 feet to the Northwest corner of Lot 31, Block 'A' in said subdivision; thence North 88°58'19" West, 64.07 feet to the Southwest corner of S.W, 27th Street in Sherwood Park Subdivision No. 8; thence North 00°09'46" East, 227.81 feet to the Northwest corner of Lot 1, Block 'C' in said subdivision; thence North 89°50'11" West 291.66 Feet; thence North 61°14'14" West, 478.62 feet; thence North 00°09'49" East, 900.00 feet to an intersection with the North line of said Southwest Quarter; thence South 89°01'00" East on the North line of said Southwest Quarter, 1494.56 feet to the Northwest corner of the Southeast Quarter of said Section 12; thence North 89°47'32" East, North American Datum 1983, Kansas North Zone, on the North line of said Southeast Quarter to the Southwest corner of the East Half of the Northeast Quarter of said Section 12; thence North 1°19'51" West, on the West line of said East Half, 319.97 feet; thence North 89°47'17" East, 421.33 feet; thence North 2°56'05" West, 153.41 feet; thence North 26°38'39" East, 263.84 feet; thence North 36°58'43" East, 108.14 feet; thence North 46°11'26" East, 411.41 feet; thence North 37°52'30" East, 86.96 feet; thence North 34°50'57" West, 212.84 feet to a point on the South line of Lot 1, Block 'A' in Miller's Glen Subdivision; thence North 01°22'07" West, 130.00 feet; thence South 88°37'53" West, 125.00 feet; thence South 70°02'33" West, 411.40 feet; thence South 43°37'53" West, 472.50 feet; thence North 01°19'36" West, on the West line of the East Half of the Northeast Quarter of Section 12, Township 12 South, Range 14 east of the 6th P.M., 1623.48 feet to a point on a line which is 52.50 feet south of the North line of said Northeast Quarter; thence North 89°33'47" East, parallel with the North line of said Northeast Quarter, 765.65 feet; thence South 00°26'13" East, 38.58 feet; thence southeasterly, on a curve concave northeasterly, having a radius measure of 100.00 feet and an arc length of 78.54 feet, the chord of which bears South 22°56'13" East, 76.54 feet; thence South 45°26'13" East, 193.72 feet; thence southeasterly, on a curve concave southwesterly, having a radius measure of 200.00 feet and an arc length of 107.09 feet, the chord of which bears South 30°05'49" East, 105.82 feet; thence South 14°45'26" East, 41.00 feet; thence southeasterly, on a curve concave northeasterly, having a radius measure of 200.00 feet and an arc length of 110.34 feet, the chord of which bears South 30°33'47" East, 108.95 feet; thence South 46°22'07" East, 168.38 feet; thence North 88°37'53" East, 110.00 feet, to a point on a line which is 52.50 feet west of the East line of said Northeast Quarter, thence South 01°22'07" East, parallel with the East line of said Northeast Quarter, 329.06 feet; thence North 87°04'11" East, 52.52 feet, to the Southwest corner of the North 966.50 feet of the Northwest Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of North 88°26'14" East, on the South line of said North 966.50 feet, to an intersection with the West line of the Northeast Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M.; thence northerly on the West line of the Northeast Quarter of said Section 7 to the Northwest corner of said Northeast Quarter; thence northerly to the Southwest corner of Tract 16 in Busby Subdivision; thence easterly to the

Southwest corner of Tract 2 in Busby Subdivision; thence northerly to the Northwest corner of said Tract 2; thence easterly on the North line of Busby Subdivision, and its extension, to an intersection with a line which is 30 feet east of the West line of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M.; thence southerly parallel with the West line of said Southwest Quarter to the Southwest corner of Lot 45 in Broadview Acres; thence westerly on an extension of the South line of said Lot 45 to an intersection with a line which is 25 feet east of the West line of said Southwest Quarter; thence southerly parallel with the West line of said Southwest Quarter to an intersection with a line which is 30 feet north of the South line of said Southwest Quarter; thence easterly parallel with the South line of said Southwest Quarter to an intersection with an extension of the East line of Lot 4, Block "D" in Brookfield West Subdivision No. 3; thence southerly on said extension to the North line of the Northwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M.; thence southerly on said extension and on the East line of said Lot 4, 268.00 feet; thence east 163.00 feet; thence northerly on the West lines of Lots 10 and 11, Block "D" in Brookfield West Subdivision No. 3, to the Northwest corner of said Lot 11; thence easterly on a line which is 50 feet south of the North line of said Northwest Quarter to an intersection with an extension of the West line of the East Half of the East Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M.; thence North 0°1'15" East, North American Datum 1983, Kansas North Zone, on the West line of the East Half of the East Half of said Southwest Quarter, to a point on the South line of SW 17th Street, 52.56 feet southerly distant from the Northwest corner of the East Half of the East Half of said Southwest Quarter; thence South 87°43'46" West on a line which is 52.50 feet south of the North line of said Southwest Quarter, also being the South line of SW 17th Street, to an intersection with the West line of Lot 20 in Broadview Acres; thence northerly on the West line of Lot 20 to a point 15.02 feet southerly distant from the Northwest corner of said lot; thence westerly on a line which is 15 feet south of the North line of Lot 38 in Broadview Acres, and its extension, to a point 105.00 feet westerly distant from the East line of Lot 38; thence North 65°05'26" East, 32.84 feet to the North line of Lot 38; thence westerly on the North line of Lots 38 and 39 in Broadview Acres to a point which is 65.00 feet easterly distant from the Northwest corner of Lot 39; thence South 36°58'08" West, 47.74 feet; thence South 16°29'26" West, 52.37 feet to a point on a line which is 52.5 feet east of the West line of said Southwest Quarter; thence North 0°43'59" East parallel with the West line of said Southwest Quarter, to an intersection with the South line of the Northwest Quarter of said Section 5; thence North 0°53'14" East, on a line which is 52.5 feet east of the West line of said Northwest Quarter, 1589.09 feet; thence North 87°53'48" East parallel with the North line of said Northwest Quarter, 1601.67 feet to a point on the West line of Lot 1, Block A, Arbor Valley Subdivision; thence North 0°39'21" West on the West line of said Lot 1, to a point on a line which is 30 feet south of the North line of said Northwest Quarter; thence South 87°53'48" West on a line which is 30 feet south of the North line of the Northwest Quarter of said Section 5, 1601.44 feet to a point on a line which is 25 feet east of the West line of said Northwest Quarter; thence North 0°53'14" East, parallel with the West line of said Northwest Quarter, 30.04 feet to a point on the North line of said

Northwest Quarter; thence North 01°50'24" West, on a line which is 25 feet east of the West line of the Southwest Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M., 552.48 feet; thence North 87°53'51" East, 620.82 feet; thence north-northeasterly on a curve concave easterly, having a radius measure of 288.50 feet and an arc length of 236.75 feet, the chord of which bears North 22°25'24" East, 230.03 feet; thence North 37°31'27" East, 73.75 feet; thence North 87°53'51" East, 67.65 feet; thence South 61°37'24" East, 93.15 feet; thence North 87°18'00" East, 381.34 feet to a point on the West line of the Southeast Quarter of the Southwest Quarter of said Section 32; thence South 01°46'12" East on the West line of the Southeast Quarter of the Southwest Quarter of said Section 32, 111.59 feet to the Northwest corner of the South Half of the Southeast Quarter of the Southwest Quarter of said Section 32; thence North 87°54'38" East on the North line of said South Half, 1316.47 feet to a point on the West line of the Southeast Quarter of said Section 32; thence North 01°41'55" West on the West line of the Southeast Quarter of said Section 32, 666.05 feet, to the Northwest corner of the South Half of the Southeast Quarter of Section 32; thence easterly on the North line of the South Half of said Southeast Quarter, 186.92 feet, to the Westerly right-of-way line of U.S. Interstate Highway 470; thence northwesterly, on said Westerly right-of-way line, to a point on the North line of S.W. 10th Street; thence westerly on the North line of S.W. 10th Street, to an intersection with an extension of the East line of Red Oaks Place; thence on an assumed bearing of South 01°35'05" East, on the East line of Red Oaks Place, and its extension, 1367.31 feet, to the Southeast corner of Red Oaks Place; thence South 87°55'48" West, 1090.50 feet, to the East line of Urish Road; thence North 01°50'38" West, on the East line of Urish Road, and its extensions, 1327.96 feet, to an intersection with the North line of the Southwest Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M.; thence South 87°57'54" West, on the North line of said Southwest Quarter, to the Southeast corner of the Northeast Quarter of Section 31, Township 11 South, Range 15 east of the 6th P.M.; thence South 87°16'57" West on the South line of said Northeast Quarter, 40.01 feet; thence North 01°42'41" West parallel with the East line of said Northeast Quarter, 40.01 feet to the Southeast corner of Lot 1, Block 'A' in Gail Subdivision; thence South 87°16'57" West on the South line of Lot 1, 418.68 feet; thence South 89°11'01" West on the North line of SW 10th Street, 509.17 feet; thence North 70°28'23" West on the North line of SW 10th Street, 251.06 feet to the West corner of Lot 12, Block 'A' in Gail Subdivision; thence North 58°39'21" West, 60.29 feet to the South corner of Lot 2, Block 'A' in Gail Subdivision; thence northwesterly on the Southwest line of Lot 2 being a curve concave northeasterly, having a radius measure of 527.96 feet and an arc length of 130.17 feet, the chord of which bears North 43°36'28" West, 129.84 feet; thence North 01°04'20" West on the West line of Gail Subdivision, 631.43 feet to the Northwest corner thereof; thence North 87°24'52" East on the North line of Gail Subdivision, 835.00 feet; thence South 89°30'42" East on the North line of Gail Subdivision, 375.50 feet to a point on the West line of SW Urish Road; thence South 11°48'27" East on the West line of Urish Road, 409.64 feet; thence North 88°17'19" East, 75.00 feet to an intersection with a line which is 25 feet east of the West line of the Northwest Quarter of Section 32, Township 11

775 South, Range 15 east of the 6th P.M.; thence North 01°42'41" West, parallel with
776 the West line of said Northwest Quarter, to an intersection with the North line of said
777 Northwest Quarter; thence North 87°45'17" East, 2613.78 feet, to the Northwest
778 corner of the Northeast Quarter of Section 32, Township 11 South, Range 15 east
779 of the 6th P.M.; thence easterly, on the South line of the Southeast Quarter of
780 Section 29, Township 11 South, Range 15 east of the 6th P.M., 134.78 feet; thence
781 northerly, at a right angle, 30.00 feet; thence westerly, parallel with the South line of
782 said Southeast Quarter, 134.33 feet; thence Northerly, on the West line of said
783 Southeast Quarter, to the Northwest corner of Lot 15, Block 'A' in River Hill
784 Residential Subdivision; thence westerly on the North line of the South Half of the
785 Southwest Quarter of said Section 29, to the most westerly Southwest corner of Lot
786 13, Block 'A' in River Hill Residential Subdivision; thence northerly to the Northwest
787 corner of said Lot 13; thence easterly, to the Northeast corner of Lot 11, Block 'A' in
788 River Hill Residential Subdivision; thence southerly, to the Northwest corner of Lot
789 10, Block 'A' in River Hill Residential Subdivision; thence on an assumed bearing of
790 North 87°45'41" East, on a North line of River Hill Residential Subdivision, 996.42
791 feet; thence North 00°42'20" West, 39.40 feet; thence North 87°45'41" East, on a
792 North line of River Hill Residential Subdivision, 330.00 feet, to an intersection with
793 the West line of the Southwest Quarter of Section 28, Township 11 South, Range
794 15 east of the 6th P.M.; thence on an assumed bearing of North 01°23'09" East, on
795 the West line of the last said Southwest Quarter, to the Southwest corner of the
796 Northwest Quarter of said Section 28; thence North 00°27'26" East, on the West
797 line of said Northwest Quarter, to the Northwest corner of Lot 1, Block A in
798 Menninger Subdivision; thence easterly, on the North line of said Lot 1, to the
799 Northeast corner of said Lot 1; thence northerly, on the West line of the Northeast
800 Quarter of said Section 28, to the South bank of the Kansas River; thence
801 continuing northerly on the West lines of the East Halves of Sections 28 and 21,
802 Township 11 south, Range 15 east of the 6th P.M., to the North line of Lower Silver
803 Lake Road; thence east on the North line of Lower Silver Lake Road to the East line
804 of Menoken Road; thence northerly on the East line of Menoken Road, 1281.10
805 feet; thence easterly on the North line of Sun Valley Subdivision No. 2 to the
806 Northeast corner thereof; thence southerly on the East line of said subdivision,
807 1279.38 feet, to the North line of Lower Silver Lake Road; thence easterly on said
808 North line to the West line of Kaw Half-Breed Reserve No. 1; thence north on the
809 West line of Kaw Half-Breed Reserve No. 1, to the Northwest corner of said
810 Reserve No. 1; thence northeasterly to the intersection of the North right-of-way line
811 of U.S. Highway No. 24 and the West line of the Southwest Quarter of Section 14,
812 Township 11 South, Range 15 east of the 6th P.M. said point being 100.00 feet
813 north of the Centerline of U.S. Highway 24; thence on an assumed bearing of North
814 00°25'08" West, 1065.79 feet, to a point which is 287.2 feet south of the Northwest
815 corner of said Southwest Quarter, being an intersection with the Northwest line of
816 US Highway 75; thence South 52°13'52" West, on the Northwest line of US
817 Highway 75, 25.16 feet; thence North 00°25'08" West, on a line which is 20 feet
818 west of the East line of Lot 3 in Section 15, Township 11 South, Range 15 east of
819 the 6th P.M., 302.19 feet, to a point on the North line of said Lot 3; thence North
820 01°18'04" East, on a line which is 20 feet west of the East line of Lot 2 in said

821 Section 15, 18.96 feet; thence North 88°12'36" East, on a line which is 30 feet
822 north of the Centerline of Northwest 25th Street, 1010.99 feet; thence North
823 01°47'24" West, 92.55 feet; thence North 37°59'36" East on the Southeast line of
824 US Highway 75, 364.65 feet to the Northwest corner of Lot 1, Block A in ADR
825 Industrial Park; thence North 38°01'44" East on the Southeast line of US Highway
826 75, 266.26 feet to the North corner of said Lot 1; thence South 51°59'33" East on
827 the Northeast line of Lot 1, 89.98 feet to the Northeast corner of said lot; thence
828 North 38°03'02" East on a West line of Lot 4, Block A in ADR Industrial Park, 89.91
829 feet; thence North 51°59'33" West on a West line of said Lot 4, 90.03 feet; thence
830 North 37°44'54" East on a West line of Lot 4, 15.74 feet; thence North 4°25'54"
831 West on the East line of US Highway 75, 367.87 feet; thence North 3°20'43" East
832 on the East line of US Highway 75, 87.90 feet to a corner of Lot 7, Block A in ADR
833 Industrial Park; thence South 86°36'56" East on a West line of said Lot 7, 89.99
834 feet; thence North 3°26'25" East on a West line of Lot 7, 89.99 feet; thence North
835 86°36'56" West on a West line of Lot 7, 90.12 feet; thence North 3°30'12" East,
836 189.43 feet to the most westerly Northwest corner of Lot 7; thence South 79°14'42"
837 East on the North line of Lot 7, 165.81 feet; thence North 28°08'28" East on a West
838 line of Lot 7, 224.70 feet; thence North 46°43'13" East on a Northwest line of Lot 7,
839 53.39 feet; thence South 85°46'45" East, 24.67 feet to the Northeast corner of Lot 7;
840 thence South 2°00'04" East, on the East line of Lot 7, 82.48 feet to the Northwest
841 corner of Lot 8, Block A in ADR Industrial Park; thence South 41°23'22" East,
842 645.35 feet to the most easterly Northeast corner of Lot 9, Block A in ADR Industrial
843 Park; thence South 1°42'26" East, 988.68 feet to the Southeast corner of Lot 11,
844 Block A in ADR Industrial Park; thence South 1°41'17" East, 37.50 feet to an
845 intersection with the South line of the Northwest Quarter of said Section 14; thence
846 continuing on South 1°41'17" East to the South line of NW 25th Street; thence
847 South 89°49'44" West on a line which is 30 feet south of the Centerline of NW 25th
848 Street, also being the South line of NW 25th Street, 437.89 feet; thence South
849 75°49'43" West on the South line of NW 25th Street, 163.8 feet; thence South
850 84°49'43" West on the North line of Lot 1, Block "A" in Midwest Subdivision No. 2,
851 136.9 feet to the Northwest corner of said lot; thence South 87°12'27" West, 200.66
852 feet to the Northeast corner of Lot 1, Block 'A' in BRB Subdivision No. 2; thence
853 South 04°20'53" East, 375.00 feet; thence South 11°14'02" West, 519.20 feet;
854 thence South 41°56'26" West, 471.70 feet, to the south corner of BRB Subdivision
855 No.2; thence easterly, on a line which is 150.00 feet north of the Centerline of US
856 Highway 24 to the East right-of-way line of the Chicago Rock Island and Pacific
857 Railroad; thence northerly on the East right-of-way line of said railroad to its
858 intersection with the West line of Section 18, Township 11 south, Range 16 east of
859 the 6th P.M.; thence north on the West line of said Section 18 to the South line of
860 Menninger Road; thence west on the South line of Menninger Road to its
861 intersection with the West line of Green Hills Road; thence north on said West line
862 to its intersection with the South line of the Southeast Quarter of Section 12,
863 Township 11 South, Range 15 East of the 6th P.M.; thence westerly on said South
864 line to the East right-of-way line of the Chicago Rock Island and Pacific Railroad;
865 thence northwesterly on said East line to the South line of N.W. 35th Street; thence
866 easterly on said South line to the Northeast corner of Lot 1, Block "D", Forest Hills

Estates Subdivision; thence southerly on the East lines of Lots 1 and 2, Block "D" in said subdivision to the Southeast corner of Lot 2, Block "D" in said subdivision; thence easterly, 242.00 feet south of and parallel with the North line of said Southeast Quarter, to an intersection with the East line of Green Hills Road; thence southerly on the said East line of Green Hills Road to an intersection with a line which is 20 feet north of the South line of the Southwest Quarter of Section 7, Township 11 South, Range 16 east of the 6th P.M.; thence easterly, parallel with the South line of the Southwest Quarter of said Section 7, to an intersection with an the West line of Daisy Brown Martin Subdivision; thence northerly, to the Southwest corner of Lot 11 in said subdivision; thence easterly, on the North line of Menninger Road, to the Southeast corner of Lot 36 in Daisy Brown Martin Subdivision; thence southerly, on an East line of Daisy Brown Martin Subdivision, to an intersection with a line which is 20 feet north of the South line of the Southwest Quarter of said Section 7; thence easterly, on an assumed bearing of North 88°20'01" East, parallel with the South line of the Southwest Quarter of said Section 7, to an intersection with the West line of Rochester Cemetery; thence North 00°51'36" West, 1467.73 feet; thence North 89°40'29" East, on the North line of Rochester Cemetery, 98.5 feet to the Southeast corner of Lot 49 in Daisy Brown Martin Subdivision; thence North 01°24'25" West, 323.50 feet, to the Northeast corner of said Lot 49; thence South 86°51'36" West, 434.00 feet, to the Northwest corner of said Lot 49; thence North 01°24'25" West, parallel with the West line of the Southwest Quarter of said Section 7, 467.64 feet; thence South 88°05'43" West, parallel with the North line of the Southwest Quarter of said Section 7, 50.0 feet; thence North 01°24'25" West, parallel with the West line of the Southwest Quarter of said Section 7, 300.0 feet; thence North 88°05'43" East, parallel with the North line of the Southwest Quarter of said Section 7, 50.0 feet; thence North 01°24'25" West, 60.0 feet, to an intersection with a line which is 20 feet south of the North line of the Southwest Quarter of said Section 7; thence North 88°05'43" East, parallel with the North line of the Southwest Quarter of said Section 7, 970.09 feet; thence South 01°26'37" East, parallel with the East line of said Southeast Quarter, 580.0 feet; thence North 88°05'43" East, parallel with the North line of said Southwest Quarter, 179.50 feet, to an intersection with the West line of the Southeast Quarter of said Section 7; thence North 88°17'11" East, parallel with the North line of the Southeast Quarter of said Section 7, 200.0 feet; thence South 01°26'37" East, parallel with the West line of the Southeast Quarter of said Section 7, 1739.28 feet; thence South 88°01'54" West, parallel with the South line of said Southeast Quarter, 200 feet; thence South 01°26'37" West, on the West line of said Southeast Quarter, 289.97 feet, to an intersection with a line which is 20 feet north of the South line of the Southeast Quarter of said Section 7, also being the North line of Menninger Road; thence easterly, parallel with the South line of said Southeast Quarter, to an intersection with an extension of the West line of Lot 2A in Tolin Subdivision; thence northerly, to the Southwest corner of Lot 2A in Tolin Subdivision; thence easterly, to the Southeast corner of Lot 1A in Tolin Subdivision; thence southerly, on an extension of the East line of Lot 1A in Tolin Subdivision to an intersection with a line which is 20 feet north of the South line of the Southeast Quarter of said Section 7; thence easterly, parallel with the South line of said

913 Southeast Quarter, to an intersection with the West line of Ward Lot Subdivision;
914 thence northerly, to the Southwest corner of Ward Lot; thence easterly, to the
915 Southeast corner of Ward Lot; thence southerly, on the East line of Ward Lot
916 Subdivision, to an intersection with a line which is 20 feet north of the South line of
917 the Southeast Quarter of said Section 7; thence easterly, parallel with the South line
918 of said Southeast Quarter, to an intersection with the Centerline of Rochester Road;
919 thence northerly on the Centerline of Rochester Road, to an intersection with a line
920 which is 50 feet north of the South line of the Southeast Quarter of said Section 7;
921 thence easterly parallel with the South line of said Southeast Quarter, to an
922 intersection with the West line of the Southwest Quarter of Section 8, Township 11
923 South, Range 16 east of the 6th P.M.; thence northerly to the Southwest corner of
924 Lot 1 in Dale Lots; thence easterly, to the Southeast corner of Lot 2 in Dale Lots;
925 thence southerly, on an extension of the East line of Dale Lots subdivision, to an
926 intersection with a line which is 50 feet north of the South line of the Southwest
927 Quarter of said Section 8; thence easterly, parallel with the South line of said
928 Southwest Quarter, to an intersection with the West line of the East Half of said
929 Southwest Quarter; thence southerly, to an intersection with a line which is 8 feet
930 north of the South line of said Southwest Quarter; thence easterly, parallel with the
931 South line of said Southwest Quarter, to a point which is 496 feet east of the
932 Southwest corner of the East Half of the Southwest Quarter of said Section 8, as
933 measured on and normal from said South line; thence east-northeasterly, to an
934 intersection with a line which is 20 feet north of the South line of the East Half of
935 said Southwest Quarter, at a point which is 678 feet east of the Southwest corner of
936 the East Half of said Southeast Quarter, as measured on and normal from said
937 South line; thence easterly, parallel with the South line of the East Half of said
938 Southwest Quarter, to an intersection with the West line of the Southeast Quarter of
939 said Section 8; thence easterly, on a line which is 20 feet north of the South line of
940 said Southeast Quarter, to an intersection with a line which is 30 feet east of the
941 West line of said Southeast Quarter; thence southerly, parallel with the West Line of
942 said Southeast Quarter, to an intersection with the North line of Section 17,
943 Township 11 south, Range 16 east of the 6th P.M.; thence easterly, on the North
944 line of said Section 17, to the East Right-of-way line of Soldier Creek Cutoff and
945 Channel Improvement; thence southerly and easterly on said right-of-way line to the
946 East line of Kaw Half-Breed Reserve No. 5; thence southerly, 592.92 feet on said
947 East line to its intersection with the Centerline of Indian Creek, the same being the
948 Northwest corner of Hillyers Subdivision; thence in an easterly direction, following
949 the meandering of said Indian Creek, to a point which is 17.00 chains west of the
950 East line and 14.13 chains north of the Southeast corner of the Northeast Quarter of
951 Kaw Half-Breed Reserve No. 6; thence southerly, parallel with the East line of said
952 Kaw Reserve No. 6 about 51.50 chains distance to the North Bank of the Kansas
953 River; thence northwesterly on the said Kansas River bank to the intersection with
954 the East line of Oakland Addition when extended north; thence southerly, on said
955 extension of the East line of Oakland Addition to the Northeast corner of said
956 addition; thence continuing southerly on the East line of said addition, to a point
957 2657.77 feet north of the Southwest corner of Section 22; thence on an assumed
958 bearing of North 88°34'44" East, 139.90 feet; thence South 47°09'21" East,

1915.20 feet; thence North 00°12'26" East, 2260.65 feet; thence South 61°49'02" East, 353.78 feet; thence South 53°47'05" East, 788.21 feet; thence South 74°58'05" East, 119.87 feet, to the West line of N.E. Lahr Avenue; thence South 00°06'44" East, on the West line of Lahr Avenue, 1569.01 feet, to the South line of the North Half of the Southwest Quarter of said Section 22; thence easterly on said South line, 30.00 feet, to the Northeast corner of the South Half of the Southwest Quarter of said Section 22; thence southerly, 1320 feet, more or less, to the Southeast corner of the Southwest Quarter of said Section 22; thence easterly, on the North line of Section 27, Township 11 South, Range 16 east, of the 6th P.M., to the Northeast corner of said section; thence southerly, on the East line of said Section 27, 2656.13 feet, to the Southwest corner of the Northwest Quarter of Section 26, Township 11 South, Range 16 east, of the 6th P.M.; thence easterly 35 rods to the East Bank of the Shunganunga Creek (old channel); thence northeasterly on said East Bank, 35 rods; thence northwesterly, at right angles to the East Bank, to the Centerline of said creek; thence northeasterly, easterly and southeasterly down the Centerline of said creek and along its meandering to its intersection with the North line of the South Half of the Southwest Quarter of said Section 26; thence east on the North line of the South Half of the Southwest Quarter to the West line of N.E. Kincaid Road; thence southerly, on the West line of N.E. Kincaid Road, 1279.71 feet to the North line of Seward Avenue; thence westerly on the North line of Seward Avenue to the West line of Section 26, also being the East line of Section 27; thence on an assumed bearing of South 88°31'13" West, on a line which is 40.00 feet north of the South line of said Section 27, 195.00 feet; thence North 00°07'48" East, 869.29 feet; thence North 47°02'26" West, 599.73 feet, to a point on the North line of the South Half of the Southeast Quarter of Section 27; thence west on the North line of the South Half of the Southeast Quarter of Section 27, Township 11 South, Range 16 east of the 6th P.M., 97.87 feet; thence southerly 664.53 feet, to the North line of the South Half of the South Half of the Southeast Quarter of said Section 27; thence westerly 200.00 feet; thence southwesterly 640.00 feet, more or less, to a point 330 feet north of the South line of Section 27; thence westerly, on a line 330 feet north of and parallel with the South line of said Section 27, 750.00 feet, more or less; thence south to the North line of Section 34, Township 11 South, Range 16 east of the 6th P.M.; thence west 464.21 feet to the Northeast corner of the Northwest Quarter of said Section 34; thence southerly, to the Northeast corner of the Southwest Quarter of said Section 34; thence southerly, to the point of beginning.

EXCEPTION I:

Beginning at the intersection of the South line of the Northwest Quarter of Section 21, Township 12 South, Range 15 east with a line which is 25 feet east of the West line of said Northwest Quarter; thence North 88°38'20" East, on the South line of said Northwest quarter, 1947.07 feet, to the Northeast corner of Clarion Lakes Subdivision; thence South 01°21'40" East, on an East line of Clarion Lakes Subdivision, 81.00 feet; thence North 88°38'20" East, 34.88 feet; thence North 86°43'47" East, 180.10 feet; thence North 88°38'20" East, 332.51 feet; thence southeasterly, on a curve concave southwesterly, having a radius measure of

1005 977.50 feet an arc length of 352.28 feet, the chord of which bears South 81°02'12"
 1006 East, 350.38 feet; thence South 70°42'44" East, 708.74 feet; thence southeasterly,
 1007 on a curve concave northeasterly, having a radius measure of 790.00 feet and an
 1008 arc length of 265.94 feet, the chord of which bears South 80°21'22" East, 264.69
 1009 feet; thence South 90°00'00" East, 8.57 feet; thence northeasterly, on a curve
 1010 concave northwesterly, having a radius measure of 1010.00 feet and an arc length
 1011 of 696.50 feet, the chord of which bears North 70°14'39" East, 682.79 feet; thence
 1012 North 50°29'18" East, 44.78 feet; thence North 50°29'18" East, 44.78 feet; thence
 1013 North 54°02'14" East, 334.87 feet; thence South 88°46'43" West, on the South
 1014 line of the Northeast quarter of said Section 21, to an intersection with a line which
 1015 is 658.38 feet east of the West line of said Northeast Quarter; thence northerly, on a
 1016 line which is 658.38 feet east of the West line of said Northeast Quarter, 1322.05
 1017 feet; thence westerly, on the South line of Clarion Woods Subdivision No.2, 658.38
 1018 feet to the Southeast corner of the North Half of the Northwest Quarter of said
 1019 Section 21; thence westerly, on the South line of the North Half of said Northwest
 1020 Quarter, to an intersection with a line which is 25 feet east of the West line of said
 1021 Northwest Quarter; thence southerly, parallel with the West line of said Northwest
 1022 Quarter, to the point of beginning.
 1023 EXCEPTION II:
 1024 Beginning at the Northeast corner of Lot 22, Block A in Kankis Square Subdivision;
 1025 thence southerly to the Southeast corner of Lot 17, Block A in said subdivision;
 1026 thence westerly, to the Southwest corner of Lot 1, Block A in said subdivision;
 1027 thence northerly, to the Northwest corner of Lot 4, Block A in said subdivision;
 1028 thence easterly, to the point of beginning.
 1029 EXCEPTION III:
 1030 A tract in the North Half of the Southwest Quarter of Section 7, Township 12 South,
 1031 Range 15 east of the 6th P.M., in Shawnee County Kansas, described as:
 1032 Commencing at the Southwest corner of the North Half of said Southwest Quarter;
 1033 thence North 1°09'04" West, North American Datum 1983, Kansas North Zone, on
 1034 the West line of said Southwest Quarter, 260.34 feet to the North line of SW 27th
 1035 Street; thence North 86°49'01" East on the North line of SW 27th Street, 25.00 feet
 1036 to the point of beginning; thence continuing on North 86°49'01" East, 343.96 feet to
 1037 the Southwest corner of Lot 1, Block 'A' in West Indian Hills Subdivision No. 12;
 1038 thence North 1°12'01" West, 199.88 feet to the Northwest corner of said Lot 1;
 1039 thence South 86°49'01" West on the South line of West Indian Hills Subdivision,
 1040 343.79 feet to an intersection with a line which is 25 feet east of said Southwest
 1041 Quarter; thence South 1°09'04" East, 199.89 feet to the point of beginning.
 1042 EXCEPTION IV:
 1043 Beginning at the intersection of an extension of the North line of S.W. 26th Street in
 1044 West Indian Hills Subdivision with a line which is 25 feet east of the West line of the
 1045 Southwest Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M.;
 1046 thence easterly to the Southwest corner of Lot 8, Block B in West Indian Hills
 1047 Subdivision; thence northerly to the Southeast corner of Lot 3, Block B in said
 1048 subdivision; thence easterly, on the South lines of Lots 3, 2, 1 and the extension of
 1049 the South line of Lot 1, to an intersection with a line which is 25 feet east of the west
 1050 line of said Southwest Quarter; thence southerly to the point of beginning.

EXCEPTION V:

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

B. Outer Corporate Boundary:

Beginning at the Northeast corner of the Northwest Quarter of Section 1, Township 13 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of South 00°16'44" East, on the East line of said Northwest Quarter, 2517.10 feet, to a point 81.00 feet north of the Southeast corner of said Northwest Quarter; thence South 88°25'05" West, 1319.37 feet, to a point on the West line of the East Half of said Northwest Quarter which is 53.50 feet north of the Southwest corner of the East Half of said Northwest Quarter; thence North 00°13'17" West, 2539.18 feet, to the Northwest corner of the East Half of said Northwest Quarter; thence North 89°22'35" East, 1316.51 feet, to the point of beginning. EXCEPT, a strip of land 20.00 feet in width, in the Northwest Quarter of Section 1, Township 13 south, Range 15 east of the 6th P.M. lying 10.00 feet on each side of the following described centerline: Beginning at a point on the North line of said Northwest Quarter of Section 1, which is 40.00 feet west of the Northeast corner of said Northwest Quarter; thence southerly parallel to the East line of said Northwest Quarter, 2097.40 feet; thence easterly parallel with the North line of said Northwest Quarter, 40.00 feet to the East line of said Northwest Quarter, containing 75.50 acres, more or less.

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

1097 A tract of land in the Southwest Quarter and the Southeast Quarter of Section 7,
1098 and in the Southwest Quarter and the Southeast Quarter of Section 8, and the
1099 Northeast Quarter and the Southeast Quarter of Section 18, all in Township 13
1100 South, Range 16 east of the 6th P.M., in Shawnee County, Kansas described as:
1101 Commencing at the Northwest corner of said Southwest Quarter of Section 7,
1102 thence on an assumed bearing of North 88°07'18"East, on the North line of the
1103 Southwest Quarter of Section 7, 213.70 feet to a point on the Easterly Right of Way
1104 line of former U.S. Highway No. 75 and the point of beginning; thence continuing
1105 North 88°07'18"East, on the North line of said Southwest Quarter, said North line
1106 being coincident with the South line of Forbes Field Subdivision, 2268.55 feet, to the
1107 Northeast corner of said Southwest Quarter of Section 7; thence continuing North
1108 88°07'18"East, on the North line of said Southeast Quarter of Section 7, said North
1109 line being coincident with the South line of Forbes Field Subdivision, 1409.90 feet;
1110 thence South 02°04'31" East, parallel with the East line of said Southeast Quarter
1111 of Section 7 and on a boundary line of Forbes Field Subdivision, 650.00 feet; thence
1112 North 88°07'18" East, parallel with the North line of said Southeast Quarter of
1113 Section 7 and on a Southerly line of Forbes Field Subdivision, 1240.00 feet to a
1114 point on the East line of said Southeast Quarter of Section 7; thence North
1115 88°27'18" East, parallel with the North line of said Southwest Quarter of Section 8,
1116 and on a Southerly line of Forbes Field Subdivision, 1147.85 feet; thence South
1117 63°25'07" East, on said Southerly line of Forbes Field Subdivision, 1670.29 feet, to
1118 a point on the East line of said Southwest Quarter of Section 8; thence continuing
1119 South 63°25'07"East, on said Southerly line of Forbes Field Subdivision, 900.22
1120 feet; thence North 86°16'27" East, on said Southerly line of Forbes Field
1121 Subdivision, 1053.80 feet; thence North 55°11'33" East, on said Southerly line of
1122 Forbes Field Subdivision, 910.15 feet to a point on the East line of said Southeast
1123 Quarter of Section 8; thence South 02°32'18" East, on the East line of said
1124 Southeast Quarter, 1318.30 feet to the Southeast corner of the Southeast Quarter
1125 of said Section 8; thence South 88°14'08" West, on the South line of said
1126 Southeast Quarter, 2612.01 feet to the Southwest corner of said Southeast Quarter;
1127 thence South 88°19'21" West, on the South line of said Southwest Quarter of
1128 Section 8, 2621.19 feet to the Southwest corner of said Southwest Quarter; thence
1129 South 02°22'39" East, on the East line of said Northeast Quarter of Section 18,
1130 2638.05 feet to the Southeast corner of said Northeast Quarter of Section 18;
1131 thence South 02°22'27" East, on the East line of said Southeast Quarter of Section
1132 18, 1318.96 feet, to the Southeast corner of the North Half of said Southeast
1133 Quarter of Section 18; thence South 88°00'15" West on said South line of the
1134 North Half of said Southeast Quarter of Section 18, 2638.04 feet to the Southwest
1135 corner of said North Half of the Southeast Quarter of Section 18; thence North
1136 02°18'32" West, on the West line of said Southeast Quarter of Section 18, 1319.82
1137 feet to the Northwest corner of said Southeast Quarter; thence North 02°18'22"
1138 West, on the West line of said Northeast Quarter of Section 18, 2629.66 feet to the
1139 Northwest corner of said Northeast Quarter; thence South 88°23'32" West, on the
1140 South line of the Southwest Quarter of Section 7, 2146.71 feet, thence on a bearing
1141 of North 01°52'44" West, parallel with the West line of said Southwest Quarter of
1142 Section 7, 361.50 feet; thence South 88°23'32" West, parallel with the South line of

said Southwest Quarter of Section 7, 216.30 feet, to the Southeast corner of Quality Oil Subdivision No. 3; thence North 01°52'44" West, on the East line of said Quality Oil Subdivision No. 3, and parallel with the West line of said Southwest Quarter of Section 7, 299.83 feet (300.00 feet plat) to the Northeast corner of said Quality Oil Subdivision No. 3; thence South 88°23'32" West, on the North line of said Quality Oil Subdivision No. 3, and parallel with the South line of said Southwest Quarter of Section 7, 94.74 feet, to the Northwest corner of said Quality Oil Subdivision No. 3; thence North 01°55'59" West, on the Easterly Right of Way line of former US Highway 75, 906.14 feet; thence North 88°07'18" East, on the Easterly Right of Way line of said highway and parallel with the North line of said Southwest Quarter of Section 7, 9.90 feet; thence North 04°18'42" East, on said Easterly Right of Way line, 288.60 feet; thence North 06°49'42" East, on said Easterly Right of Way line, 813.00 feet to the point of beginning. Contains 689.944 acres, more or less.

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

Beginning at the Southwest corner of said North Half of said Southwest Quarter; thence on an assumed bearing of North 33°02'55" East, on the Southerly line of Forbes Field Subdivision, 484.30 feet; thence North 26°33'23" East, on said Southerly line, 580.54 feet; thence North 02°21'27" East, on said Southerly line, 412.03 feet to a point on the North line of the North Half of said Southwest Quarter; thence North 88°27'10" East, on said North line, 2064.05 feet to the Northeast corner of the North Half of said Southwest Quarter; thence South 00°19'58" East, on the East line of the North Half of said Southwest Quarter, 1325.13 feet to the Southeast corner of the North Half of said Southwest Quarter; thence South 88°31'16" West, on the South line of the North Half of said Southwest Quarter, 2658.73 feet to the point of beginning. Contains 69.093 acres, more or less.

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

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

A tract in the South Half of Section 22, Township 12 South, Range 16 east of the 6th P.M., in Shawnee County, Kansas, described as: Beginning at the Southeast corner of the Southeast Quarter of said Section 22; thence on an assumed bearing of North 89°52'00" West on the South line of said Southeast Quarter, 2643.81 feet, to the Southwest corner thereof; thence South 89°54'30" West, on the South line of the East Half of the Southeast Quarter of the Southwest Quarter of said Section 22,

1189 660.93 feet, to the Southwest corner of said East Half; thence North 00°11'08"
1190 West on the West line of said East Half, 1319.23 feet, to the Northwest corner of
1191 said East Half; thence North 89°55'34" East, on the North line of said East Half,
1192 661.52 feet, to the Northeast corner of said East Half; thence North 00°09'36"
1193 West, on the West line of the Southeast Quarter of said Section 22, 185.85 feet;
1194 thence North 14°08'29" East, 588.22 feet; thence North 29°50'56" East, 179.74
1195 feet; thence North 45°33'23" East, 581.97 feet, to a point on the North line of the
1196 Southeast Quarter of said Section 22; thence North 89°56'57" East, on the North
1197 line of the last said Southeast Quarter, 1998.36 feet, to the Northeast corner of said
1198 Southeast Quarter; thence South 00°01'17" East, on the East line of said
1199 Southeast Quarter, 2646.58 feet, to the point of beginning.

1200 Contains 174.81 acres, more or less.

1201
1202 A tract in the Southwest Quarter and in the Southeast Quarter of Section 12, and in
1203 the Northwest, Northeast, Southeast and Southwest Quarters of Section 13, all in
1204 Township 13 South, Range 15 east of the 6th P.M. in Shawnee County, Kansas,
1205 described as: Beginning at the Southwest corner of the Southwest Quarter of said
1206 Section 12; thence on an assumed bearing of North 1°51'46" West, on the West line
1207 of said Southwest Quarter, 599.36 feet to a point on the Centerline of Gary Ormsby
1208 Drive; thence North 61°43'34" East on said Centerline, 1339.14 feet; thence
1209 northeasterly on a curve concave northwesterly, being the Centerline of Gary
1210 Ormsby Drive, having a radius measure of 1640.42 feet and an arc length of 643.64
1211 feet, the chord of which bears North 50°29'09" East, 639.51 feet; thence North
1212 39°14'48" East on said Centerline, 837.48 feet; thence northeasterly and easterly on
1213 a non-tangential curve concave southeasterly, being the Centerline of Gary Ormsby
1214 Drive, having a radius measure of 1312.33 feet and an arc length of 858.20 feet, the
1215 chord of which bears North 57°56'40" East, 843.00 feet to a point on the North line
1216 of the Southeast Quarter of said Section 12; thence North 88°31'48" East on the
1217 North line of said Southeast Quarter, 2113.26 feet to an intersection with the West
1218 line of the 100 feet wide strip of the Burlington North Santa Fe Railway Company;
1219 thence South 16°11'04" West on the West line of said 100 feet wide strip, 2824.31
1220 feet to a point on the South line of said Southeast Quarter; thence continuing on
1221 South 16°11'04" West on the West line of said 100 feet wide strip, 1180.97 feet;
1222 thence continuing south-southwesterly on the West line of said 100 feet wide strip
1223 being a curve concave westerly, having a radius measure of 2722.53 feet and an
1224 arc length of 565.36 feet, the chord of which bears South 22°08'01" West, 564.34
1225 feet; thence South 28°04'57" West on the West line of said 100 feet wide strip,
1226 1149.58 feet to an intersection with the South line of the Northeast Quarter of said
1227 Section 13 at a point 422.07 feet easterly distant from the Southwest corner of said
1228 Northeast Quarter; thence continuing on South 28°04'57" West on the West line of
1229 said 100 feet wide strip, 644.33 feet; thence continuing southwesterly on the West
1230 line of said 100 feet wide strip being a curve concave easterly, having a radius
1231 measure of 3869.83 feet and an arc length of 211.12 feet, the chord of which bears
1232 South 26°31'11" West, 211.09 feet to an intersection with the West line of the
1233 Southeast Quarter of said Section 13 at a point 746.69 feet southerly distant from
1234 the Northwest corner of the last said Southeast Quarter; thence continuing

1235 southwesterly on the West line of said 100 feet wide strip being a curve concave
1236 easterly, having a radius measure of 3869.83 feet and an arc length of 311.50 feet,
1237 the chord of which bears South 22°39'03" West, 311.42 feet to an intersection with
1238 the East right of way line of US 75 Highway; thence North 42°32'49" West on said
1239 East right of way line, 510.92 feet; thence North 38°07'05" West on said East right
1240 of way line, 803.03 feet to an intersection with the North line of the Southwest
1241 Quarter of said Section 13 at a point 937.10 feet westerly distant from the Northeast
1242 corner of the last said Southwest Quarter; thence North 36°49'35" West on said
1243 East right of way line, 600.40 feet; thence North 41°50'35" West on said East right
1244 of way line, 401.50 feet; thence North 35°42'46" West on said East right of way line,
1245 1981.44 feet to an intersection with the West line of the Northwest Quarter of said
1246 Section 13; thence North 1°43'56" West on the West line of said Northwest Quarter,
1247 208.94 feet to the point of beginning.
1248 Contains 405.17 acres, more or less.
1249

1250 A tract in the Southeast Quarter of Section 12 and in the Northeast Quarter of
1251 Section 13, all in Township 13 South, Range 15 east of the 6th P.M. in Shawnee
1252 County, Kansas, described as: Commencing at the Northeast corner of said
1253 Northeast Quarter; thence on an assumed bearing of South 1°52'42" East on the
1254 East line of said Northeast Quarter, 61.94 feet; thence South 88°07'18" West,
1255 180.74 feet to the Northeast corner of Lot 1, Block 'A' in Williamsport Subdivision as
1256 recorded in Plat Book 40, page 67 in the Office of the Shawnee County Register of
1257 Deeds, said Northeast corner of Lot 1 being the point of beginning; thence North
1258 79°08'42" West on the North line of said Lot 1, 292.24 feet to the North line of said
1259 Northeast Quarter; thence South 88°25'32" West on the North line of said Northeast
1260 Quarter, 489.32 feet to an intersection with the East line of the 100 feet wide strip of
1261 the Burlington North Santa Fe Railway Company; thence North 16°11'04" East on
1262 the East line of said 100 feet wide strip, 2422.46 feet to an intersection with the
1263 South line of a tract recorded in Volume 4882, page 136 in the Office of the
1264 Shawnee County Register of Deeds; thence North 88°18'23" East on the South line
1265 of the last said tract, 131.05 feet to an intersection with the West right of way line of
1266 Southwest Topeka Boulevard; thence South 9°17'20" West on said West right of
1267 way line, 329.80 feet; thence South 2°28'32" West on said West right of way line,
1268 536.40 feet; thence South 0°57'28" East on said right of way line, 1375.10 feet;
1269 thence South 9°46'07" East, 137.64 feet to the point of beginning.
1270 Contains 21.90 acres, more or less.
1271

1272 The area within the corporate limits is 62.051 square miles, more or less.
1273

1274 BE IT FURTHER RESOLVED that the City Clerk is hereby directed, in accordance
1275 with the provisions of K.S.A. 12-518 to file a certified copy of this resolution with the County
1276 Clerk, the Register of Deeds office, the State Transportation Engineer and Election
1277 Commissioner.

1278 BE IT FURTHER RESOLVED that City of Topeka Resolution No. 8963 is hereby
1279 specifically repealed.

1280 ADOPTED and APPROVED by the Governing Body on _____.

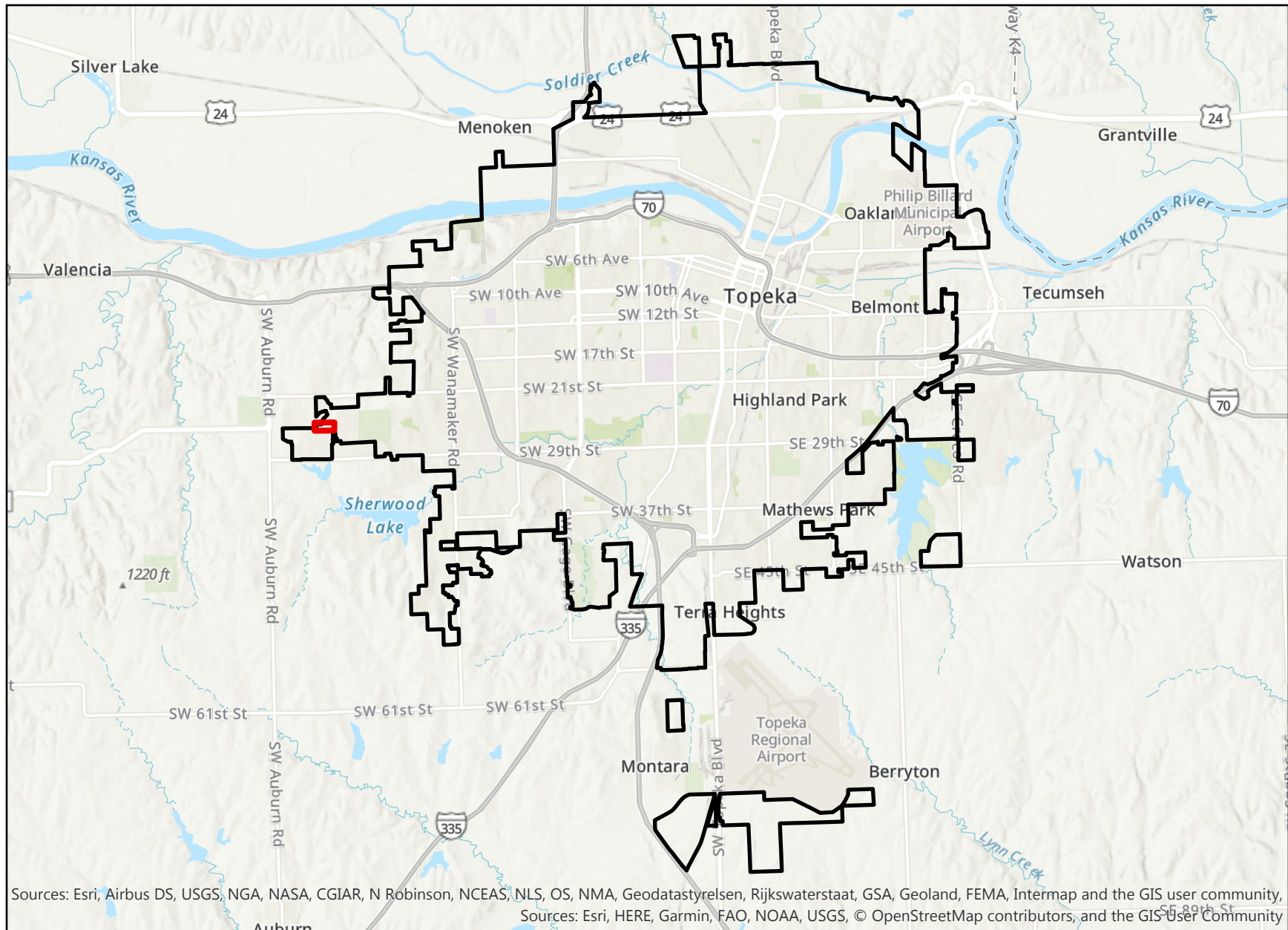
1281 CITY OF TOPEKA, KANSAS
1282
1283
1284

1285 _____
1286 Michelle De La Isla, Mayor

1287 ATTEST:
1288
1289
1290

1291 _____
1292 Brenda Younger, City Clerk

Topeka Corporate Limits - 2019



While the City of Topeka, KS makes every effort to maintain and distribute accurate information, NO WARRANTIES AND/OR REPRESENTATIONS OF ANY KIND are made regarding information, data, or services provided. In no event shall the City of Topeka, Kansas be liable in any way to the users of this data. Users of the data shall hold the City of Topeka, Kansas harmless in all matters and accounts arising from the use and/or accuracy of this data/map.

Map Author: dfish
Date Created: 9/23/2019 9:30 AM
Date Printed: 9/23/2019 9:28 AM
Date Exported: 9/23/2019 9:30 AM

Map created for the Novus Agenda System

(Published in the Topeka Metro News February 25, 2019)

ORDINANCE NO. 20173

AN ORDINANCE introduced by City Manager Brent Trout annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located at 2400 SW Indian Hills Road, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes. (A18/2) (Council District No. 8)

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

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

A tract in the East Half of the Northeast Quarter of Section 12, Township 12 South, Range 14 east of the 6th P.M. in Shawnee County, Kansas, described as: Commencing at the Southeast corner of said Northeast Quarter; thence South 89°47'32" West, North American Datum 1983, Kansas North Zone, on the South line of said Northeast Quarter, to an intersection with a line which is 25 feet west of the East line of said Northeast Quarter, being the point of beginning; thence continuing on South 89°47'32" West on the South line of said Northeast Quarter, 1300.02 feet to the Southwest corner of the East Half of said Northeast Quarter; thence North 1°19'51" West on the West line of said East Half, 319.97 feet; thence North 89°47'17" East, 421.33 feet to the Southwest corner of Lot 8, Block B in Miller's Reserve Subdivision; thence continuing on North 89°47'17" East on the South line of Miller's Reserve Subdivision, 633.35 feet; thence South 51°39'02" East on the South line of Miller's Reserve Subdivision, 185.34 feet; thence North 88°37'38" East on the South line of Miller's Reserve Subdivision, 102.50 feet to a point on a line which is 25 feet west of the East line of said Northeast Quarter; thence South 1°22'22" East, 206.59 feet to the point of beginning. Contains 9.089 acres, more or less.

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

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

Section 4. Upon passage and publication, the City Clerk shall file a certified copy

39 of this Ordinance with the County Clerk, the Register of Deeds, and the Shawnee County
40 Election Commissioner.

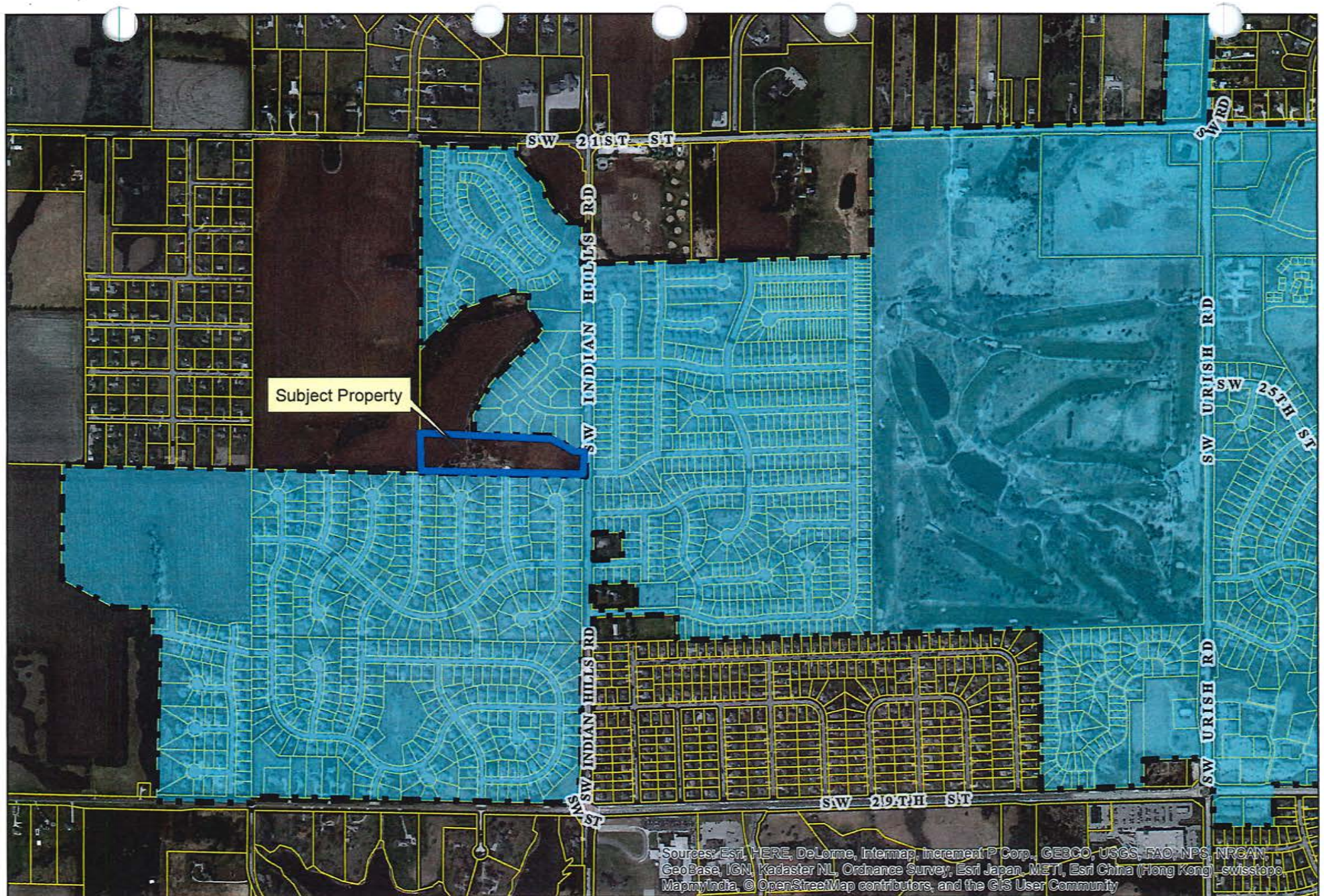
41 PASSED AND APPROVED by the Governing Body of the City of Topeka
42 February 19, 2019.

43
44
45
46 ATTEST:

47 *Brenda Younger*
48
49
50 Brenda Younger, City Clerk



Michelle De La Isla
Michelle De La Isla, Mayor



A18/2 - Sherwood Village Subdivision





City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 17, 2019

DATE: December 17, 2019
CONTACT PERSON: Deputy Mayor Sandra Clear
DOCUMENT #:
SECOND PARTY/SUBJECT: 2020 Governing Body Meeting Schedule
PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by Deputy Mayor Sandra Clear, cancelling Governing Body meetings for calendar year 2020.

(Approval would provide notice that meetings would not be held on August 4, 2020, Primary Election Day and November 3, 2020, General Election Day)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Topeka Municipal Code (TMC) Section 2.15.020(c)(1) authorizes Governing Body meetings to be cancelled, provided that the number of Council meetings in a month is not less than two as required by TMC Appendix A, Section A2-26.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Traditionally, Governing Body meetings are cancelled in observance of established City holidays, Primary Election Day and General Election Day. The resolution provides notice of those cancellation dates.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

TMC Sec A2-26 Meetings - Deputy Mayor

TMC 2.15.020(C)(1) Time of Governing Body Meetings

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Deputy Mayor Sandra Clear cancelling Governing Body
4 meetings for calendar year 2020.

5
6 WHEREAS, TMC 2.15.020(c)(1) authorizes Governing Body meetings to be
7 cancelled by a majority vote of the Governing Body; and

8 WHEREAS, the Deputy Mayor recommends cancellation of meetings for the 2020
9 calendar year.

10 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
11 CITY OF TOPEKA, KANSAS that the following Governing Body meetings are cancelled for
12 the calendar year 2020: August 4 (Primary Election Day), and November 3 (General
13 Election Day).

14 ADOPTED and APPROVED by Governing Body on _____.

15 CITY OF TOPEKA, KANSAS
16
17
18
19

20 _____
Michelle De La Isla, Mayor

21 ATTEST:
22
23
24
25

26 _____
Brenda Younger, City Clerk

TOPEKA MUNICIPAL CODE

Appendix A Article II ADMINISTRATION (HOME RULE CHARTER)

Sec. A2-26. Meetings – Deputy Mayor.

(a) The governing body shall establish, by ordinance, a meeting schedule for each calendar year, with a minimum of two meetings each month.

(b) The governing body shall elect a Councilmember to serve as deputy mayor in the absence or temporary disability of the mayor. The deputy mayor elected in April of 2016 shall serve until a successor is elected at the first governing body meeting in January of 2017 to serve a term that expires on January 8, 2018. Thereafter, a deputy mayor shall be elected at the third meeting in January for a one year term. (C.O. 117 § 5, 2-9-16.)

Chapter 2.15

CITY COUNCIL – MAYOR

2.15.020 Time of governing body meetings – To be open to the public.

(a) The governing body shall meet in the council chambers/municipal court complex on the second floor of the municipal building, the first three Tuesdays of each month at 6:00 p.m. except that the governing body shall meet on the second Monday, rather than the second Tuesday, in the month of January following the general municipal election.

(b) Notwithstanding subsection (a) of this section, when the date of a meeting falls on a legal holiday or any city primary or general election, the meeting may be rescheduled to another day fixed in advance by the governing body.

(c) Notwithstanding subsection (a) of this section, a meeting may be canceled under any of the following circumstances; provided, that the number of meetings in a month is not less than that required by Appendix A, Section A2-26:

(1) By a majority vote of the governing body;

(2) When the mayor, with the concurrence of the deputy mayor, determines that special circumstances exist, including but not limited to the scheduling of a special event or a lack of agenda items; or

(3) By the city manager in the event of inclement weather. (Ord. 20009 § 1, 6-21-16.)



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 17, 2019

DATE: December 17, 2019
CONTACT PERSON: Braxton Copley, **DOCUMENT #:**
Deputy Utilities
Director
SECOND PARTY/SUBJECT: Wanamaker Sanitary **PROJECT #:** T-291056.00
Sewer Main Project -
Danbury Lane
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 002 Condemnations
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire easements for replacement of the Wanamaker Sanitary Sewer Main from the 6300 block of S.W. 9th to Danbury Lane. (Project T-291056.00)

(Approval would authorize the City Attorney to initiate eminent domain proceedings in the district court.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Whether to initiate eminent domain proceedings to acquire easements for the Wanamaker sanitary sewer main replacement.

STAFF RECOMMENDATION:

Staff recommends the Governing Body approve the ordinance.

BACKGROUND:

The city engineer has determined that acquisition of easements is necessary for the Wanamaker sanitary sewer project. Because the property owners have not provided those easements, it is necessary to initiate proceedings to acquire them through the eminent domain process. Should the governing body approve the ordinance, the legal department will file a petition in district court requesting that the court appoint three appraisers to view the properties, hold a public hearing, and issue a report determining the fair market value of each easement. The City

will pay that amount to the court which will distribute the award to the owners.

BUDGETARY IMPACT:

Fair market value of the easement interests as determined by the appraisers.

SOURCE OF FUNDING:

Project Budget - Wanamaker Sanitary Sewer Main Project T-291056.00

ATTACHMENTS:

Description

Ordinance

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Brent Trout authorizing initiation of condemnation
6 proceedings to acquire easements for replacement of the Wanamaker Sanitary
7 Sewer Main from the 6300 block of S.W. 9th to Danbury Lane (Project No. t-
8 291056.00)
9

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

12 Section 1. That it is hereby declared necessary to condemn and appropriate for the use of
13 the City of Topeka certain property within the corporate limits of the City of Topeka to replace the
14 Wanamaker Sanitary Sewer Main from the 6300 block of S.W. 9th to Danbury Lane, said properties
15 being described as follows:

16 **Parcel 19** (605 S.W. Fairlawn Road)

17
18 Owner of Record: Flywheel Fairlawn, LLC
19 2828 N. Speer Blvd., Ste. 220
20 Denver, CO 80211

21
22 Lienholder of Record SP Fund V Lender, LLC
23 400 North LaSalle St., Ste. 805
24 Chicago, IL 60654

25
26 Contract Purchaser: NONE

27
28 Party in Possession: Owner
29

30
31 PROPERTY TO BE ACQUIRED:

32
33 **Temporary Easement**
34

A portion of Block D, Fairlawn Acres Subdivision in the Northeast Quarter of Section 33, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, described as follows: Commencing at the northwest corner of said Block D; thence S02°09'28"E (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Block D a distance of 10.70 feet; thence N87°50'32"E a distance of 6.00 feet to the intersection of the south line of an existing 12 foot utility easement and the east line of an existing 12 foot utility easement centered on the west line of said Block D; thence along said west line S02°09'28"E a distance of 10.48 feet to the Point of Beginning; thence parallel with the north line of said Block D N70°29'11"E a distance of 216.17 feet; thence S19°36'37"E a distance of 10.00 feet; thence parallel with the north line of said Block D S70°29'11"W a distance of 219.32 feet to the east line of said existing 12 foot utility easement; thence along said east line N02°09'28"W a distance of 10.48 feet to the Point of Beginning. Encompassing 2,177 square feet.

This easement expires one (1) year after acceptance of project for maintenance.

Permanent Easement

A portion of Block D, Fairlawn Acres Subdivision in the Northeast Quarter of Section 33, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, described as follows:

Commencing at the northwest corner of said Block D; thence S02°09'28"E (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Block D a distance of 10.70 feet; thence N87°50'32"E a distance of 6.00 feet to the intersection of the east line of an existing 12 foot utility easement centered on the west line of Block D and the south line of an existing 12 foot utility easement also being the Point of Beginning; thence parallel with the north line of Block D along the south line of said easement N70°29'11"E a distance of 501.81 feet; thence S11°31'00"W a distance of 11.67; thence parallel with the north line of said Block D S70°29'11"W a distance of 493.44 to the east line of an existing 12 foot utility easement centered on the west line of said Block D; thence parallel with west line of said Block D along the east line of said easement N02°09'28"W a distance of 10.48 feet to the Point of Beginning. Encompassing 4,949 square feet.

Parcel 21 (4712 S.W. 6th Ave.)

Owner of Record:	City of Wichita 455 N. Main St. Wichita, KS 67202
------------------	---

Contract Purchaser:	NONE
---------------------	------

Party in Possession: Owner

PROPERTY TO BE ACQUIRED:

Temporary Easements

A portion of Presbyterian Manor Subdivision in the West Half of the Southwest Quarter of Section 27, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, described as follows:

21 T1

Commencing at the southwest corner of said Subdivision; thence N87°35'27"E (Bearings based on the Kansas Coordinate System 1983 North Zone) along the south line of said Subdivision a distance of 15.00 feet to the east line of an existing 15.00 foot Westar easement also being the Point of Beginning; thence along the east line of said Westar easement N01°50'07"W a distance of 283.60 feet to the southerly line of a 16 foot sanitary easement; thence parallel with the westerly line of said subdivision along southerly line of said sanitary easement N32°53'58"E a distance of 489.63 feet; thence N40°13'34"E a distance of 200.66 feet; thence S49°46'26"E a distance of 10.00 feet; thence S40°13'34"W a distance of 200.02 feet; thence parallel with the westerly line of said subdivision S32°53'58"W a distance of 489.63 feet; thence parallel with the west line of said subdivision S01°50'07"E a distance of 287.54 feet to the south line of said subdivision; thence along said south line S87°35'27"W a distance of 15.00 feet to the Point of Beginning. Encompassing 11,246 square feet.

21 T2:

Commencing at the southwest corner of said Subdivision; thence N01°50'07"W (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Subdivision a distance of 290.20 feet; thence along the westerly line of said subdivision N32°53'58"E a distance of 624.07 feet; thence along the northwesterly line of said subdivision N40°13'34"E a distance of 238.19 feet; thence S49°46'26"E a distance of 31.00 feet to the Point of Beginning; thence N40°13'34"E parallel with the northwesterly line of said subdivision a distance of 115.74 feet to the south line of an existing 16 foot sanitary easement; thence along the south line of said easement N68°34'51"E a distance of 21.06 feet; thence parallel with the northwesterly line of said Subdivision S40°13'34"W a distance of 134.27 feet; thence N49°46'26"W 10.00 feet to the Point of Beginning. Encompassing 1,250 square feet

21 T3:

Commencing at the southwest corner of said Subdivision; thence N01°50'07"W (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Subdivision a distance of 290.20 feet; thence along the westerly line of said Subdivision

N32°53'58"E a distance of 624.07 feet; thence along the northwesterly line of said Subdivision N40°13'34"E a distance of 359.83 feet; thence S49°46'26"E a distance of 16.00 feet to the southeasterly line of an existing 16 foot sanitary easement, thence parallel to the northwesterly line of said Subdivision N40°13'34"E along the southeasterly line of said sanitary easement line a distance of 18.86 feet to the Point of Beginning; thence parallel with the northwesterly line of said Subdivision N40°13'34"E along the southeasterly line of said sanitary easement a distance of 363.92 feet to the east line of said Subdivision; thence along the east line of said Subdivision S01°50'07"E a distance of 478.90 feet to the northeasterly line of an existing 16 foot sanitary easement; thence along the northeasterly line of said easement N19°42'47"W a distance of 221.40 feet; thence continuing along said easement S68°34'51"W a distance of 186.45 feet; thence N04°46'20"W a distance of 9.35 feet to the southeasterly line of an existing 16 foot sanitary easement, also being the Point of Beginning. Encompassing 32,588 square feet

21 T4:

Commencing at the southwest corner of said Subdivision; thence N87°35'27"E (Bearings based on the Kansas Coordinate System 1983 North Zone) along the south line of said Subdivision a distance of 810.00 feet to the Point of Beginning; thence parallel with the east line of said Subdivision N01°50'07"W a distance of 366.70 feet to the south line of an existing 16 foot sanitary easement; thence along the south line of said easement N89°36'21"E a distance of 8.62 feet to the east line of said easement; thence continuing along the east line of said easement N00°23'39"W a distance of 151.42 feet to the east line of an existing 16 foot sanitary easement; thence along the east line of said easement N01°17'27"W a distance of 229.59 feet to the southeasterly line of said easement; thence along the southeasterly line of said easement N26°40'41"E a distance of 84.62 feet to the east line of said Subdivision; thence along the east line of said Subdivision S01°50'07"E a distance of 821.17 feet to the south line of said Subdivision; thence along the south line of said Subdivision S87°35'27"W a distance of 55.00 to the Point of Beginning. Encompassing 37,899 square feet.

21 T5

Commencing at the southwest corner of said Subdivision; thence N87°35'27"E (Bearings based on the Kansas Coordinate System 1983 North Zone) along the south line of said Subdivision a distance of 865.00 feet to the east line of said Subdivision; thence along the east line of said Subdivision N01°50'07"W a distance of 854.69 feet to the northwesterly line of an existing 16 foot sanitary easement also being the Point of Beginning; thence along the northwesterly line of said easement S26°40'41"W a distance of 115.22 feet; thence parallel with the east line of said Subdivision N01°50'07"W a distance of 273.18 feet to the southwesterly line of an existing 16 foot sanitary easement; thence along the southwesterly line of said easement S19°42'14"E a distance of 253.51 feet to the east line of said Subdivision; thence along the east line of said Subdivision S01°50'07"E a distance of 1.43 feet to the northwesterly line of an existing 16 foot sanitary easement also being the Point of Beginning. Encompassing 7,552 square feet

These easements will expire one year after acceptance for maintenance.

Permanent Easements

A portion of Presbyterian Manor Subdivision in the West Half of the Southwest Quarter of Section 27, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, described as follows:

21 P1:

Beginning at the southwest corner of said Subdivision; thence N01°50'07"W (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Subdivision a distance of 262.12 feet to the southeasterly line of an existing 16 foot sanitary easement; thence parallel with the westerly line of said subdivision along said easement N32°53'58"E a distance of 26.33 feet to the west line of an existing Westar 15 foot easement of Right of Way; thence parallel with the west line of said Subdivision along said Westar easement N01°50'07"W a distance of 283.60 feet to the south line of said subdivision; thence along the south line of said subdivision S87°35'27"W a distance of 15.00 feet to the Point of Beginning. Encompassing 4,093 square feet.

21 P2:

Commencing at the southwest corner of said Subdivision; thence N01°50'07"W (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Subdivision a distance of 290.20 feet; thence along the westerly line of said subdivision N32°53'58"E a distance of 505.42 feet; thence S57°06'02"E a distance of 16.00 feet to the easterly line of a 16 foot sanitary easement also being the Point of Beginning; thence parallel with the westerly line of said Subdivision along easterly line of said easement N32°53'58"E a distance of 117.62 feet; thence parallel with the northwesterly line of said subdivision continuing along the easterly line of said sanitary easement N40°13'34"E a distance of 325.12 feet; thence continuing along the southeasterly line of said sanitary easement N68°34'51"E a distance of 31.58 feet; thence parallel to the northwesterly line of said subdivision S40°13'34"W a distance of 469.58 feet to the Point of Beginning. Encompassing 5,960 square feet

21 P3:

Commencing at the southwest corner of said Subdivision; thence N01°50'07"W (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Subdivision a distance of 290.20 feet; thence along the westerly line of said subdivision N32°53'58"E a distance of 624.07 feet; thence along the northwesterly line of said subdivision N40°13'34"E a distance of 359.83 feet; thence S49°46'26"E to the intersection of two existing 16 foot sanitary easements also being the Point of Beginning; thence parallel with the

northwesterly line of said Subdivision along the southeasterly line of said sanitary easement N40°13'34"E a distance of 18.86 feet; thence S04°46'20"E a distance of 9.35 feet to the north line of an existing 16 foot sanitary easement; thence along said north line S68°34'51"W a distance of 13.92 feet to the Point of Beginning. Encompassing 62 square feet.

Parcel 23 (325 S.W. Whitehall Lane)

Owner of Record: Dr. Balasubramanyan Napa
Eswari Napa
325 S.W. Whitehall Lane
Topeka, KS 66606

Contract Purchaser: NONE

Party in Possession: Owner

Temporary Easement

A portion of Lot 3, Block B, Prospect Hills Subdivision No. 5 in the Southwest Quarter of Section 27, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, described as follows: The south 5.00 feet of the north 21.00 feet of said Lot 3. Encompassing 953 square feet.

This easement will expire one year after acceptance for maintenance.

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

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

233 PASSED and APPROVED by the Governing Body _____.

234 CITY OF TOPEKA, KANSAS

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241 ATTEST:

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245 _____
Brenda Younger, City Clerk

Michelle De La Isla, Mayor



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 17, 2019

DATE: December 17, 2019
CONTACT PERSON: Bill Fiander DOCUMENT #: Z19/8
SECOND PARTY/SUBJECT: Casey McClenon PROJECT #: N/A
(Shamrock Valley
Ventures LLC)
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 921 SW 10th Avenue from “O&I-2” Office and Institutional Dwelling District TO “M-2” Multiple Family Dwelling District (Z19/8) (Council District No. 1)

Voting Option Requirements: (1) Approve Planning Commission's recommendation, 6 votes is required of the Governing Body (2) Reject or Amend Planning Commission's recommendation, 7 votes is required of the Governing Body; or (3) Remand back to Planning Commission, 6 votes is required of the Governing Body.

(Approval of the zoning change will allow the single family residential structure to be converted to a duplex)

VOTING REQUIREMENTS:

The Governing Body has the following voting options:

1. Approve the Planning Commission's recommendation by adopting the ordinance. A minimum of 6 votes is required of the Governing Body.
2. Amend the Planning Commission's recommendation by amending the ordinance. A minimum of 7 votes is required of the Governing Body.
3. Refuse to approve the Planning Commission's recommendation by rejecting the ordinance. A minimum of 7 votes is required of the Governing Body.
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 of the Governing Body.

POLICY ISSUE:

The primary issue of the zoning change as expressed by neighbors, is the resulting increase in allowable residential density and the owner's plans to convert the single family residence into two or more apartments. M-2 zoning is recommended because:

- Although M-2 zoning allows development of more than two units on a single building and parcel, the maximum density of 15 units per acre will not allow any more than two units on the subject property at this time.
- The adjoining parcels fronting on 10th Avenue are classified M-3, so M-2 zoning is more appropriate than would be M-1.
- M-2 and M-3 zoning are an appropriate transition from 10th Avenue (and the institutional land use on the north side of 10th Avenue) to the R-2 zoning south of the subject property.
- The subject property has been classified O&I-2 (office and institutional) since 1992 but has never been legally converted to a use permitted by the O&I-2 zoning.
- M-2 zoning is consistent with the Historic Holliday Park Neighborhood Plan.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

Z19/8 is a request to change the zoning of the property from "O and I-2" Office and Institutional District to "M-2" Multiple Family Dwelling District to allow the conversion of the existing single family residential structure into a duplex.

The applicant conducted a neighborhood information meeting on October 28, 2019. The applicant, City planning staff, Councilmember Hiller and eight members of the public attended the meeting. Issues raised at the meeting include residential density, addition of apartments to the neighborhood, occupancy limits inside the building, good tenant-landlord relations with the neighbors and off-street parking.

The Planning Commission recommended approval of the zoning change by a vote of 9-0-0 on November 18, 2019, and the Planning and Development Department staff recommend approval.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

Planning Commission Minutes of November 18, 2019

Topeka Planning Department Staff Report - November 18, 2019

Aerial Map

Aerial Map 2

Zoning Map

Neighborhood Plan Map

Neighborhood Meeting

Neighborhood Meeting Attendance

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____ -

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 921 SW 10th Avenue from "O&I-2" Office and Institutional Dwelling District TO "M-2" Multiple Family Dwelling District (**Z19/8**) (**Council District No. 1**)

BE IT ORDAINED BY THE GOVERNING BODY 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:

The west 6 feet of Lot 115 and all of Lots 117 and 119, Young's Addition, City of Topeka, Shawnee County, Kansas

FROM "O&I-2" Office and Institutional Dwelling District TO "M-2" Multiple Family Dwelling 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 Governing Body, City of Topeka, Kansas,
_____, 2019

ATTEST:

Michelle De La Isla, Mayor

Brenda Younger, City Clerk



CITY OF
TOPEKA

TOPEKA PLANNING COMMISSION

Monday, November 18, 2019

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

CASE MINUTES

Members present: Katrina Ringler (Chair), Brian Armstrong, Corey Dehn, Marc Fried, Wiley Kannarr, Jim Kaup, Corliss Lawson, Ariane Messina, Matt Werner (9)

Members Absent:

Staff Present: Bill Fiander, Planning & Development Director; Dan Warner, Comprehensive Planning Manager; Mike Hall, Current Planning Manager; Annie Driver, Planner; Kris Wagers, Administrative Officer; Mary Feighny, Deputy City Attorney

Public Hearing of Z19/08 by: Shamrock Valley Ventures, LLC requesting to amend the district zoning map on property located at 921 SW 10th Avenue from O&I-2 Office and Institutional District to M-2 Multiple Family Dwelling District to provide for use of the property for one or more residential dwellings, including either a duplex or triplex.

Ms. Driver presented the staff report and staff recommendation for approval.

Referring to the Neighborhood Information Meeting (NIM) notes, Mr. Armstrong asked Ms. Driver if staff considered a zoning designation of R-2. Ms. Driver explained that the applicant applied for M-2 and that's what staff is recommending for approval, adding that a single family residence could be built on property zoned M-2.

Referring to the staff report, Mr. Kaup asked if there is adequate room on the property to allow for a triplex. Mr. Hall explained that even though technically it's allowed in M-2 zoning, a triplex would not be allowed on this lot due to dimensional standards and the restrictions they impose. The City's zoning code would need to be changed in order for a triplex to be allowed.

With no further questions from commissioners, Ms. Ringler **opened the floor for public comment.**

Casey McLenon, one of the owners of Shamrock Valley Ventures, LLC came forward to speak, noting that Kevin Stultz, co-owner of Shamrock Valley Ventures, LLC, was also present and available for questions. Mr. McLenon explained that the question about zoning had come up as mentioned; his company intends to apply for a building permit to build a duplex. Mr. McLenon stated that the property is currently in disrepair and their goal is to make improvements.

Mr. Kaup noted that even though the applicant intends to build a duplex, the M-2 zoning would allow for someone in the future to tear that building down and build a triplex if the dimensional requirements could be met.

Mr. Hall stated that R-2 is a single family residential district and doesn't allow for duplexes. An M-1 zoning would allow for a duplex. The property next to the one in question has a zoning of M-3 and staff supports an

M-2 zoning in order to accommodate development consistent with other properties on the block.

Hearing no further questions for the applicant, Mr. McLenon took his seat.

Jennifer Anderson of 1025 SW Fillmore came forward in opposition to the re-zoning. She stated that while she appreciates the owners wanting to improve the property, she has density concerns for her neighborhood. She would be okay with a 2-family home but doesn't want to set a precedence for other properties in the Holliday Park neighborhood and allow potential up-zoning in other areas of the neighborhood. Her request would be that the commission deny the request for a zoning of M-2 and allow either an R-1 or M-1, stating clearly that it can only be a single or two-family dwelling.

Patrick DeLap came forward to speak in opposition to the re-zoning, stating that he too lives in the neighborhood. He expressed concern that the photos provided are almost 4 years old; he doesn't like the color the house has been painted and stated that there are current code compliance issues with the property. He said there are inconsistencies in the report, and expressed concern that the property would "be rented out to anybody and everybody who has money for the week." He noted that no architectural plans have been submitted with the re-zoning request and asked that the commission deny the request for re-zoning.

Chris Meinhardt came forward to speak in opposition to the re-zoning, stating that he is a resident and property owner located within the official notice area. Mr. Meinhardt stated that the zoning change would increase the density of the allowable dwelling units on the lot above what the current lot size allows. He stated that only one property adjacent to this one is zoned M-3 and a change in zoning could affect real estate taxes. Mr. Meinhardt asked that the application be referred back to staff for additional consideration.

Mr. Kaup asked Mr. Meinhardt what his preferred outcome would be; Mr. Meinhardt ultimately expressed concern that the zoning would allow for a triplex. Mr. Kaup asked if Mr. Meinhardt has a preference for the property being used for either residential or non-residential use and Mr. Meinhardt replied he does not.

Nels Anderson of 1025 SW Fillmore came forward to speak in opposition to M-2 zoning. Mr. Anderson complimented the current owners on having done a great job of making improvements thus far, noting that regardless of color preference, at least the house has been painted. Mr. Anderson stated he feels like the zoning should be M-1; he supports a single family home or duplex and expressed concern that at a later date a triplex might be built.

With nobody else coming forward to speak, Ms. Ringler declared the **public comment period closed.**

Mr. Armstrong stated that even if the lot is zoned M-2, the lot limits it to a duplex. Mr. Hall explained that staff took into account the zoning of the other lots on 10th Street and based their recommendation largely on that. He further explained that M-3 zoning allows for a higher density.

Mr. Ringler asked what would happen if in the future someone wanted to (for instance) build a 3-story apartment building. Mr. Hall confirmed that without a change to the density standards, it would not be allowed on that lot.

Ms. Ringler noted that it's typical to see a buffer zone between residential and institutional uses.

Mr. Kaup asked Mr. Fiander if R-2 zoning would be consistent with the Holliday Park neighborhood plan. Following discussion and information provide by Mr. Fiander, it was noted that what neighbors at the NIM meeting were asking about was M-1 rather than M-2 zoning, and the dimensional standards of the of the lot will not allow for a triplex.

Motion by Mr. Dehn to recommend to the Governing Body approval of the re-classification of the property from O&I-2 Office and Institutional District to M-2 Multiple Family Dwelling District; **Second** by Ms. Messina.
APPROVAL (9-0-0)

STAFF REPORT – ZONING CASE
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, November 18, 2019

APPLICATION CASE: Z19/8 By: Shamrock Valley Ventures LLC

REQUESTED ACTION: Zoning change from “O&I-2” Office and Institutional District TO “M-2” Multiple Family Dwelling District

APPLICANT / PROPERTY OWNERS: Shamrock Valley Ventures LLC/Casey McClenon

STAFF: Annie Driver, AICP – Planner

PROPERTY LOCATION / PARCEL ID: 921 SW 10th Avenue / PID: 0973604012007000

PARCEL SIZE: 0.17 acres / 7,405 sf

STAFF RECOMMENDATION: Approval

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from “O&I-2” Office and Institutional District TO “M-2” Multiple Family Dwelling District

PHOTOS: View of property from 10th Avenue on the south (January 2017 photo. The residence has been painted blue since the photo was taken):



View of property from southwest on Fillmore Street (January 2016 photo):



PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

Re-model the existing 2,104 sf, two-story single-family residential. Previous uses of the building, single-family residential, offices, upholstery repair, and appliance repair (illegal use). The structure has also remained vacant since the zoning changed in 1992.

Currently, there is a zoning violation on the property for using the property and building as appliance repair shop with unenclosed outside storage, including storage in a shipping container. The applicants are correcting this violation by removing the equipment and outside storage. Further municipal court action on the zoning violation is pending action on the rezoning to "M-2" by the City Council. The proposed rezoning will allow the owner to use the property and renovate the structure for two or more apartments.

DEVELOPMENT / CASE HISTORY:

The structure was constructed in 1910 as a single family residence. A zoning case in 1965 rezoned the property from "D" Multiple-Family Residential to "E" Multiple Family Residential as there was a trend at the time to rezone SW 10th Avenue to accommodate office uses as well as multiple-family residential uses along its frontages. ("E" zoning allowed offices and residential uses. In 1992, the "E" zoning district converted to either the "O&I-2" or "M-3" District based on the

land usage at that time.) The structure was used for a law office in 1992 at the time the zoning changed to "O&I-2".

ZONING AND USE OF SURROUNDING PROPERTIES:

North: "O&I-2" Office and Institutional District / vacant (A health clinic existed on the property until 2012.)

South: "R-2" Single Family Dwelling District / single family residence

West: "O&I-2" Office and Institutional District / office (residential structure with addition on west side)

East: "M-3" Multiple-Family Dwelling District / Single family residence and apartment buildings along the frontage of SW 10th Avenue.

DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS:

"M-2" District: *This district is established to provide for the use of attached dwelling units containing three or more dwelling units, designed and intended for individual dwellings, group or community living facilities, congregate living facilities, and including townhouse, condominium or cooperative division of ownership. The location of this district is further intended to provide a transitional use between the districts of lesser and greater intensity.*

DIMENSIONAL STANDARDS:

Minimum lot area: 7500 sf. The parcel is an existing lot of record and pre-dates this provision of the zoning code.

Maximum density: The "M-2" zoning allows 15 units per acre maximum. The density of three apartments in the building will be slightly higher at 18 units per acre. However, the proposed zoning is less intense than zoning of the immediate properties ("M-3"), which have historically been zoned for high density residential. "M-3" zoning allows a maximum of 30 units per acre. The density standards in Chapter 18.60 Dimensional Requirements may be updated in the future to address higher densities for multiple-family residential zoning.

Maximum height: 50 ft.

OFF-STREET PARKING:

"M-2" District: Two spaces per unit are required by Chapter 18.240 Off-Street Parking Regulations. The structure has parking off the rear accessible from the public alley. Gravel parking is allowed for single, two, and three family dwellings.

COMPREHENSIVE PLANS:

Historic Holliday Park Neighborhood Plan

OTHER FACTORS

SUBDIVISION PLAT:

Lots 119, 117 and 6' of Lot 115, Young's Addition

**FLOOD HAZARDS, STREAM
BUFFERS:**

Designated "Zone X Area of Minimal Flooding" (outside of 100-year and 500 – year flood plain)

UTILITIES:

The structure is served by existing utilities.

TRAFFIC:

No issues

HISTORIC PROPERTIES:

The subject property is not located within either Holliday Park historic district located on the west side of SW Fillmore and along SW Western.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood information meeting on Monday, October 28, 2019 located at the subject property. The applicant, City planning staff and 8 members of the public attended the meeting. Councilperson Hiller attended the meeting. Some key issues identified were land use compatibility, residential density, addition of apartments, occupancy limits, good tenant-landlord relations with the neighbors, and parking off –street. The applicant's meeting notes are attached.

The property is within Historic Holliday Park NIA and adjacent to the Old Town NIA. The NIAs were notified of the zoning change and meeting. The NIA has not expressed opposition to the zone change.

The zoning regulations allow up to five unrelated individuals to reside in a dwelling unit. The building code may require minimum room sizes and sanitary facilities, minimum number of windows per bedroom, etc., but does not directly regulate occupancy related to the number of people who may reside in a dwelling.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:

No issues with rezoning

FIRE:

Modifications may be needed to convert the interior back to residential use. This will be reviewed with Building Permits for a Change of Use/Occupancy.

DEVELOPMENT SERVICES:

Modifications will be required for the conversion to a triplex per commercial building code. ADA compliance may be required for a triplex. Development Services will review construction plans when they are submitted for review as a part of the application for the building permit for a Change of Use/Occupancy. The owner is encouraged to discuss plans with Development Services staff prior to submittal for building permit.

KEY DATES

SUBMITTAL:	October 4, 2019
NEIGHBORHOOD INFORMATION MEETING:	October 28, 2019
LEGAL NOTICE PUBLICATION:	October 23, 2019
PROPERTY OWNER NOTICE:	October 25, 2019

STAFF ANALYSIS

As a zoning case Planning staff have reviewed the case relative to the required findings and conclusions in Topeka Municipal Code Section 18.245 (Findings and conclusions reflect the “golden factors” per Donald Golden v. City of Overland Park, 1978 Kansas Supreme Court).

CHARACTER OF NEIGHBORHOOD: The surrounding area is characterized by a mix of office and residential structures, built in the early 1900s for residential use, along the south frontage of SW 10th Avenue. The north frontage of SW 10th Avenue is comprised of large institutional uses (schools, churches) and parking lots. The proposed rezoning to “M-2” to allow conversion of the structure to a duplex or triplex is in character with the land use pattern along the frontage of SW 10th Avenue that contains high density residential and office zoning. The proposed zoning is consistent with the character of the neighborhood.

THE ZONING AND USE OF PROPERTIES NEARBY: The properties along the south frontage of SW 10th are zoned “O&I-2” Office and Institutional District and “M-3” Multiple Family Dwelling District and contain a mix of residential (multiple family and single family), office uses, and parking lots. The north side of SW 10th Avenue is zoned “O&I-2” Office and Institutional District and “M-3” Multiple Family Dwelling District and is comprised of large-scale institutional uses (school, churches) and parking lots. The proposed “M-2” Multiple Family Dwelling District is in keeping with the land use pattern and zoning of the surrounding frontage of SW 10th Avenue. The frontage was historically zoned “E” Multiple Family Residential, which allowed either multiple family or office uses. (“E” converted to either “O&I-2” or “M-3” in 1992 based on the land use of the property at that time.) Staff recommended the owner apply for the “M-2” zoning on the subject property instead of “M-3” zoning since “M-2” zoning is more reflective of the current pattern of land uses and density of the area. This is a small lot and “M-3” would allow more density than desirable (30 units per acre) on such a small parcel with limited off-street parking. The proposed “M-2” zoning is similar to the zoning of properties nearby.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property has been zoned for offices since the 1960s, but the existing structure was built as a residence and has never been fully renovated to accommodate an office use. The structure was used as a law office in 1992, a rental management office in 2011, and most recently for appliance repair and unenclosed outside storage, which is prohibited in “O&I-2” zoning. The structure has also been vacant for some time. Considering the length of time the property has been un-used for office uses, there are likely other uses more suitable for the existing structure such as a duplex or triplex.

CONFORMANCE TO COMPREHENSIVE PLAN: The proposed rezoning is in conformance to the future land use map of the Historic Holliday Park Neighborhood Plan (2008). The plan designates the south side of SW 10th Avenue for “Office/Residential” uses. The current uses in the area include apartment buildings, surface parking, offices, and single family residences that were converted to duplexes or apartments. The purpose of this category is to recognize this transition and accommodate both office and residential at a moderate intensity on the edge of the single family

neighborhood with the interior of the neighborhood remaining for single-family dwellings. The proposed rezoning to allow conversion of the single family structure into a duplex or triplex is in conformance to the neighborhood plan.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: The structure was constructed as a single family residence in 1910 and then rezoned in the 1960s to accommodate multiple family or offices. The proposed rezoning to accommodate a duplex or triplex is suitable considering its location on the exterior of the neighborhood and along the frontage of SW 10th Avenue where there is higher density housing, offices, parking lots, and institutional uses. The existing “O&I-2” zoning does not permit the residential structure to be used for its original residential purpose, nor does it allow it to be converted to two or more apartments. In more than 20 years, no one has taken full advantage of the office zoning by converting the structure to an office.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: There would appear to be no detrimental effects upon nearby properties by rezoning to allow residential in the existing structure, which is comparable with the land use pattern along the frontage of SW 10th Avenue for higher density multiple-family residential uses and office uses. The property has space available for the addition of parking for a duplex or triplex off the rear and accessible from the public alley. The small size of the property (0.17 acres) and “M-2” zoning dimensional requirements limit the use of structure for any multiple – family building that allows a higher density than three units. The property is apparently not highly suitable for an office since it has never been developed as an office. Rezoning to allow two or more apartments may provide an impetus for remodeling the building as well as improving and cleaning the site. On the other hand, adjacent residents have expressed concerns about the building being converted to two or more apartments.

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 existing zoning is a hardship upon the landowner as it restricts their ability to use the residential structure for its original purpose, and it also prohibits the owner from converting the building to two or more a apartments. The existing building has not been substantially converted or renovated into an office in the 20 years since the zoning change to allow offices. Since “M-2” zoning is comparable with the zoning and land uses of adjacent property along SW 10th Avenue, there would be no apparent harm to the public health, safety and welfare by rezoning to accommodate a duplex or triplex at this location. By allowing a remodel of the building for multiple residential units, the M-2 zoning may provide the owner with the economic incentive to invest in the property, improving its value and thus having a positive impact on adjacent property.

AVAILABILITY OF PUBLIC SERVICES: Utilities are available and already serve the property.

STAFF RECOMMENDATION:

RECOMMENDATION: Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification from “O&I-2” Office and Institutional District TO “M-2” Multiple Family Dwelling District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from “O&I-2” Office and Institutional District TO “M-2” Multiple Family Dwelling District.

Exhibits:

Aerial maps
Zoning map
Future land use map
NIM Summary and Attendance



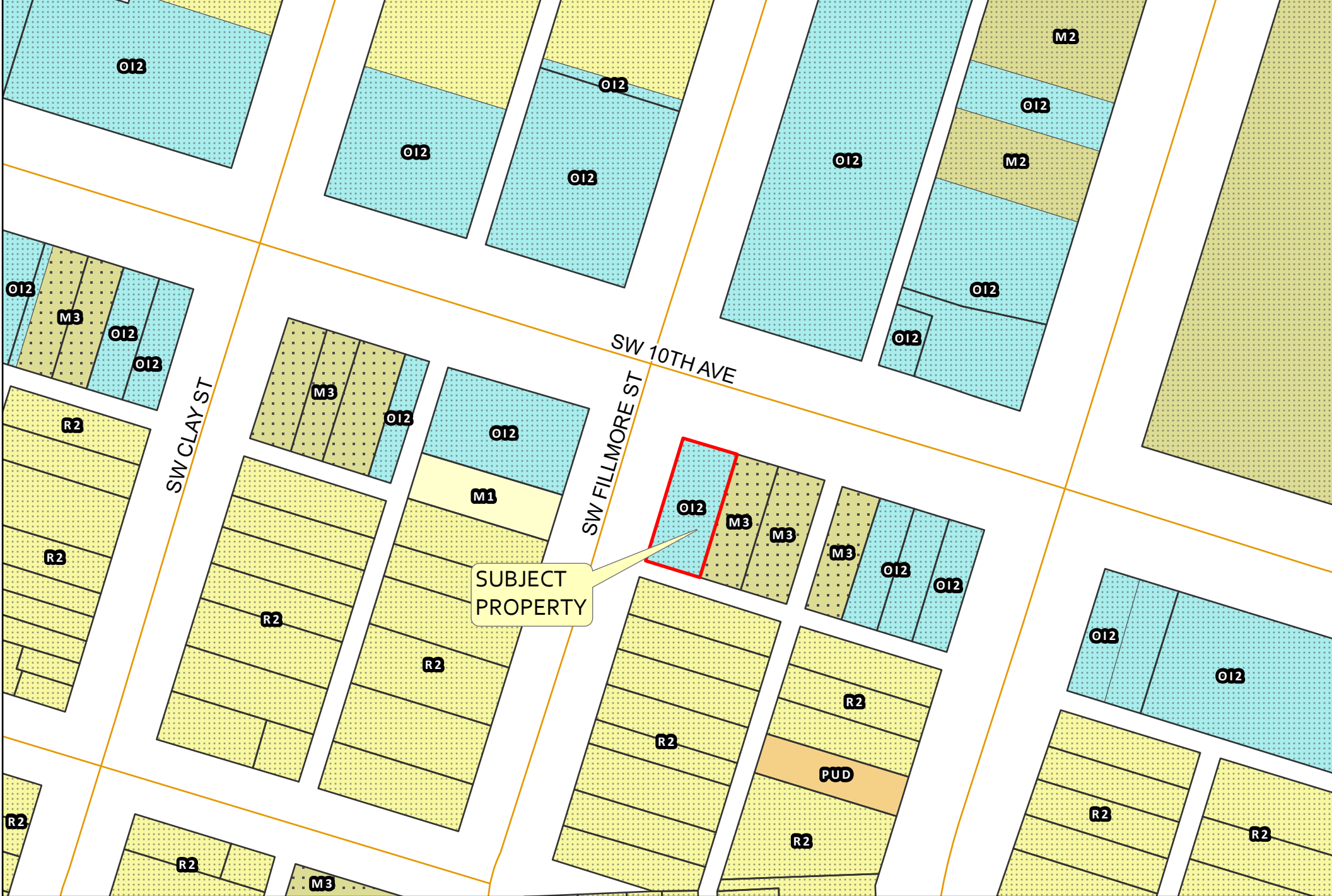
Z19/8 - BY: SHAMROCK VALLEY VENTURES LLC





Z19/8 - BY: SHAMROCK VALLEY VENTURES LLC





Z19/8 - BY: SHAMROCK VALLEY VENTURES LLC





**Z19/8 - FUTURE LAND USE MAP
(HISTORIC HOLLIDAY PARK/OLD TOWN
NEIGHBORHOOD PLANS)**



Shamrock Valley Ventures

921 SW 10th street Plan

- The situation is the current zoning is O-I2 office and institutional.
- We purchased the project and found out that the ideal usage for the project and current zoning were not aligned.
- We have been working with the City to find a usage that is a good fit for the district.
- We feel that M2 zoning is a residential format that is the best for our company and the districts expected usage.
- We are hosting this informational meeting to get community feedback and take any concerns into consideration.



Notes from the meeting 10-28-19

The meeting was attended by 10 neighbors and 2 city personnel along with Karen Hilliard City commissioner and the current owners.

The discussion was focused on the proposed zoning change and the effects on the area. There were concerns raised on population density with the new zoning. The owners plan revealed a plan for a duplex or triplex.

The site conform to either of these plans.

There was a suggestion to allow R2 zoning which is a duplex as a maximum. The owners feel this is an acceptable strategy. The neighbors as a group thought that density made sense.

Recommendation is to look to change the M2 zoning request to a R2 zoning.

Meeting was about 30 minutes and was very helpful.



Neighborhood Information Meeting

Sign in Sheet

Shamrock Ventures LLC

Date: Monday, October 28, 2019 at 5:30

921 SW 10th Avenue (On-site)

[illegible]



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 17, 2019

DATE: December 17, 2019
CONTACT PERSON: Councilmember Coen DOCUMENT #:
SECOND PARTY/SUBJECT: Catherine Walter, PROJECT #:
Senior Assistant City Attorney
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of the Policy and Finance Committee Report and Recommendation regarding Title 9 amendments submitted through the Topeka Human Relations Commission.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(The Committee recommends the proposed Title 9 amendments be referred back to the Topeka Human Relations Commission for further research, review and evaluation.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required to accept the Policy and Finance Committee Report and Recommendation.

POLICY ISSUE:

Whether to accept the November 15, 2019 Report and Recommendation of the Policy and Finance Committee to refer the proposed Title amendments back to the Topeka Human Relations Commission for further research, review and evaluation.

STAFF RECOMMENDATION:

Staff is making no recommendation.

BACKGROUND:

In June of 2010, City Manager Norton Bonaparte, Jr. submitted an agenda item for consideration relation to the Human Relations Commission and the Topeka Human Relations Department. More specifically, the policy issue presented was whether to retain the Human Relations Commission and abolish the Topeka Human Relations

Department and its Staff positions. The reason this policy issue was presented was because the investigation of complaints of discrimination in the areas of employment, public accommodation and housing can be filed and investigated by state and federal agencies (depending on the type of discrimination being alleged). Eliminating this duplication of service was done as part of comprehensive cost-saving measures, which indicated that taking the action described in the paragraph below would result in budgetary savings in the range of \$234,000 over a two-year period.

Ordinance No. 19433 *amended* TMC Sections 2.135.010, 2.135.130, 2.55.010, 2.55.040 and 9.20.020 and *repealed* TMC Sections 2.55.020, 9.20.010, 9.20.030, 9.20.050 through 9.20.150 and 9.25.040 through 9.25.240. The effect was to eliminate the Topeka Human Relations Department; and, although the Topeka Human Relations Commission (THRC) was retained, to restructure the duties and responsibilities of the THRC. More specifically, instead of having the authority to administer/enforce specified provisions of the TMC, draft regulations, receive/investigate complaints and/or hold public hearings, the THRC's efforts were refocused to:

- (1) Promoting efforts to eliminate prejudice and encourage goodwill, cooperation and conciliation within the City;
- (2) Promoting and facilitating Town Hall meetings and public forums on issues of interest and concern to City residents;
- (3) Participating in outreach activities and public education;
- (4) Partnering with groups that share similar goals; and
- (5) Preparing/submitting an annual report identifying issues and problem areas within the community.

The Policy and Finance Committee was asked to review this issue due to a recent discussion of the THRC, which would involve applying Title 9 to private businesses, primarily to: (i) add gender identity and sexual orientation to the list of protected classes; and (ii) provide the THRC with the ability to receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints alleging violations. (Revisions to TMC Sections 9.20.020, and 9.20.040 through 9.20.090 were proposed.)

Will Naeger, THRC, indicated during the October 8, 2019, Governing Body meeting that the THRC had recently discussed updates to Title 9, (which applies to private businesses); primarily to add gender identity and sexual orientation to the list of protected classes. Councilmember Hiller confirmed that the referral related to a review of definitions only; and not to a request to establish a City of Topeka Human Relations Department, or to review the THRC's authoritative role in the community. The Governing Body then referred the matter to the Policy and Finance Committee.

During the November 15, 2019, Policy and Finance Committee meeting, Mr. Naeger relayed that adding gender identity and sexual orientation as protected classes within Title 9 would provide legal protection to persons within those classes who are discriminated against by businesses and employers within the City.

No public comment in favor of adding protected classes was received. Approximately fourteen individuals spoke against adding a local law protecting individuals based on their sexual orientation or gender identity. Opinions expressed by individuals speaking in opposition included the following:

- (i) there is no documented need to add these additional protected classes;
- (ii) adding these protected classes would interfere and conflict with sincerely held religious beliefs of others;
- (iii) current laws are sufficient and sex discrimination should be limited to biological sex; and
- (iv) the potential for abuse exists within schools and bathrooms.

The specific question as to whether the current Title VII prohibition against sex discrimination includes

discrimination on the basis of sexual orientation and gender identity is now pending before the U.S. Supreme Court. There was some discussion about whether the City should await the federal court ruling prior to making a decision at the local level.

Staff relayed that if the Supreme Court decides Title VII *does* cover discrimination on the basis of sexual orientation and gender identity, then federal employment discrimination law would apply to employers covered by Title VII (generally those with 15 or more employees). However, regardless of how the Supreme Court decides this issue, the City could proceed with enacting a local law that provides greater protection than that provided by the federal statute.

There were questions posed during the November 15, 2019, Committee meeting over what specific activities would be covered (i.e., limit to employment and housing discrimination; or include access to business services and/or places of public accommodation). There were also unanswered questions over what level of enforcement/control the THRC was requesting. Without answers to these questions, there was an inability to intelligently discuss focused exemptions based on religious beliefs or any associated budgetary impact tied to the requested changes.

BUDGETARY IMPACT:

The budgetary impact is unknown at this time.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Policy and Finance Committee Report with Recommendation

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Policy and Finance

Issue: Consideration of Title 9 Amendments submitted through Topeka Human Relations Commission

Title 9 Matter Referred to Committee on: October 8, 2019

Committee Meeting Held on: November 15, 2019

Background: In June of 2010, City Manager Norton Bonaparte, Jr. submitted an agenda item for consideration relation to the Human Relations Commission and the Topeka Human Relations Department. More specifically, the policy issue presented was whether to retain the Human Relations Commission and abolish the Topeka Human Relations Department and its Staff positions. The reason this policy issue was presented was because the investigation of complaints of discrimination in the areas of employment, public accommodation and housing can be filed and investigated by state and federal agencies (depending on the type of discrimination being alleged). Eliminating this duplication of service was done as part of comprehensive cost-saving measures, which indicated that taking the action described in the paragraph below would result in budgetary savings in the range of \$234,000 over a two-year period.

Ordinance No. 19433 *amended* TMC Sections 2.135.010, 2.135.130, 2.55.010, 2.55.040 and 9.20.020 and *repealed* TMC Sections 2.55.020, 9.20.010, 9.20.030, 9.20.050 through 9.20.150 and 9.25.040 through 9.25.240. The effect was to eliminate the Topeka Human Relations Department; and, although the Topeka Human Relations Commission (THRC) was retained, to restructure the duties and responsibilities of the THRC. More specifically, instead of having the authority to administer/enforce specified provisions of the TMC, draft regulations, receive/investigate complaints and/or hold public hearings, the THRC's efforts were refocused to:

- (1) Promoting efforts to eliminate prejudice and encourage goodwill, cooperation and conciliation within the City;
- (2) Promoting and facilitating Town Hall meetings and public forums on issued of interest and concern to City residents;
- (3) Participating in outreach activities and public education;
- (4) Partnering with groups that share similar goals; and
- (5) Preparing/submitting an annual report identifying issued and problem areas within the community.

Overview of Discussions:

The Policy and Finance Committee was asked to review this issue due to a recent discussion of the THRC, which would involve applying Title 9 to private businesses, primarily to: (i) add gender identity and sexual orientation to the list of protected classes; and (ii) provide the THRC with the ability to receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints alleging violations. (Revisions to TMC Sections 9.20.020, and 9.20.040 through 9.20.090 were proposed.)

Will Naeger, representing the THRC, indicated during the October 8th Governing Body meeting that the THRC had recently discussed updates to Title 9, (which applies to private businesses); primarily to add gender identity and sexual orientation to the list of protected classes. Councilmember Hiller confirmed that the referral related to a review of definitions only; and not to a request to establish a City of Topeka Human Relations Department, or to review the THRC's authoritative role in the community.

During the November 15th Committee meeting, Mr. Naeger relayed that adding gender identity and sexual orientation as protected classes within Title 9 would provide legal protection to persons within those classes who are discriminated against by businesses and employers within the City.

No public comment in favor of adding protected classes was received. Approximately fourteen individuals spoke against adding a local law protecting individuals based on their sexual orientation or gender identity. Opinions expressed by individuals speaking in opposition included the following:

- (i) there is no documented need to add these additional protected classes;
- (ii) adding these protected classes would interfere and conflict with sincerely held religious beliefs of others;
- (iii) current laws are sufficient and sex discrimination should be limited to biological sex; and
- (iv) the potential for abuse exists within schools and bathrooms.

The specific question as to whether the current Title VII prohibition against sex discrimination includes discrimination on the basis of sexual orientation and gender identity is now pending before the U.S. Supreme Court. There was some discussion about whether the City should await the federal court ruling prior to making a decision at the local level.

Staff relayed that if the Supreme Court decides Title VII *does* cover discrimination on the basis of sexual orientation and gender identity, then federal employment discrimination law would apply to employers covered by Title VII (generally those with 15 or more employees). However, regardless of how the Supreme Court decides this issue, the City could proceed with enacting a local law that provides greater protection than that provided by the federal statute.

There were questions posed during the November 15th Committee meeting over what specific activities would be covered (i.e., limit to employment and housing discrimination; or include access to business services and/or places of public accommodation). There were also unanswered questions over what level of

enforcement/control the THRC was requesting. Without answers to these questions, there was an inability to intelligently discuss focused exemptions based on religious beliefs or any associated budgetary impact tied to the requested changes.

Members of Committee:

Councilmembers Jeff Coen (chair), Tony Emerson and Brendan Jensen

Committee Action:

Motion by Councilmember Jensen, seconded by Councilmember Emerson, recommending that the Governing Body refer the subject matter back to the Topeka Human Relations Commission for further research, review and evaluation Motion passed with a vote of 2-1.

Recommendation:

Refer matter back to Topeka Human Relations Commission for further research, review and evaluation.

Date Referred to Governing Body: December 17, 2019 - for Action



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 17, 2019

DATE: December 17, 2019
CONTACT PERSON: Council Member Jeffrey Coen, Social Services Grant Committee Chair
DOCUMENT #:
SECOND PARTY/SUBJECT: 2021 Social Services Grant Priorities and Budget Recommendations
PROJECT #:
CATEGORY/SUBCATEGORY 004 Budgets or Appropriations / 003 Operating Budget - Grant from City
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of the 2021 Social Services Grant funding priorities and budget recommendation in the amount of \$434,904.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would establish 2021 funding priorities and budget recommendation for Social Services Grant funding in the amount of \$434,904. This amount includes \$367,067 in General Funds and \$67,857 in Community Development Block Grant funds.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Approval of the Committee Report would recommend \$434,904 for social services grant funding in 2021. Funding priorities being recommended include social services to include aging, medical, at-risk youth, emergency housing and utilities, mental health, neighborhoods and language services.

Additionally, the minimum grant amount that can applied for is \$10,000 and \$25,000 is the maximum. New programs applying can only receive maximum funding of \$15,000 per program, for program not established with the City during the past 3 years.

Two agencies continue to be 'grandfathered' in the system and are allowed higher maximum application amounts. Shawnee Medical Society with a maximum application total of \$50,000, and Positive Connections with a maximum application total of \$35,000. This policy continues to be recommended by the Committee based on the importance of life-saving medical care to the clients of both organizations, as well as the fact that these agencies are the only agencies in the community providing the type of services provided.

STAFF RECOMMENDATION:

Staff recommends approval of the Committee Report and the priority and budget recommendations for 2021.

BACKGROUND:

November 22nd, 2019, the Social Services Grant Committee approved by consensus its recommendation of 2020 social services funding priorities. The 2021 budget recommendation for funding social services grant is \$434,904.

The 2021 budget recommendation of \$434,904 is equal to the 2020 allocation. The funding allocation is split between General Funds of approximately \$367,000 and Community Development Block Grant funds of approximately \$68,000.

BUDGETARY IMPACT:

Recommendation for 2021 Budget:

\$367,067 in General Funds

\$67,857 in Community Development Block Grant funds

\$434,904 in total funding

SOURCE OF FUNDING:

General Fund and Community Development Block Grant (CDBG) funds.

ATTACHMENTS:

Description

Social Services Grant Committee Committee Report - 2021 Funding Priorities & Budget Recommendation

Social Services Grant Committee Draft Minutes - November 22, 2019

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Social Service Grant Committee

Title: 2021 Social Service Grant Priorities & Budget Recommendation

Date referred from Council meeting:

Date referred from Committee: November 22, 2019

Committee Action: The Committee recommends to the full Governing Body approval of the 2021 Social Services and Grant Priorities & Budget Recommendation totaling \$434,904.

Councilmember Michael Lesser made a motion to move the 2021 Social Services Funding Priorities forward, as presented, to the Governing Body. Councilmember Coen seconded the motion. Motion passes 3:0.

Comments: The 2021 calendar for the Social Service Grant process will be provided once the discussion regarding outsourcing the social service grant program is finalized and a decision is made by the Governing Body.

Amendments:

Members of Committee: Jeff Coen (Chair), Michael Padilla, Michael Lesser

Agenda Date Requested: December 17, 2019



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

SOCIAL SERVICE GRANTS COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Date: November 22, 2019

Time: 9:00am

Location: Holliday Building 1st Floor Conference Room; 620 SE Madison

Committee members present: Councilmembers Jeff Coen (Chair), Michael Padilla, Councilmember Michael Lesser

City staff present: Brent Trout (City Manager), Sasha Haehn (Director of Neighborhood Relations), Corrie Wright (DNR), Rachelle Vega-Retana (DNR),

1) Call to Order

Councilmember Coen called the meeting to order at 9:00am. Councilmember Padilla arrived at 9:02am.

2) Approval of the September 19, 2019 Minutes

Councilmember Lesser made a motion to approve the minutes. Councilmember Coen seconded. Minutes approved 2:0.

3) Discussion: Outsourcing Grant Process

Sasha Haehn provided information pertaining to the process. Staff contacted different agencies who perform the type of service the committee is inquiring about. A soft inquiry was made regarding pricing. It will be difficult to get price quotes without first issuing an RFP. Information was provided of cost estimation for Staff's time. Ms. Haehn stated there would likely still be some difficulty for the full Governing Body to move toward a different way of doing things. Staff is supportive of whatever direction the Governing Body chooses to do, whether that is to stay in-house, or to outsource portions of the grant process. Ms. Haehn stated that regardless of the final decision, the grant program would still belong to the City.

Councilmember Lesser inquired about Staff's recommendation in regard to keeping the process in house, or submitting it out to RFP. Ms. Haehn noted that the County outsources the process, and that it is common for other cities to do the same. The small community that she came from also outsourced the process.

Councilmember Lesser made a motion to move this discussion forward to the Governing Body.

Councilmember Coen inquired if there were any specific recommendations on who a contractor or how the process would work, or simply generally speaking.

Councilmember Lesser stated he would like to have the information that has been presented to the committee be sent to the Governing Body to allow Staff to move forward with sending out an RFP.

Ms. Haehn stated a decision on either side was time critical. Either the RFP process and going over directives with an outside vendor needs to get under way, or Staff needs to begin their work on the process as it has been done in previous years. The cycle begins in early February.

Councilmember Coen felt he would like to have the committee make an action now to move forward.

Councilmember Padilla seconded Councilmember Lesser's motion, and had some follow-up questions for Staff.

Councilmember Padilla inquired if, during Ms. Haehn's initial evaluation, the outside agencies have the capacity to perform this proposed function without any issues. Ms. Haehn stated there are two agencies, and Ms. Haehn is confident they would both be able to complete the required tasks. The first agency is currently performing a similar task for Shawnee County. The second agency, United Way, would be another outside agency that would be interested in taking this. There is a third agency that has stated they would not want to be considered for the task.

Councilmember Coen inquired if this item would be added to a December agenda or would need to wait for the new year.

Brent Trout, City Manager, responded that this item might be able to be added to the December 17th agenda. All of the documentation has been provided and could easily be added to the agenda item.

Councilmember Coen inquired if there was any public comment. No speakers came forward.

Christina Valdivia-Alcalá, Councilmember-elect District 2, stated she did not feel outsourcing this process with the use of tax dollars was wise. Many of the District 2 constituents have voiced concerns about being on fixed incomes and that using budget dollars and raising taxes in other areas would not be beneficial for those community members.

Councilmember Coen led a final vote on the motion to move the item forward to the December 17th Governing Body agenda. Motion passes 3:0.

4) Update Priorities

Corrie Wright, Division Director of Housing, stated the priorities have not changed much from the previous year. Ms. Wright stated that the current dollar amount found at the bottom of the page are the current budget amount for 2020, however can be discussed if the committee would like to do so. Councilmember Lesser inquired if there was a ranking of the priorities, or only a list of the priorities. Ms. Wright stated that there is no rank to the order. This sheet only has the dollar amounts and that all agencies would be given the same priority at this time.

Councilmember Coen inquired if there was any public comment on this matter prior to taking action. Ms. Haehn stated the agencies who had gone through the process for the current year would have seen this priority sheet, however noted the year had been changed, and the dollar amount has changed as it is based on the 2019 funding totals rather than the 2020 funding totals. Ms. Haehn stated she could have copies made and distribute them to the audience.

Councilmember Coen initiated a short intermission to allow for the copies to be made and distributed.

PUBLIC COMMENT

Kathy Votaw, LULAC - Would like to see the area titled "Activities" to be more clearly defined. Ms. Haehn stated that the language could be modified to be more specific. Ms. Votaw stated she felt an activity is much different from programming. Something as simple as coming into the center and eating a cookie could be an activity, however something such as participating in a nutrition class would be more involved and would have a greater impact on the community. Councilmember Lesser stated that the sheet says "Senior citizen neighborhood-based programming to include - meals, activities, transportation". Ms. Votaw stated that on the grant application, there is a difference between the two. Councilmember Lesser restated his comment. Councilmember Padilla added that detailed comments could be added to the grant application.

Karen Streeter, SLI - Inquired about the process for how new organization applications are taken into consideration to become eligible to receive funding. Ms. Haehn stated that the "new untested programs" section is fairly new and was added due to a conversation by a previous committee regarding agencies applying for funding with new programs without having a track record. The concern was that without the background, the new program would be able to apply for the same amount of funding as established programs. Any funding left over from what was provided to the established programs would be used toward funding those new untested programs. Ms. Streeter inquired about the definition of untested program, as SLI has been serving in the community for 48 years. Ms.

Haehn responded that an untested program is one that the City has not funded before. New program applications are considered, however in year one, the program is considered for funding at a lower amount. In years following, that cap is removed and the program is no longer considered to be untested.

Ms. Haehn stated that the current process has evolved to be more objective as a score-based selection system that is solely based on the merits of the application and the performance of the program within the community rather than the subjective methods that had been used in years prior. As the scoring system was changed, the agencies were reacting by increasing the dollar amounts requested for their programs. During that discussion, the committee decided to put a funding cap into place. There were two agencies have annually been deemed, by the committee, as vital to the service of at-risk populations. These agencies are the only two in the community that provide the specific service to the populations they are serving. The Shawnee Medical Society provides medical care and prescription assistance for individuals who are in the “donut-hole” of insurance...they are not making enough money to afford their own insurance but do not qualify for, or work for an employer who does not offer insurance coverage. They have no other options for insurance. This provides medical care for chronic medical care, such as insulin for diabetics. Positive Connections provide services to individuals in the community who are living with HIV and AIDS. Ms. Haehn stated that the agencies present to the committee about their programs. If the committee would be interested in hearing this testimony, Staff would get it scheduled.

Councilmember Lesser stated he would find it helpful to hear from those agencies, however he would prefer to hold on that meeting until the new committee has been selected in 2020. Ms. Haehn stated that it would be strongly recommended to have the priorities finalized before the December 17th Governing Body meeting as it will be a piece of the process regardless of if a decision to outsource is approved or not.

Ms. Valdivia-Alcalá inquired how long the Medical Society and Positive Connections have been funded by the City. Ms. Haehn stated those agencies are grandfathered, however they still have to submit a grant application and go through the same process as the other agencies. The only difference is that those agencies are allowed to ask (and potentially received) a higher cap for funding. However, the dollars received are tied to the score they receive.

Councilmember Coen inquired if either of the other committee members have served or currently serve on the Medical Society board. Neither Councilmember Lesser or Councilmember Padilla have.

Councilmember Lesser made a motion to move the priorities forward as presented to the Governing Body. Councilmember Coen seconded. Motion passed 3:0.

5) Other Items Before the Committee

None

6) Adjourn

Councilmember Coen adjourned the meeting at 9:41am.

Meeting video can be viewed at: <https://youtu.be/EzvEUC3lIf4>



City of Topeka
Council Action Form
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214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 17, 2019

DATE: December 17, 2019
CONTACT PERSON: Council Member Jeffrey Coen, Social Services Grant Committee Chair DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY 004 Budgets or Appropriations / 003 Operating Budget - Grant from City
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of the recommendation from the Social Services Grant Committee to outsource the City of Topeka's Social Services Grant program to a third party.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would allow for the outsourcing of the City's Social Services Grant program and authorize staff to solicit proposal and enter into a contract for the provision of the Social Services Grant Program by a third party.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Consideration of the Social Services Grant Committee recommendation to outsource the City of Topeka's 2021 Social Services Grant Program.

STAFF RECOMMENDATION:

Staff recommends approval of the Social Services Grant Committee recommendation to outsource the City of Topeka's Social Services Grant Program.

BACKGROUND:

During 2019 the Social Services Grant Committee considered the outsourcing of the City of Topeka's Social Services Grant Program. The Committee discussed benefits of outsourcing including the reduction or elimination of political appeals from agencies not satisfied with their application score and/or funding allocations to the

Governing Body. This element of the process is detrimental to an objective selection based on a data and performance driven process. Additional benefits discussed by the committee included cost savings in the form of staff time spent on the process each year. It is estimated that the Department of Neighborhood Relations expends approximately \$56,000 in man hours on the grant process each year. This cost does not include the staff time spent by Finance staff, so the total cost to the organization is higher than \$56,000. The estimated cost of outsourcing this process is between 2-5% of the total funding expended, or approximately \$21,000 at a 5% rate.

The Committee has worked for the past several years to eliminate political selections of social services grant funding. Initially the Committee worked to improve the grant application and to create an objective scoring process that would result in selections based on superior applications for funding and performance of the agencies being provided funding. This work has resulted in a fair selection process and ensures that the City is receiving proof of the service provision for which the funding is being provided.

The 2019 Social Services Grant Committee recommends the outsourcing of the Social Services Grant process based on the belief that it will improve the process and save tax dollars expended on the provision of Social Services Grants.

BUDGETARY IMPACT:

Overall reduction in the cost to the City to administer the Social Services Grant Program. Estimated savings of approximately \$30,000.

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:

Description

Social Services Grant Committee Report - 2021 Social Services Grant Program Outsourcing
Shawnee County Grant Outsourcing Summary
Nov 22, 2019 Social Services Grant Committee Minutes
Sept 19, 2019 Social Services Grant Committee Minutes
July 16, 2019 Social Services Grant Committee Minutes
June 5, 2019 Social Services Grant Committee Minutes

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

**Name of
Committee:**

Social Service & Grants

Title:

2021 Social Service Grants: Outsource Services – Grant
Application Processing

**Date referred
from Council
meeting:**

**Date referred
from
Committee:**

November 22, 2019

**Committee
Action:**

The Committee is seeking discussion and possible action from the full Governing Body to consider outsourcing the 2021 Social Services Grant Program to a third-party organization.

Councilmember Michael Lesser made a motion to move the discussion forward, as presented, to the Governing Body. Councilmember Padilla seconded the motion. Motion passes 3:0.

Comments:

Amendments:

**Members of
Committee:**

Jeff Coen (Chair), Michael Padilla, Michael Lesser

**Agenda Date
Requested:**

December 17, 2019



CITY OF TOPEKA

Department of Neighborhood Relations
620 SE Madison Street, 1st Floor, Unit 8
Topeka, KS 66607-1118

Tel: 785-368-3711
www.topeka.org

Date: November 13, 2019
To: Jeff Coen, SSG Chair
From: Sasha Haehn, Director of Neighborhood Relations
Subject: Shawnee County grant administration outsourcing

BACKGROUND:

At the request of the Social Service Grant Committee (SSG), Neighborhood Relations staff, in coordination with Contracts & Procurement researched Shawnee County (SNCO) grant administration contracts and process. Shawnee County currently contracts for the entire grant application and grant administration process with a third party vendor, Community Resources Council (CRC). SNCO included approximately \$921k in their 2019 budget for social service grants and service programs for the elderly. CRC currently contracts for administration of both of these programs.

The social service grant process for SNCO is similar to the City's. A volunteer board of community members is selected to review grant applications and score them. Grant funds are administered based on the scoring process utilized by CRC and applied by the volunteer board of reviewers. SNCO writes the checks to grant recipients and CRC does the rest from application to grant administration and report collection.

The service programs for the elderly budget item in SNCO's budget funds various services and programs for elderly in SNCO. CRC contracts to serve as the administrative services and support for the Shawnee County Advocacy Council on Aging, which selects recipients for grant funding for senior services and programs in the community. CRC provides staff support to this group as well as performing grant administration activities related to the application process and grant administration process after funding awards are made.



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FINANCIAL CONSIDERATIONS:

SNCO contracted for administration of \$226,793 in social service grants in 2019 for \$35,065 (15.46%). For the administration of the service programs for the elderly budget item, the contract is \$30,000 (4.31%).

In order to obtain accurate pricing information for the grant administration of city grant funds, an RFP process needs occur to determine the actual cost. The examples from the County's grant administration vary wildly from one program to the next and should not be relied on as an accurate reflection of the cost of administration of the City's social service grant funding.

LEGAL CONSIDERATIONS:

If the SSG Committee wishes to continue to pursue the idea of outsourcing administration of the grant process, a recommendation needs to be made to the Governing Body. The recommendation should be to refer the matter to the City Manager as a contracted service. City Manager will then direct staff to pursue an RFP for administration of social service grant funding. This recommendation to outsource grant administration for the City should be made at an upcoming City Council meeting.

The City's legal department, along with the Contracts & Procurement Division will assist the City Manager and Neighborhood Relations staff with the RFP process undertaken for the outsourcing of grant administration.

RECOMMENDATION/ACTION:

If the SSG Committee wishes to pursue outsourcing the administration of the City's grant process and funding, that recommendation needs to be made to the Governing Body. Staff recommends the following be included in the SSG Committee recommendation;

1. Recommend and obtain approval from the Governing Body for the outsourcing of the City's grant funding process and administration
2. Governing Body should then refer the matter to the City Manager to carry out the outsourcing of the City's grant funding process



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SUPPORTING DOCUMENTS:

Shawnee County 2020 Approved Budget

2019 Agreement – CRC & SNCO for Aging programs

2019 Agreement – CRC & SNCO for Social Service grant administration



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

SOCIAL SERVICE GRANTS COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Date: November 22, 2019

Time: 9:00am

Location: Holliday Building 1st Floor Conference Room; 620 SE Madison

Committee members present: Councilmembers Jeff Coen (Chair), Michael Padilla, Councilmember Michael Lesser

City staff present: Brent Trout (City Manager), Sasha Haehn (Director of Neighborhood Relations), Corrie Wright (DNR), Rachelle Vega-Retana (DNR),

1) Call to Order

Councilmember Coen called the meeting to order at 9:00am. Councilmember Padilla arrived at 9:02am.

2) Approval of the September 19, 2019 Minutes

Councilmember Lesser made a motion to approve the minutes. Councilmember Coen seconded. Minutes approved 2:0.

3) Discussion: Outsourcing Grant Process

Sasha Haehn provided information pertaining to the process. Staff contacted different agencies who perform the type of service the committee is inquiring about. A soft inquiry was made regarding pricing. It will be difficult to get price quotes without first issuing an RFP. Information was provided of cost estimation for Staff's time. Ms. Haehn stated there would likely still be some difficulty for the full Governing Body to move toward a different way of doing things. Staff is supportive of whatever direction the Governing Body chooses to do, whether that is to stay in-house, or to outsource portions of the grant process. Ms. Haehn stated that regardless of the final decision, the grant program would still belong to the City.

Councilmember Lesser inquired about Staff's recommendation in regard to keeping the process in house, or submitting it out to RFP. Ms. Haehn noted that the County outsources the process, and that it is common for other cities to do the same. The small community that she came from also outsourced the process.

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Councilmember Coen led a final vote on the motion to move the item forward to the December 17th Governing Body agenda. Motion passes 3:0.

4) Update Priorities

Corrie Wright, Division Director of Housing, stated the priorities have not changed much from the previous year. Ms. Wright stated that the current dollar amount found at the bottom of the page are the current budget amount for 2020, however can be discussed if the committee would like to do so. Councilmember Lesser inquired if there was a ranking of the priorities, or only a list of the priorities. Ms. Wright stated that there is no rank to the order. This sheet only has the dollar amounts and that all agencies would be given the same priority at this time.

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PUBLIC COMMENT

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Karen Streeter, SLI - Inquired about the process for how new organization applications are taken into consideration to become eligible to receive funding. Ms. Haehn stated that the "new untested programs" section is fairly new and was added due to a conversation by a previous committee regarding agencies applying for funding with new programs without having a track record. The concern was that without the background, the new program would be able to apply for the same amount of funding as established programs. Any funding left over from what was provided to the established programs would be used toward funding those new untested programs. Ms. Streeter inquired about the definition of untested program, as SLI has been serving in the community for 48 years. Ms.

Haehn responded that an untested program is one that the City has not funded before. New program applications are considered, however in year one, the program is considered for funding at a lower amount. In years following, that cap is removed and the program is no longer considered to be untested.

Ms. Haehn stated that the current process has evolved to be more objective as a score-based selection system that is solely based on the merits of the application and the performance of the program within the community rather than the subjective methods that had been used in years prior. As the scoring system was changed, the agencies were reacting by increasing the dollar amounts requested for their programs. During that discussion, the committee decided to put a funding cap into place. There were two agencies have annually been deemed, by the committee, as vital to the service of at-risk populations. These agencies are the only two in the community that provide the specific service to the populations they are serving. The Shawnee Medical Society provides medical care and prescription assistance for individuals who are in the “donut-hole” of insurance...they are not making enough money to afford their own insurance but do not qualify for, or work for an employer who does not offer insurance coverage. They have no other options for insurance. This provides medical care for chronic medical care, such as insulin for diabetics. Positive Connections provide services to individuals in the community who are living with HIV and AIDS. Ms. Haehn stated that the agencies present to the committee about their programs. If the committee would be interested in hearing this testimony, Staff would get it scheduled.

Councilmember Lesser stated he would find it helpful to hear from those agencies, however he would prefer to hold on that meeting until the new committee has been selected in 2020. Ms. Haehn stated that it would be strongly recommended to have the priorities finalized before the December 17th Governing Body meeting as it will be a piece of the process regardless of if a decision to outsource is approved or not.

Ms. Valdivia-Alcalá inquired how long the Medical Society and Positive Connections have been funded by the City. Ms. Haehn stated those agencies are grandfathered, however they still have to submit a grant application and go through the same process as the other agencies. The only difference is that those agencies are allowed to ask (and potentially received) a higher cap for funding. However, the dollars received are tied to the score they receive.

Councilmember Coen inquired if either of the other committee members have served or currently serve on the Medical Society board. Neither Councilmember Lesser or Councilmember Padilla have.

Councilmember Lesser made a motion to move the priorities forward as presented to the Governing Body. Councilmember Coen seconded. Motion passed 3:0.

5) Other Items Before the Committee

None

6) Adjourn

Councilmember Coen adjourned the meeting at 9:41am.

Meeting video can be viewed at: <https://youtu.be/EzvEUC3lIf4>



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

SOCIAL SERVICE GRANTS COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Date: September 19, 2019

Time: 10:30 a.m.

Location: Classroom A; Law Enforcement Center 320 S. Kansas Ave Ste 100

Committee members present: Councilmembers Jeff Coen (Chair), Michael Padilla, Councilmember Michael Lesser

City staff present: Brent Trout (City Manager), Sasha Haehn (Director of Neighborhood Relations), Corrie Wright (DNR), Rachelle Vega-Retana (DNR), Councilwoman Karen Hiller

1) Call to Order

Councilmember Coen called the meeting to order at 10:30am.

2) Discussion: Outsourcing Grant Process

Councilmember Coen asked Staff to introduce the proposed outsourcing process. Sasha Haehn, Director Department of Neighborhood Relations, noted discussion by the committee from a few months back indicated an interest in finding more information about outsourcing the grant process.

Ms. Haehn noted that there are a few outside agencies who assist with reviewing grants. Some of the preliminary research yielded the following:

- Support by majority of City Council to approve moving forward with outsourcing
- Issuance an RFP & selection of agency, which can be carried out by the City Manager. The City Manager would need direction by the governing body to carry out that transition.
- \$52,000 in expenditures is estimated for staff time.
- On average, outside agencies will charge 2-3% of the total fund to manage the process.

Ms. Haehn noted that the grant process for 2020 has concluded, and any decision made at the current meeting would apply to the process beginning in 2021.

Councilmember Coen inquired if there were any questions or comments from individuals who were in attendance at the meeting.

Councilmember Padilla inquired if there was knowledge of a history of, or experience with a partnership between the City and an outside agency with this grant process, or the City has always conducted the process in-house. Corrie Wright, Division Director of Housing, stated she did not have experience or knowledge of a history with the City outsourcing this process before. Ms. Haehn stated that the City does have funds to outsource other programs, such as the Water Share program and Franchise Fees, which are currently administered through CRC. Although these are not social service funds, they are City funds and processes that are overseen by an outside agency. Councilmember Padilla noted that Councilmember Hiller was in attendance and suggested that she speak to the committee.

Councilmember Hiller asked for clarification as to the part of the grant process which was being discussed for outsourcing. Councilmember Coen stated the feedback that was received from agencies had been that the current process was not to the level of satisfaction by a number of the agencies. Some of the agencies had previously stated that they preferred the grant method used by Shawnee County. Councilmember Coen continued that although the method used by the County may not be attainable by the City, it was felt that another option would be to look into outsourcing the social service grant process as a whole.

Councilmember Hiller stated that the grant management process has never been outsourced. Councilmember Hiller provided some of her history of the process as an applicant as well as in the council capacity. Around 2009, the City Council chose to have the advisory process brought in-house. Prior to 2009, an outside agency review the applications and submit their feedback to the City and Governing Body. Following that, the process of reviewing applications and making recommendations for funding was done by a citizen review panel, however, those individuals were unfamiliar with the non-profit world or organizations and it was difficult to make educated decisions. Prior to the current process, agencies would attend the Governing Body meetings to provide testimony and funding requests. From there, the Governing Body decided that a new process which was very outcome-oriented and transparent to allow a committee to create a recommendation that could be less political and reduce the need for an appeal process.

Councilmember Lesser inquired how long it had been since the City had been conducting the process as it currently is. Councilmember Hiller noted the decision process was brought in-house about ten years ago, and clarified the

grant management process has never been outsourced. Councilmember Hiller ended with suggesting that by having a fixed system, a bubble was created, which has triggered some of the current concerns that have been stated by the agencies. Councilmember Hiller cautioned the committee and staff to be specific with what they want to fund and how they want the process to go, so that the process does not return to the lengthy agency testimony session at Governing Body meetings.

Councilmember Coen inquired if the process would be derailed should the committee begin picking and choosing which agencies to fund.

Councilmember Lesser stated that he would like for the committee to have the opportunity to review the RFP's that are received prior to making a recommendation to the Governing Body, and inquired if that would be possible.

Brent Trout, City Manager, commented that Staff could contact an agency to inquire what a fee might look like prior to creating the formal RFP, and that information could be provided to the committee to allow for more discussion. Councilmember Lesser stated that would be acceptable, and although it will be impossible to make everyone happy, finding an option that would work the best to meet the requirements and needs of the majority is what should be reviewed.

Mr. Trout stated Staff would be able to contact at least three agencies and obtain a cost estimate to allow the committee to decide if the cost would be worth changing the process.

Councilmember Lesser stated that while there were some agencies that were not happy with this cycle of funding, 90% of the agencies were satisfied.

Ms. Haehn noted that \$424,566 was allowed in the 2020 budget for social service grants, 2% of that equals \$8,491 and 3% is \$12,737. Ms. Haehn continued by saying that if the committee chose to designate funding to the senior centers, that funding would be on the priorities that the committee would need to determine. The committee would have as much or as little control of setting the formula in which the funding to agencies would be allocated. Another option could be to outsource the scoring and recommendation process, while still administering the contracts in-house. Ms. Haehn continued that the City would remain responsible for monitoring the programs that are funded by CBGB Funds.

Councilmember Padilla inquired with Staff if anyone was familiar with the way Shawnee County runs their grant process. Mr. Trout and Ms. Haehn stated they were not familiar with the County's process, however could look into it and have it ready to present at the next meeting.

Councilmember Lesser suggested establishing a list of priorities and set sub-scoring into those different organizations that would allow for comparisons with agencies or programs that have similar structures. Councilmember Lesser noted that there are markedly different structures between an agency with a four-person Board versus an agency with a thirty-person Board.

Mr. Trout stated that Councilmember Lesser's comments speak to how the components are weighted within the system. This would be an area where the committee would the framework to assist with the guidelines to provide funding to the agencies which are felt to use it wisely.

Councilmember Coen suggested setting up a meeting in October to allow time for staff to find out the process for Shawnee County, revise priorities, as well as to gather information on the financial information from outsourcing agencies.

Ms. Haehn stated she could find out rough estimates on cost to administer application. Ms. Haehn noted that the two percent to three percent that was mentioned earlier was for if an agency, such as United Way or CRC or the Community Foundation, were to administer the grants. The cost may be higher if those agencies are responsible for the review process and recommendation on funding.

Councilmember Lesser stated he would like to keep whichever outside institution and the financial amount provided, confidential.

Ms. Haehn stated that the items to be discussed at the next meeting would include:

- Rough cost estimates for administering the application, review process, and recommendations
- Shawnee County's grant-making process
- Materials to review 2021 priorities

3) Other Items Before the Committee

None.

4) Adjourn

Councilmember Coen adjourned the meeting.

Meeting video can be viewed at: <https://youtu.be/WvoQ-6KDse0>



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

SOCIAL SERVICE GRANTS COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Date: July 16, 2019

Time: 9:00 a.m.

Location: Classroom A; Law Enforcement Center 320 S. Kansas Ave Ste 100

Committee members present: Councilmembers Jeff Coen (Chair), Michael Padilla
Councilmember Michael Lesser was absent.

City staff present: City Manager Brent Trout, Deputy City Manager Douglas Gerber, Sasha Haehn (Director of Neighborhood Relations), Corrie Wright (DNR), Rachelle Vega-Retana (DNR)

1) Call to Order

Councilmember Coen called the meeting to order at 9:00am.

2) Approve Minutes from June 5, 2019 Meeting

Councilmember Padilla made a motion accept the minutes from the June 5th, 2019 meeting. Councilmember Coen seconded the motion. Motion carried 2:0.

3) Review 2020 Recommendations

Councilmember Padilla noted that he had asked the chair to allow for comment from attendees prior to committee and staff discussion.

Christina Valdivia-Alcala stated she noticed the graph that was provided by staff which shows projections from moving funds around from the awarded programs, and does not want to see funding cut from other programs. Ms. Valdivia-Alcala feels strongly that the lack of consideration for funding all of the senior centers in Topeka is unconscionable.

Michelle Cuevas-Stubblefield addressed the committee. Ms. Cuevas-Stubblefield stated she is a lifelong Topekan and has been proud of the way the city cares for the children and seniors in the community. Ms. Cuevas-Stubblefield stated she appreciates the public-private partnership that has been past practice between LULAC Senior Center and the City of Topeka and feels that this partnership needs to continue. Ms. Cuevas-Stubblefield added that the senior centers serve a

growing population of aging adults, rely on funding to continue the level of care and service they are able to provide.

Norbert 'Blue' Adame addressed the committee and asked them to consider the seniors and LULAC when making their decision.

Kay Grey is a board member with Papan's Landing Senior Center. Ms. Grey addressed the committee and is asking for funding. She noted that without the City's grant allocation, Papan's will lose about 12% of their program budget. Ms. Grey asked for consideration to fund all of the senior centers in Topeka.

Councilmember Padilla asked Sasha Haehn, Director of DNR, to speak about the role of the volunteer review committee and their responsibility to assigning the scores to the applicants. Ms. Haehn noted that the process, which was adopted two years ago by the Social Service Grants Committee, to recruit volunteers to sit on a grant review committee of the applications. The volunteer review committee scores the bulk of the application. City staff scores the portions related to past performance, timely reports, and outcomes portion of the application. Ms. Haehn noted that the grant reviewers who are selected to sit on the committee are professionals in the grant making and writing field with ample experience in the grant process. The Committee developed a guideline last year describing the experience needed to sit on the review committee. This year, there was a committee of three volunteer grant reviewers. The reviewers review the applications and then meet to determine scores for the applications together.

Councilmember Padilla read the Mission Statement and Priorities, found on the 2020 Social Service Grants Funding. The first bullet point within the Mission Statement reads: "Senior citizen neighborhood-based programming to include - meals, activities, transportation". Councilmember Padilla inquired if the volunteer grant reviewers were provided this priorities sheet. Ms. Haehn confirmed that the volunteer reviewers were provided with, and were familiar with, the priorities of the committee. Councilmember Padilla inquired if the programs had a ranking prior to the application process. Ms. Haehn noted that staff completes their two areas of the scoring and provides that information, along with the applications to the volunteer grant reviewers. Councilmember Padilla inquired with staff as to what information regarding scoring and an explanation of the scoring was provided to the agencies. Corrie Wright, DNR, noted that at the end of the scoring process, the reviewers provide explanation of the scoring to the agencies. Ms.

Wright noted that those comments were discussed during the committee meeting when the agency appeals portion was covered.

Ms. Wright stated that all of the agencies included in the scoring process met the threshold guidelines. Councilmember Padilla inquired as to what the minimum score was to receive funding for the 2020 cycle. Ms. Wright confirmed the score was 90. The score for 2019 was 88, however, the score will change from year to year depending on the amount of money that is allotted to the Social Service Grants funding. This cycle, the funding threshold was 90.

Councilmember Padilla inquired with staff as to why the senior centers all scored low and if there was any connection. Ms. Wright stated staff had no knowledge of why all three senior centers scored below the funding threshold, and it was coincidental. Councilmember Padilla inquired if there was a common section of the application that the agencies missed, noting perhaps there was a common misunderstanding on the process. Ms. Wright responded that each agency lost points in different areas for different reasons, and that there was no common reason for the scores being below 90.

Councilmember Padilla suggested perhaps there was a commonality that was shared with the senior center agencies, and perhaps the agency staff not having a strength in grant writing that some of the other agencies have. Ms. Wright stated that there was nothing consistent between the areas where points were lost.

Ms. Haehn suggested reviewing the areas where the four agencies lost points.

- Community Action Latino Family Program
 - 15/20: Outcomes on Prior Grants (Staff scores)
 - 3/5: Organizational Leadership (percentage of the board that is represented by minorities)
 - 5/10: Past Grant Administration (Staff scores. Timeliness and accuracy of submitting reports)
- East Topeka Council of Aging
 - 8/10: Outputs Being Clear
 - 3/5: Outcomes Identified in Plan
 - 5/10: Past Grant Administration
- LULAC Senior Center

- 8/10: Outputs Being Clear
- 15/20: Outcomes from Prior Grants
- 5/10: Past Grant Administration
- Papan's Landing Senior Center
 - 10/20: Outcomes from Prior Grants
 - 3/5: Organizational Leadership

Councilmember Padilla asked for clarification as to which areas are scored by staff and which areas are scored by the grant reviewers. Ms. Wright responded that the Outcomes from Prior Grants and Past Grant Administration is scored by the staff. Staff compares the outcomes with those from the prior year to see if the agency followed through in the way it was stated in the prior grant.

Ms. Haehn noted that once the grants are awarded, the agencies have an opportunity to adjust their outcomes during the contract phase. This step serves as a safety measure to adjust accordingly projected outcomes and outputs based on the dollar amount that was received. Councilmember Padilla inquired if the agencies are aware of the process. Ms. Haehn noted that Rachelle Vega-Retana contacts the agencies once the dollar amount is known and within the first quarter, agencies are able to adjust the outcome totals one last time before the scoring is locked.

Councilmember Coen inquired with Councilmember Padilla as to if he feels the process is flawed. Councilmember Padilla stated he felt there were times throughout the process that could be changed. Councilman Padilla stated that he felt the system may not be totally flawed, but he also feels it is not perfect yet either. Councilmember Padilla noted that at a prior meeting, Councilmember Lesser stated he would like to meet with the agencies at a meeting later this year, to openly discuss changes they feel need to made.

Councilmember Padilla stated that he does not want to appear to be partial toward the four specific agencies, however would like to see the large pot of money shared to allow those agencies the minimum threshold of ten thousand dollars (\$10,000). Councilmember Padilla noted that although the other agencies may lose some funding, they would still receive more funding than 2019. Ms. Haehn stated that was not the case for all of the other agencies. Ms. Haehn and Councilmember Padilla reviewed the revised funding amounts based on the addition of the four agencies. Thirteen of the recommended agencies would receive reduced funding

from what was received in 2019. Ms. Haehn stated that in addition to the four agencies that Councilmember Padilla had concerns about, there were two new agencies with new programs which also did not meet the threshold to receive funding in 2020.

Councilmember Padilla stated he feels there needs to be a way, through the process or by Council recommendation, that everyone should get a portion of the funding available if they meet the priorities. Ms. Haehn stated the funding ran out at 90%. Sole Reason scored 70% and Midland Care received an 84%. The Latino Family Development Program, and the three senior centers each scored 88%. Councilmember Padilla inquired if the lower scoring of the new agencies was due to them not having a program history to report on. Ms. Haehn noted that the new agencies received a weighted score due to not having a program history to report.

Councilmember Coen inquired if Councilman Padilla is asking to increase the total operating budget to move the additional \$40,000 dollars to the SSG fund. Councilmember Padilla stated he was still wanting to see the request of the \$40,000 be made through moving funds around within the allotted \$434,904 SSG budget. Councilmember Coen stated if the committee was going to make an exception to find funding for the four programs, he would like to also see funding go toward the two new programs that did not meet the threshold to receive funding. Councilmember Coen stated that the current process was established as a way to trust the system and allow it to work.

Ms. Haehn stated that the committee could choose to change the policy, however both members present would have to vote in favor of the change at the current meeting, or two of the three votes from a future meeting with all members present. Staff is not recommending a change to the process for this funding cycle. The second option is to accept the original recommendation and move it to the Governing Body for approval, and Councilmember Padilla proposing an amendment during the full budget discussion to find additional funding for the agencies, as earlier stated.

Councilmember Padilla called Brent Trout, City Manager, to the podium. Mr. Trout stated that in order to lower the threshold to provide funding to the other programs, it would take both of the attending committee members to take action at the current meeting. Councilmember Padilla inquired as to the process should the committee decide to fail the motion. Mr. Trout noted that there would not be

an amendment to the budget, however there would be a change to the SSG funding that the other agencies receive.

Councilmember Coen suggested if there was an amendment to lower the threshold, he would like to see the other two agencies, who also did not meet the 90% threshold, receive funding. The total would be six agencies. Ms. Haehn requested clarification that Chair Coen was suggesting that all of the scoring process be removed, and the funds be divided equally by all of the agencies which submitted applications. Chair Coen confirmed that was his suggestion. Mr. Trout cautioned the committee with changing the current formula as there would be less money for the other agencies to meet their outcomes and appropriate changes would need to be made. Mr. Trout noted that the current process also allows for high achieving programs to continue to compete and produce high quality programs for the community.

Councilmember Padilla inquired if lowering the threshold to 88% would diminish the integrity of the process. Mr. Trout confirmed.

Councilmember Padilla inquired if additional funding might be found through the discussions and amendment process for the City's operating budget. Mr. Trout stated that might be a more appropriate course of action as it would continue to allow the programs which scored a 90% or above to receive the funding they were approved for.

Mr. Trout noted that if the committee decided not to take action at present time, there would be no change to the original recommendation. An amendment could be made through the budget process to find additional funding to provide to the other agencies.

4) Other Items Before the Committee

None.

5) Adjourn

Councilmember Padilla made a motion to adjourn the meeting. Councilmember Coen seconded the motion. The meeting was adjourned.

Meeting video can be viewed at: <https://youtu.be/RqWHosvuQFY>



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

SOCIAL SERVICE GRANTS COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Date: June 5, 2019

Time: 10:00 a.m.

Location: Classroom A; Law Enforcement Center 320 S. Kansas Ave Ste 100

Committee members present: Councilmembers Jeff Coen (Chair), Michael Lesser
Councilmember Michael Padilla was absent

City staff present: Sasha Haehn (Director of Neighborhood Relations), Corrie
Wright (DNR), Rachelle Vega-Retana (DNR)

1) Call to Order

Councilmember Coen called the meeting to order at 10:00am.

2) Approve Minutes from May 29, 2019 Meeting

Sasha Haehn, Neighborhood Relations, noted a correction to the minutes was necessary to change all approved motions from 2:0:1 to 2:0, as Councilmember Coen was absent, and not able to abstain from voting.

Councilmember Lesser made a motion accept the minutes as amended from May 29th. Councilmember Coen seconded the motion. Motion carried 2:0.

3) Input from Agencies on Process

- Debbie Guilbault, Positive Connections - Noted she thinks the entire process is much improved from previous years. Ms. Guilbault noted during the process of reporting, not all of the receipts have been able to go through, however staff has been responsive and helpful with this. Ms. Guilbault's suggestion to the committee is to focus on how Outcomes can be improved; noting that currently, if all outcomes are met you get ten points, meeting half of the outcomes generates five points, and meeting less than that receives zero points. Ms. Guilbault inquired if it would be possible to round the scores up, or pro-rate the percentage of funding received. Ms. Guilbault noted she would hate to see people lower their projections due to fear of being docked on scoring. Ms. Guilbault likes EclImpact and appreciates the meeting rather than four minutes before the City Council.
- Corrie Wright noted that staff did conduct research based on Board Composition regarding the quorum and the score sheet. Staff felt that the

suggestion was relevant and will make the change to include boards meeting quorum 65% attendance rather than a percentage of the total board.

- Councilmember Lesser noted speaking to Jessica Lehnherr with United Way who used same system and might be someone who could offer feedback to City staff with regard to the review process.

4) Discussion: Outsourcing Grant Process

Councilmember Coen introduced the idea of contracting this process out to another agency to keep the politics out of this process.

Sasha Haehn noted that staff performed some research into the cost to administer this process and the amount came to \$52,600 based on employees and their pay rates. This figure did not include Financial Department staff or the Council Assistant's time, so the figure would be higher. Ms. Haehn noted staff would be ok with sourcing this process out.

Councilmember Lesser inquired as to the comparative price to sub-contract the process out. Ms. Haehn noted that she had not spoken to United Way or the Topeka Community Foundation to get specific numbers from them, but it was her understanding that both agencies would charge a percentage of the total dollar amount being vested with them. Ms. Wright replied she thought it would cost less than \$52,000. Ms. Haehn stated staff would find that information out and share with the committee at the next meeting.

Ms. Haehn noted that grant applicants have made suggestions to find a way to keep the process consistent would be favorable of outsourcing the application review process. Ms. Haehn noted that the agencies in attendance at the meeting may be able to provide input. Councilmember Coen invited feedback from the attendees.

- Mary Thomas, Community Resources Council (CRC) – Ms. Thomas noted that CRC has managed the grant process for the Shawnee County Commission for many years. The CRC does not take a percentage, rather is a line item on the County's budget to receive a flat negotiated rate. The CRC would be another way to go about the outsourcing process. Ms. Thomas noted that the volunteer review committee members are a diverse group, and serve a staggered two-year term which retains continuity but also allows new volunteers to come in. Ms. Thomas walked through the process as the County uses CRC and noted that CRC staff has no influence on the process.
- Jean Stueve, Jayhawk Area Agency on Aging – Ms. Stueve appreciates accountabilities using the current process. As a tax payer, Ms. Stueve feels it is

necessary for the follow up when City money is being spent, and Ms. Stueve appreciates this process. Retaining this aspect of the process is important to Ms. Stueve, and she would like to see it continued regardless of if the City Staff continues to oversee this process or if it is outsourced.

- Tawny Stottlemire, Community Action - Ms. Stottlemire appreciates the suggestion of outsourcing the grant process to keep the staff and committee members out of the position of difficult positions. Additionally, with an independent review of the material, information and decision making that comes as a recommendation level would be something that would benefit all parties. Ms. Stottlemire encouraged having a more open review process, noting that with the current system, the review team does not receive information regarding outcomes in the grant from the grantee. That process is performed by the City staff and follows a heavily defined set of rules and regulations which does not allow for any deviations.
- Dawn McWilliams, Boys & Girls Club Topeka - Ms. McWilliams voiced support of outsourcing the process. Ms. McWilliams commented that United Way and CRC has received funding from the City in past years. Ms. McWilliams and others she spoke to would feel more comfortable outsourcing to the Topeka Community Foundation, as they have not received past or current funding from the City. Ms. McWilliams also introduced the idea of multi-year funding as a way to have better provide sustainable change in the community. Ms. Haehn noted she would speak with the Legal Department to see if this might be something that could happen, but expressed concern that due to the City not having a multi-year budget, there may be an issue with committing to a multi-year funding process. Councilmember Lesser noted he appreciated the multi-year funding suggestion. Ms. McWilliams also addressed a concern with the Board Diversity section of the application process noting that it is difficult on a national level for Boards to have a large percentage of diversity on a board.

Councilmember Coen inquired as to when the requirement for board diversity occurred. Ms. Wright and Ms. Haehn were not entirely sure, but thought perhaps four to five years ago. Committee members and staff discussed options for the board diversity requirements. Ms. Wright noted that 15% of the board is required to be made up of racial or ethnic minorities.

- Karla Hedquist, Shawnee County HealthAccess - Ms. Hedquist appreciates EcImpact and feels that a lot of the political nature has been removed with the introduction of independent grant reviewers. However, Ms. Hedquist also appreciated the idea of outsourcing the process altogether. Ms. Hedquist

inquired about the possibility of loss of funding to social services through having an independent agency review the social service grants. With regard to the topic of board diversity, Ms. Hedquist noted that in the case of HealthAccess, the twenty-member oversight committee is composed of individuals who have been chosen by their place of employment to serve on the oversight committee.

5) Review Draft 2021 Calendar

Councilmember Lesser inquired if the decision to outsource the process was approved, what the timeline would be. Ms. Wright noted the possibility could occur in 2021. Additionally, staff could reach out to the agencies which might perform the outsourcing process prior to the next committee meeting.

Councilmember Lesser noted he would be making a suggestion to the full Governing Body to request that at least one committee member carry-over to assist with continuity from year to year.

- Dawn McWilliams spoke to the committee and noted that in past years, when there has been one carry-over committee member and two new members, it was still difficult to keep continuity. However, in the years of two carry-over members and one new committee member, the process was able to run more smoothly.
- Karla Hedquist noted having some of the agencies report to the Governing Body during meetings throughout the year to provide an update on their agency and the program they are doing. Councilmembers Lesser and Coen appreciated this suggestion. Ms. Haehn noted this would be something that could be arranged to be presented with the recommendation that is sent to the Governing Body.
- Tawny Stottlemire noted that some of the agencies would be willing to sit with committee members in a round-table type of discussion to work through suggestions and ideas on how to make the process better. Councilmember Coen inquired with staff as to what this might look like. Councilmember Lesser would like to move forward with setting up this type of open meeting. Ms. Haehn noted the suggested type of meeting would be something that could be done. Additionally, information gathered at the meetings would be something the committee could include in their report to the Governing Body.

Councilmember Lesser noted he did not feel comfortable reviewing the calendar as presented at the June 5th meeting. Councilmember Lesser noted he would like to make suggestions to the calendar. Ms. Haehn inquired if an RFP could be developed now and that at the round-table discussion, it could be reviewed rather than beginning the process at the new grant cycle.

There was discussion between Councilmember Lesser and staff regarding the calendar and the timeline. Ms. Wright noted that the only thing in the RFP that agencies might want to review is the score sheet, noting that the language in the remainder of the RFP is standard language. Ms. Stottlemire expressed that she felt that there were multiple areas of the RFP that would be helpful to receive input by the agencies.

Ms. Stottlemire addressed the committee to suggest that the agencies have input on the RFP.

6) Review Priorities Sheet

Ms. Wright noted that there were no changes made to the priorities sheet with the exception of changing the dates.

Councilmember Coen inquired with the agencies as to if there were any comments regarding the Priorities Sheet. There were no public comments. Councilmember Lesser stated that he did not have any additional feedback. Councilmember Coen reviewed the priorities sheet.

Debra Dawkins, East Topeka Senior Center - Noted that all three Senior Centers in Topeka were denied funding for 2020. Ms. Dawkins is of the opinion that the smaller senior centers are at a disadvantage to some of the larger agencies in the grant writing arena. In Ms. Dawkin's experience, the process for Shawnee County has been less stressful than the City's process.

Councilmember Coen noted a disadvantage for smaller operations to larger ones were explained by Ms. Dawkins. Ms. Haehn noted that all of the agencies are invited to attend an annual training process with Sheena Schmidt, the City's Senior Grant Administrator, as well as any ongoing support by agencies as needed.

Councilmember Lesser inquired as to what the agency participation in the workshops were. Ms. Haehn replied she would bring that information to the next meeting.

Councilmember Coen made a motion to approve the priorities sheet. Councilmember Lesser seconded the motion. Motion to approve the grant priorities sheet passed 2:0.

7) Other Items Before the Committee

Councilmember Lesser inquired when the committee should meet next. Ms. Haehn stated that thirty days would be acceptable. Within that time, staff will reach out

to the grant making agencies regarding the cost of outsourcing that process, discuss calendar changes with agencies, find out if the grant making agencies would want to participate in the RFP and if the score sheet would need to be changed, and staff would bring a calendar to the committee listing out the process and timeline for the new process.

Councilmember Coen inquired if there were any other grant making agencies that were known. Staff would look into that information and provide an answer at the next meeting.

Councilmember Lesser stated that he would prefer to meet in forty-five days, around July 15th.

8) Adjourn

The meeting was adjourned.

Meeting video can be viewed at: <https://youtu.be/Wc2K1iHpz3E>



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 17, 2019

DATE:	December 17, 2019	
CONTACT PERSON:	Craig Duke - Jason Peek	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY	019 Reports / 009 Real Estate	
CIP PROJECT:	Yes	
ACTION OF COUNCIL:	Discussion 12-10-19.	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a Real Estate Agreement between Cedar Crest Properties, LLC and the City of Topeka in the amount of \$290,000.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would authorize the purchase of Lots 6 and 7 from the Cedar Crest Office Park located at SW 6th Street shown in Attachment No. 1 for construction of a new fire station.

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Whether to acquire property on SW 6th Avenue to construct a new fire station.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the real estate agreement.

BACKGROUND:

Plans have been in the development stage for a new fire station located in the NW area of Topeka since approximately 2009. Previous studies and recommendations suggested that a station constructed near the north end of the Wanamaker corridor would better serve the growing area.

In 2010, the City acquired land on SW 6th Street through a donation from the Sisters of Charity of Leavenworth Health System on the SE corner of the former Menninger campus. The donation was made with the condition that the station be completed prior to February 2018. A new Fire Station was funded in

the 2013 Capital Improvement Plan. Although plans were completed and a ground breaking ceremony for the project occurred in 2013, it was placed on hold and never completed.

In 2019, the Fire Department completed a risk analysis using historical call data and GIS projected drive times while looking to provide coverage to all areas of the city within a five (5) minutes response time. The data showed from the risk analysis of that area adjacent to 10th and Fairlawn not only experienced increased response times but had also seen significant growth. Relocating apparatus from Fire Station No. 11 to this location will reduce all response times in the north west corner while maintaining an adequate response to their current location.

The City Manager has tried several times to re-engage discussion with the Sisters of Charity to discuss possibility of acquiring the land. They have not responded to these requests.

The Fire Department worked with Public Works staff to identify alternative sites that would provide service coverage needed and meet fire department requirements for access to major roadways and I-70. Staff reviewed several sites and found the undeveloped tracts shown in Attachment No. 1 as most feasible for accommodating previous design and meeting Fire Department service response criteria.

Staff has worked with the property owner and reached a negotiated price of \$290,000 for sale of the property. The listing price for the properties was \$328,587 with an appraised value of \$263,000. Previous sales in the subdivision ranged from \$4.27 per square foot to \$4.66 per square foot. The agreed upon sales price between the City and property owner is \$4.19 per square foot. The City will also need to pay \$9,965 in special assessments for the property.

If the Governing Body approves the property acquisition, staff will proceed with updating and revising previous design plans to fit the new property.

A budget amendment will be needed to construct the project. Current estimate is an additional \$1.1 million will be needed to complete construction. The amendment is needed for redesign to the building to meet a new site and update design to changes in building code, increased construction costs, and the addition of land acquisition cost to the budget. Staff will present a budget amendment prior to proceed with soliciting bids for the project. We anticipate having final budget numbers for the project in March of 2020.

BUDGETARY IMPACT:

Current Budget:	Project No. 131059.00 2018 CIP
	\$5,776,261 General Obligation Bond-
	\$ 200,000 General Fund/Deb Service Cash
Total Budget Authority	\$5,976,261
Less \$ Current Expenditures	\$ 64,383
Current Budget Balance Available	\$5,911,878
Land Acquisition Costs	\$ 299,965 (Property and Specials)
Remaining Budget Balance Available	\$5,611,913

SOURCE OF FUNDING:

Currently, the project includes authorization of \$5,776,261 in General Obligation Bond Funding and \$200,000 in General Fund/Debt Service Cash.

ATTACHMENTS:

Description

Real Estate Agreement
Site Location Map

Topeka Fire Department Strategic Plan

City of Topeka Contract No. _____
REAL ESTATE PURCHASE AGREEMENT

This Real Estate Purchase Agreement ("Agreement") is made and entered into on the 8th day of November, 2019 by and between CEDAR CREST PROPERTIES LLC ("Seller") and the City of Topeka, a municipal corporation ("Buyer").

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

Lot 6 and Lot 7, Block A, Cedar Crest Office Park Subdivision, City of Topeka, Shawnee County, Kansas, according to the recorded plat thereof.

commonly known as Cedar Crest Office Park, Lots 6 and 7, Topeka, Kansas, (the "Real Estate"). The Real Estate shall include all attached improvements permanently affixed to the premises, or any improvements thereon, with the following exceptions:

2. Purchase Price. The purchase price for the Real Estate shall be the sum of Two Hundred Ninety Thousand and 00/100 (\$290,000) ("Purchase Price").

3. Relocation costs. There are no relocation costs associated with this purchase.

4. Time of Purchase. The time for closing of the purchase of the Real Estate shall be within sixty (60) days of the date upon which all of the conditions precedent are satisfied or waived in writing by the party for whose benefit the condition is provided.

5. Title and Conveyance. Seller agrees to cooperate with Buyer in securing a title insurance commitment (the "Commitment") to insure the Real Estate in the amount of the Purchase Price, which Commitment shall show marketable title vested in Seller, subject to all rights of way, easements, and restrictions of record. The Commitment shall be delivered to Buyer at least ten (10) days prior to the closing of this transaction for examination by Buyer or Buyer's attorney. In Buyer's opinion, if Seller's title to the Real Estate is not marketable, Buyer shall notify Seller in writing, specifying its objections. Seller shall use its best efforts, within a reasonable time (not to exceed ten (10) days) after receipt of such objections from Buyer in which to correct such title objections and the closing date shall be extended for up to such period of time. In the event the title objections are not corrected by Seller to the satisfaction of Buyer within the aforesaid period of time, Buyer may terminate this Agreement upon written notice to Seller or elect to close notwithstanding such title objections. As a part of the closing,

Seller shall cause the title company to issue and deliver to Buyer a title insurance policy in the amount of the Purchase Price. The cost of the Commitment and title insurance policy shall be paid by Buyer.

6. Voluntary Negotiation. The Seller and the Buyer acknowledge the parties entered into good faith negotiation of fair and reasonable benefits, in addition to compensation for the Real Estate. The Seller acknowledges that the Buyer has indicated that Buyer would not initiate eminent domain proceedings to acquire the Real Estate.

7. City Council Approval. It is understood and agreed between the Buyer and Seller that this Agreement and its funding is contingent upon approval by the City Council. If the City Council does not approve the Agreement and funding, the Buyer shall not be obligated to complete the purchase.

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

9. Taxes and Assessments. All taxes and assessments on the Real Estate due and payable in prior years and a prorata share of present taxes, based upon taxes and assessments for 2019, shall be paid by Seller to date of closing.

10. Closing and Possession. Except as provided in Section 4, the closing for this transaction shall occur on or before January 1, 2020 unless the parties agree to extend the date. The closing shall occur at the offices of Kansas Secured Title, and the closing costs shall be paid by Buyer. Possession shall be delivered to Buyer at closing. Any personal property left on the Real Estate after the Buyer takes possession shall be considered abandoned.

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

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

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

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

"Seller"

Steve Clark, Managing Member
Cedar Crest Properties, LLC

"Buyer"

CITY OF TOPEKA, a municipal corporation

By: _____
Mayor Michelle De La Isla, Mayor

ATTEST:

_____, City Clerk

ATTACHMENT # 1- FIRE STATION PROPOSED LAND ACQUISITION SITE



App State

Click to restore the map extent
visibility where you left off

SNGO GIS | SNGO

TFD Strategic Plan 2020 - 2024

➤ **Administration**

- Professional Development
- Maintain and enhance TFD fleet
- Develop a succession plan for management positions
- Maintain and enhance TFD facilities
- Maintain and enhance personnel protective equipment
- Become an accredited department by August 2021
- Enhance Community Risk Reduction programs
- Obtain grant funding to initiate “Pulse Point” program county wide
- Evaluate service levels to ensure consistency throughout the city

➤ **Operations**

- Provide fire service throughout the city meeting national standards
- Provide EMS service throughout the city meeting national standards
- Professional Development and Certification
- Review and Revise all SOG's & SOP's on a Three Year Rotation

➤ **Training**

- Professional development and certification for career advancement
- Develop a mentoring program for each level of the department
- Promote certification for all members for their current positions
- Train and prepare members for other specialty positions within the department

➤ **Fire Prevention**

- Professional Development and Certification
- Provide Community Risk Reduction with Prevention and Operations Working Together
- Train Operations Personnel to Inspector I level
- Expand Public Education to Include Adults, Businesses, and Industry
- Increase Annual Inspections of Commercial and Industrial Properties by 50% (1,500)

➤ **EMS Division**

- Professional Development and Certification
- Continue to Provide Emergency Medical Services at National and Local Standards
- Continue to Expand Community Outreach Team Concept
- Continue Community Hands Only CPR/AED and Stop the Bleed Programs
- Continue Towards Expansion of Advanced Life Support City Wide



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 17, 2019

DATE:	December 17, 2019	
CONTACT PERSON:	Sasha Haehn, Neighborhood Relations Director	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY	007 Contracts and Amendments / 013 Sale of Land	
CIP PROJECT:	No	
ACTION OF COUNCIL:	Withdrawn 12-03-19	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of the Disposal of Real Property located at 421 SW Huntoon Street. *(Council District No. 1) (Withdrawn from the agenda on December 3, 2019)*

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would authorize sale of the property through private negotiated bid with adjacent property owner. All City departments have indicated they have no interest in the property and it has been declared surplus property.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Whether to authorize sale of this surplus property to the adjacent property owner for \$1000.

STAFF RECOMMENDATION:

Staff recommends approval of the Real Estate Purchase Agreement in the amount of \$1,000.

BACKGROUND:

Public Works staff has reviewed the need for this parcel for the 12th Street construction project and determined that we will have sufficient room in the existing right of way for staging without this parcel. The City acquired the property in June of 1991 as part of Right of Way/utility easement acquisition related to a public improvement project. A water line crosses the property adjacent to Topeka Boulevard and Huntoon Street.

In May of 2018, Henry Schulteis contacted the City as a representative of the property owners to the south and west of the lot and expressed interest in ownership of the property. The lot was determined to have been acquired as part of a public improvement project for the purpose of Right of Way (ROW)/utility easement. Upon further investigation, neither the Public Works or Utilities departments had need for the property outside of the ROW and utility easements on the property and were interested in disposing of the property. City departments were contacted regarding their interest in use of the property and none expressed interest or need for the property. An appraisal of the property was obtained from Keller, Craig and Associates. The property was appraised at \$1,900 based on the limited ability to develop the land due to the utility easement that intersects the lot combined with no current access to Huntoon Street or Topeka Boulevard.

Due to the size of the lot, combined with the easements and ROW and lack of street access, staff determined that this property would qualify for disposal through private negotiated sale with abutting property owners.

Staff contacted the County Appraiser regarding their appraised value of over \$22,000 on this lot. The professional appraisal that the City obtained was provided to the County Appraiser and staff discussed the limited ability to develop this land given the easements and zero access to adjacent streets. The County Appraiser has agreed that the \$1,900 value given in the appraisal by Keller, Craig and Associates is a more appropriate value based on the impact of the easement that bisects the property and the lack of access to the street system. In February of 2020, the County's record will be corrected to reflect this change.

Mr. Schulteis and S and L Apartments, LLC have offered \$1,000 as the purchase price of the property. Neighborhood Relations, Public Works and Utilities have discussed this offer and agree this is a reasonable offer based upon the very limited development potential for this property caused by the bisection of the utility easement, unless it is combined with the adjacent properties.

BUDGETARY IMPACT:

Other than reduced land maintenance and upkeep costs there will be no financial impact on the City of Topeka. The property will be returned to the property tax rolls once ownership transfers from the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Real Estate Agreement

Legal Description Exhibit A

City of Topeka Real Estate Report - 421 SW Huntoon Street

Property Map

Utility Easement Aerial Map

Contract for Appraisal of Property

City of Topeka Contract No. _____
REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 2019 by and between the City of Topeka, a municipal corporation, (hereinafter "Seller") and S and L Apartments LLC., (hereinafter "Buyer").

1. Sale of Property. Subject to the terms and conditions herein set forth, Seller hereby agrees to sell and convey to Buyer by corporation quit claim deed, and Buyer hereby agrees to purchase, that certain real estate legally described as:

A tract of land in Lot 1, Block A, Christy Subdivision, according to the recorded plat thereof in the City of Topeka, Shawnee County, Kansas: Begin at the northwest corner of said Lot; thence on a plat bearing of North 89 degrees, 45 minutes, 48 seconds East, 65 feet along the North line of said Lot; thence South 43 degrees, 39 minutes, 42 seconds West, 68.10 feet to the South line of said Lot; thence South 89 degrees, 45 minutes, 23 seconds West, 18 feet along said South line to the West line of said Lot; thence North 00 degrees 01 minutes 10 seconds East, 49.07 feet along said West line to the Point of Beginning. The tract contains 2,036 square feet, more or less. Commonly known as 421 SW Huntoon St., Topeka KS 66612

2. Purchase Price. The purchase price for the Real Estate shall be the sum of one thousand dollars and no cents (\$1,000) (hereinafter "Purchase Price").
3. Time of Purchase. The time for closing of the purchase of the Real Estate shall be when all conditions contained herein are satisfied or waived.
4. Title and Conveyance. Buyer may at its sole option and expense obtain title insurance for the Real Estate. If in Buyer's opinion, the Commitment demonstrates that Seller's title to the Real Estate is not marketable, Buyer shall notify Seller in writing, specifying its objections. Seller shall use its best efforts, within a reasonable time (not to exceed ten (10) days), after receipt of such objections with a copy of the Commitment from Buyer, in which to correct such title objections. In the event the title objections are not corrected by Seller to the satisfaction of Buyer within the aforesaid period of time, Buyer may terminate this Agreement upon written notice to Seller or elect to close notwithstanding such title objections.
5. Inspection. Buyer agrees to accept the property in its "as is" condition without any inspections. During the period from the execution of this Agreement to closing, City agrees to make the subject property available for inspection by Buyer and its agents. The foregoing inspections shall be made during normal business hours after reasonable advance notice. City shall not unreasonably withhold consent for inspections.
6. Governing Body Approval. It is understood and agreed between the Buyer and Seller that this Agreement is contingent upon approval by the Governing Body. If the Governing Body does not approve the Agreement, the Seller shall not be obligated to complete the sale.

7. Closing and Possession. It is understood and agreed between the parties hereto that time is of the essence of this Agreement. Buyer shall pay all costs related to closing. Possession shall be delivered to Buyer at closing.

8. Default. If Buyer fails to close the purchase of the Real Estate before January 1, 2020, Seller may, at its sole option, either terminate this Agreement or exercise any rights and remedies available to it at law or in equity, including but not limited to, specific performance. If Seller fails to close the purchase of the Real Estate, Buyer may, at its sole option, either terminate this Agreement and/or exercise any rights and remedies available to it, at law or in equity, including but not limited to specific performance.

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

10. Authority to Execute. By signing this Agreement, Buyer's representative represents that he is duly authorized by the organization to execute this agreement on behalf of Buyer and that Buyer agrees to be bound by the provisions of this Agreement.

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

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

Seller

THE CITY OF TOPEKA, a municipal Corporation

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

Buyer

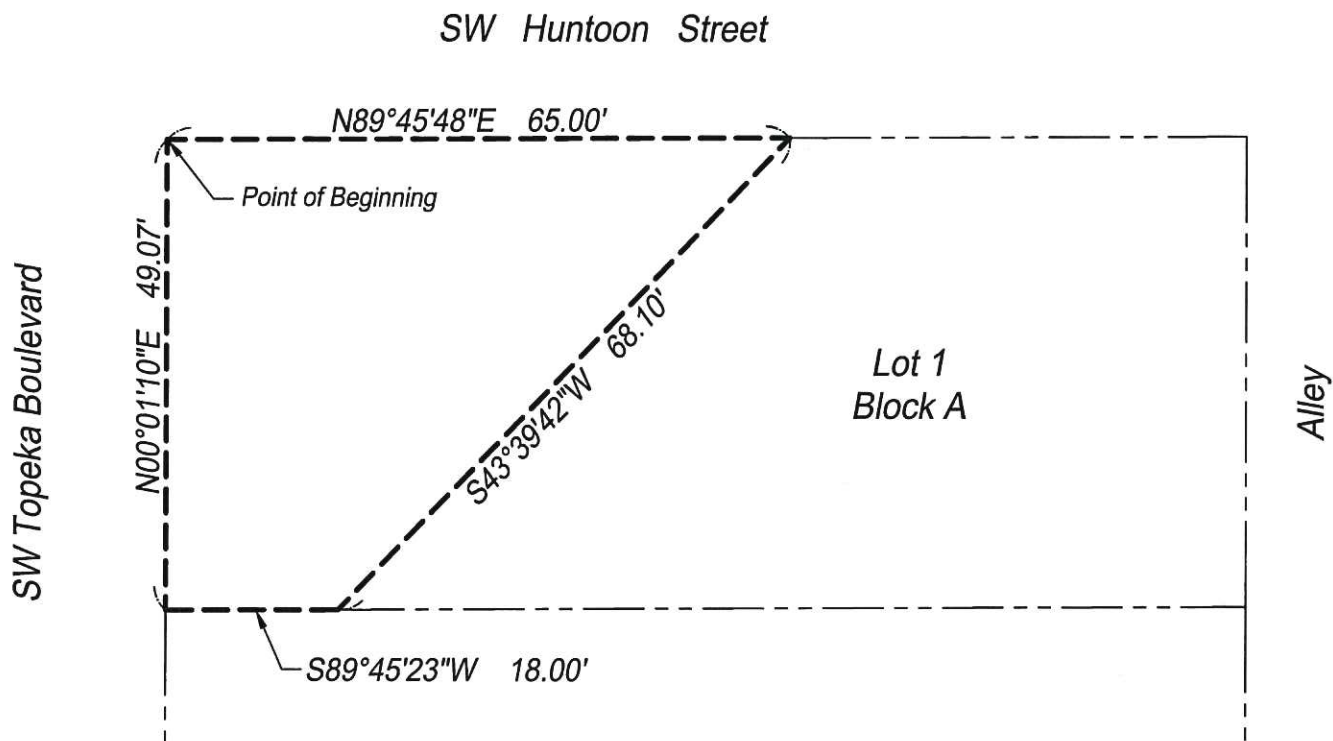
S and L Apartments, LLC
Henry J. Schulteis, Managing Member

Exhibit A

Description :

A tract of land in Lot 1, Block A, Christy Subdivision, according to the recorded plat thereof, in the City of Topeka, Shawnee County, Kansas, described as follows: Begin at the Northwest corner of said Lot; thence on a plat bearing of North 89 degrees 45 minutes 48 seconds East, 65.00 feet along the North line of said Lot; thence South 43 degrees 39 minutes 42 seconds West, 68.10 feet to the South line of said Lot; thence South 89 degrees 45 minutes 23 seconds West, 18.00 feet along said South line to the West line of said Lot; thence North 00 degrees 01 minutes 10 seconds East, 49.07 feet along said West line to the Point of Beginning.

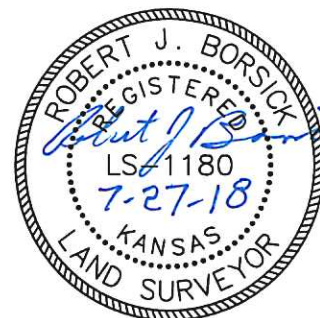
The above described tract contains 2,036 square feet, more or less.



Scale: 1" = 20'



I hereby certify that this legal description has been prepared by me or under my direct supervision.



SBB

Schmidt, Beck & Boyd Engineering, LLC

1415 SW Topeka Blvd. | Topeka, Kansas 66612

785.215.8630 | 785.215.8634 (F)

Sheet 1 of 1

Prepared for: City of Topeka

Date: 7/26/2018

Drawn By: BB

Scale: 1" = 20'

Checked By: RS

SBB Proj. No.: 18-165

**DEPARTMENT OF NEIGHBORHOOD RELATIONS
REAL ESTATE REPORT**

- a. **Common Address:** 421 SW Huntoon St.

- b. **Legal Description:** A tract of land in Lot 1, Block A, Christy Subdivision, according to the recorded plat thereof, in the City of Topeka, Shawnee County, Kansas

- c. **Current Zoning:** O&I – 2 – Office & Institutional

- d. **Acquisition Date:** 06/1991

- e. **Reason City Acquired:** Right of Way

- f. **How City Acquired:** Warranty Deed

- g. **Current Use:** Vacant

- h. **Expected Future Use:** Commercial/residential development with adjacent parcels

- i. **Appraised Value:** \$1,900 – professional appraisal 07/19/18

- j. **Method of Disposal Results:** Private Negotiated Sale (Topeka Municipal Code **3.30.340**)

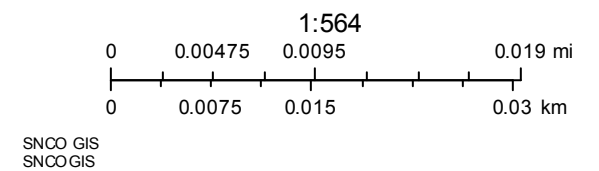
- k. **Additional Information:** This property was acquired as part of a public improvement project in the early 1990's. Public Works and Utilities have no use for this land with the exception of utility easements and ROW. The City was approached in June of 2018 with the adjacent property owner on the south and west expressing interest in ownership of the land.

Property Map



August 23, 2018

Parcels



Utility easement exhibit 421 SW Huntoon St.



CITY OF TOPEKA CONTRACT NO. 46994
AGREEMENT FOR APPRAISAL SERVICES

On this 20th day of July, 2018, the **CITY OF TOPEKA, KANSAS, DEPARTMENT OF NEIGHBORHOOD RELATIONS "City"**, and **Keller, Craig & Associates, Inc. "Appraiser"**, agree to a contract for the appraisal of real property located at:

421 SW Huntoon St in Topeka, KS. (See Attached Property Record Card)

The City will provide:

1. The Shawnee County Appraiser's Property Record Card included in this agreement.

The Appraiser agrees:

2. To perform all work necessary to appraise the property.
3. To deliver full appraisal for the parcel within four (4) weeks after receipt of the materials provided by the City, i.e. Property Record Cards. The appraisal will include an estimate of value for the entire parcel.
4. The Appraiser shall NOT prepare and submit a data book for the project.

The City may grant an extension of this deadline, but the parties understand the project is proceeding on an expedited basis and time is of the essence.

The Appraiser will prepare and submit one copy of the Full Commercial Appraisal Report for 421 SW Huntoon St. estimating the value for the tract appraised. The appraisal report shall include but not be limited to: inspection detail; highest and best use; explanation of adjustments; plats and photographs; certificate of appraiser; and, limiting conditions form.

The Appraiser shall keep and maintain individual tract files, including appraisal reports and all related correspondence in connection with and incidental to the performance of this Agreement, and to make said files available at any time for inspection by the City. All such information shall become the property of the City under this Agreement and shall be delivered to the City immediately, on a continuous basis as tracts are appraised. Appraiser further agrees that all information gained regarding the appraisals on the project shall be kept confidential.

If the appraisal services and related documentation are deficient in any respect and are not to the satisfaction of the City, Appraiser shall immediately make the necessary corrections and/or furnish the additional information or documentation required upon notification from the City or his/her authorized representative. The Appraiser shall be paid no additional payment for correcting these deficiencies.

The Appraiser warrants it has no direct or indirect interest in such properties and will in no way benefit from the appraisal or acquisition of properties appraised under this Agreement.

Payment

The City will pay \$1,750 for the commercial property appraised for this project:

421 SW Huntoon St. \$1,750

[Which includes all direct and indirect expenses of any nature whatsoever, including but not limited to: wages; overhead; taxes; licenses; penalties; fines; administrative expenses; travel expenses, and vehicle expense; computer expense; clerical support; stationary; and, postage.]

If the Appraiser is required to appear for pretrial conferences or as a witness in court, the City will pay Appraiser, in addition to the appraisal fees described above, \$250 per hour for Mr. Tim Keller's services and/or \$150 per hour for Senior Appraisers.

The City will pay for appraisal services only after receipt of a properly executed statement for services, which shall include the Purchase Order number for these services and the Appraiser's social security or FEIN number. The Appraiser must submit its statement for services through the City's online invoice system: accountspayable@topeka.org.

If any appraisal work remains incomplete after the due date specified above, the City may assess the sum of Twenty-five Dollars (\$25.00) per day per each incomplete tract, which sums may be deducted from any monies due the Appraiser, not as a penalty but as liquidated damages.

The City will not deduct these liquidated damages if such remaining incomplete work is the result of major changes made by the City, which would cause an extension of the due date.

Both parties agree:

The City reserves the right to terminate this Agreement at any time. The Appraiser will be paid the reasonable value of the services rendered up to the time of termination. All work performed and documents produced by the Appraiser shall become the property of the City.

If a dispute arises concerning a question of fact in connection with appraisal policies and procedures and is not resolved by agreement between the parties, the dispute shall be submitted to the City Attorney for final settlement.

This Agreement is binding upon the parties hereto and their successors and assigns.

APPRAISER

CITY OF TOPEKA, KANSAS

Tim Keller

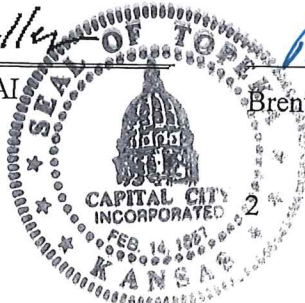
Tim Keller, MAI

Brent Trout

Brent Trout, City Manager

ATTEST:

Brinda Young
CITY CLERK





City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 17, 2019

DATE:	December 17, 2019	
CONTACT PERSON:	Mary Feighny, Deputy City Attorney	DOCUMENT #:
SECOND PARTY/SUBJECT:	Acquisition and Disposition of Real Property RPI	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION concerning the City's process for acquiring and disposing of real property.

(As a result of conducting a Rapid Process Improvement (RPI) event, staff is recommending updates to the current ordinances addressing acquisition and disposal of real property.)

VOTING REQUIREMENTS:

Discussion only. No action is required by the Governing Body.

POLICY ISSUE:

Whether to follow the Rapid Process Improvement staff recommendation to update the way the City addresses the acquisition and disposal of real property.

STAFF RECOMMENDATION:

Staff recommends the City Council adopt the ordinance when considered. At least five (5) votes of the City Council is required. The Mayor does not vote.

BACKGROUND:

The city manager directed staff to initiate an RPI process to review the City's process for acquisition and disposal of real property. Team members reviewed processes in other large Kansas cities and brainstormed over two days, with the goal to amend a 28 year old ordinance (1991) passed before the adoption of the city manager form of government in 2004.

Changes include clarifying that the Governing Body (GB) approves: (1) acquisitions of fee simple title to real

property; (2) sales; (3) transfers; and (4) donations. GB approval will not be required for acquisition and disposal of easements/rights of way, IRB leases/acquisitions, and leases.

The methods of disposing of real property are unchanged (e.g. transfer, auction, bidding, private sale), except to add donations and any other method approved by the Governing Body.

Ordinances relating to the process of purchasing property for City use and leasing private property for City use are repealed. (Governing Body will still approve all purchases.)

Team members included: PW Director Jason Peek; Deputy City Attorney, Mary Feighny; Director/Neighborhood Relations Sasha Haehn; and Right of Way Agent, Tom Allen. Facilitators included Dan Hanover, Todd Harrison, and Sherry Schoonover.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Rapid Process Improvement (RPI) Summary Process Page
Summary of Changes
Ordinance

RAPID PROCESS IMPROVEMENT

01

Based on Lean Enterprise concepts intended to take the waste out of work processes by reducing defects, rework, and non value-added steps in the process.

02

Utilizes a team of people who perform the work on a daily basis, or the subject matter experts, to improve their own processes while meeting a specific mission.

03

A team creates a visual description of how work is performed today using sticky notes. Then they analyze the process and design a new, improved process.

04

Once the team finalizes the new process they then create a standard work playbook and an implementation plan used to share and follow the new process.

05

The team learns how to improve their own processes by learning just what they need to know when they need to know it using "Just in Time Training"

06

Led by the manager or supervisor who has operational accountability for improving the process.

07

Intended to pick the problems considered to be the low hanging fruit. Focuses on low cost/no cost, obvious solutions to problems.

08

People driven process, not a data driven process so it is known to be a significant source of positive organizational culture.

RPI EVENTS LEAD BY FACILITATORS

- Cross-Functional: Evaluates large parts of value streams
- Intense with significant advanced planning required
- Led by highly trained Facilitators: Often their full-time job for the period of the event
- Continuous event that usually lasts 3-5 days in a row
- Champion is usually selected from the Executive or Department Director level
- Analysis and solutions involve many departments and functions
- Requires a Team Charter
- Facilitators are not decision makers: The Team makes all of the decisions
- Facilitator leads the Planning and event while the Team Leader leads the Implementation

RPI EVENTS LEAD BY MANAGERS (RPIM)

- Focuses only on the area reporting to the Manager: Evaluates small parts of value streams
- Much less planning required due to limited scope of work and the Planning is done between the Manager and the Champion
- Led by the Manager of the area that is being improved
- Events may be broken into smaller pieces over a longer period of time
- Champion is usually at the Department Director or Division Head level
- Analysis is limited to the area reporting to the Manager but may pull in others from outside functional areas for assistance
- Typically requires a Team Charter
- The Manager is a Team Member and participates in the decision making with the Team
- The Manager leads the entire project including serving as a Facilitator and Team Leader

RPI WHEEL



Acquisition and Disposal of Real Property

RPI Process/Changes to Ordinance

LINE #	SUBJECT	CURRENT LANGUAGE	PROPOSED CHANGE	REASON FOR CHANGE
19-27	Governing Body Involvement	Governing Body (GB) must approve: purchases, sales, exchanges, leases of City property, leases of property owned by 3 rd parties, and all disposals of real property. Mayor executes all sale/purchase contracts.	GB must approve: purchases of fee simple title, sales, transfers to a government agency, donations of City property; and acceptance of donated property from a 3 rd party. No lease approvals are required. City manager executes all documents – not Mayor.	The current language was adopted during the city commission form of government and has been largely unchanged for 33 years (1986). As the city manager form of government was adopted in 2004, the ordinances should be updated so that the process is consistent with this form of governance. GB retains authority to approve transactions involving purchases in situations where the City acquires fee title (as opposed to an easement.) GB retains authority to approve all sales of City property and transfers to governmental agencies. Donations are added to the GB's authority to donate property and accept donated property from a 3 rd party.
39-47	No GB Involvement	No GB approval required for: (1) urban renewal transactions; (2) acquisition of right-of-way for public improvement projects; and (3) property acquired/leased as part of industrial revenue bonding (IRB) transaction.	No change to (2) and (3). Add leases to the list of exceptions requiring GB approval and remove reference to urban renewal transactions.	The current language is 28 years old. (1991) There are no more urban renewal projects. When reviewing other large cities in Kansas, GB is not involved in lease approvals.
50-92	Surplus Real Property	Addresses how surplus city real property is handled. If no department needs the property, DNR prepares a report for the GB so the GB can determine whether to dispose of the property. Report includes: appraisal, survey/site plan, legal description, zoning, use of the property, financial impact of any proposed disposal, and which method of disposal (e.g. sale, transfer, auction) Director of DNR has to return to the GB for approval of sale or exchange.	No change, except for report information (e.g. aerial of the property rather than survey/site plan). Once the GB approves the method of disposal, Director does not have to come back to the GB for approval of sales contract.	The current language is 28 years old. Once the GB agrees with staff that the property is no longer needed and approves the method of disposal (e.g. sale, transfer, auction), staff can complete the transaction.

LINE #	SUBJECT	CURRENT LANGUAGE	PROPOSED CHANGE	REASON FOR CHANGE
95-130	Disposal Methods	Lists options for disposing of surplus real estate: (1) transfer to a political subdivision by donation, exchange, or sale; (2) auction; (3) bids; (4) sale to adjoining landowner; (5) sale to entity that will use property for a public benefit.	Add donation to the list as well as any other method approved by the GB.	Update 28 year old list.
133-161	Acquiring Real Property	Addresses process to acquire property for a City department (e.g. Holliday Bdg). If purchase price may exceed \$50,000, City advertises in Metro News. DNR Director researches the market, identifies suitable property, secures appraisal, negotiates purchase, prepares report for the GB and secures GB approval. Approval not required if the purchase price is less than \$20,000.	Repeal.	No need to dictate process as GB has the ultimate authority to approve all purchase. No other large Kansas city codifies the acquisition process.
164-175	Leasing City Property	DNR keeps record of property designated for lease; city manager presents annual report. GB has no involvement with leases unless the annual rent exceeds \$10,000, in which case GB must approve.	Repeal.	Update 28 year old ordinance to remove GB from the process. No other large Kansas city requires GB approval for leases regardless of rent amount.
178-202	Leasing Private Property for City Department	Lease of private property. Addresses process for leasing real property for a City department. Department notifies DNR of need to lease and the amount of available funds. If there's no specific location in mind and rent may exceed \$10,000, DNR Director advertises for sites in Metro News. DNR Director searches for suitable property, negotiates lease, and secures city manager approval. No GB involvement unless rent exceeds \$10,000 annually.	Repeal.	Update 28 year old ordinance to remove GB from the process. No other large Kansas city requires GB approval for leases regardless of rent amount.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, concerning the acquisition and disposal of real property, amending City of Topeka Code § 3.30.310 through § 3.30.340 and repealing § 3.30.350 through § 3.30.370.

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

Section 1. That section 3.30.310, Real property, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Real property.

~~The power and authority to purchase, sell, exchange, lease owned property, or otherwise dispose of real property, or approve lease agreements for additional space shall be vested in the city council. No sale, exchange, purchase or lease of real property shall be valid except by deed or contract approved by the city council and signed by the mayor except as specifically provided herein.~~

(a) The real property transactions listed below shall require approval by the governing body:

(1) Acquisition of fee simple title.

(2) Acceptance of property donated by a third party.

(3) Sale of property owned by the city.

(4) Transfers to a governmental agency.

(5) Donations of property owned by the city.

(b) The city manager is authorized to execute all documents associated with such transactions, including execution of deeds.

29 Section 2. That section 3.30.320, Exceptions, of The Code of the City of
30 Topeka, Kansas, is hereby amended to read as follows:

31 **Exceptions.**

32 ~~(a) The director of neighborhood relations or designee shall review and~~
33 ~~approve all transactions concerning urban renewal property administered by the~~
34 ~~department and right-of-way property for projects administered by the department of~~
35 ~~public works. All property involved in these transactions shall be included in the city's~~
36 ~~real estate inventory. These transactions, however, shall not generally be subject to the~~
37 ~~acquisition or disposal procedures required by this article. This section does not change~~
38 ~~the council's authority to authorize all real estate transactions.~~

39 ~~(b) Except as otherwise provided~~TMC 3.30.310 ~~this article shall not apply to the~~
40 ~~following acquisitions and disposals of real property:~~

41 ~~(a)~~ pProperty purchased and/or leased as part of a project financed by the
42 issuance of industrial revenue bonds by the city. This exception shall not preclude ~~the~~
43 ~~department of neighborhood relations from~~ keeping appropriate records of such
44 transactions and including the involved properties in the city's real estate inventory.

45 ~~(b)~~ Easements and rights-of-way acquired for public improvement projects.

46 ~~(c)~~ Leases.

47 Section 3. That section 3.30.330, Disposal of real property, of The Code of the
48 City of Topeka, Kansas, is hereby amended to read as follows:

49 **Disposal of surplus real property.**

50 (a) Any department with control of real property that is no longer needed shall
51 provide written notification to the department of neighborhood relations of the desire to

dispose of the property as surplus. All city departments shall be notified of the availability of the property. A city department indicating a need for the real property shall notify the department of neighborhood relations to ensure the appropriate transfer of the property. The transfer of the property shall be approved by the city manager.

(b) If no city department indicates an interest in the surplus real estate property, ~~offered as provided in this section, the subject property shall be sold in the manner as~~ the director of the department of neighborhood relations or designee will provide the following information to the governing body:

~~(1) The value of the property shall be ascertained by appraisal. Real estate appraisals may be made by staff or by independent fee appraisers as determined by the director of neighborhood relations. Zoning, utilities, existing structures, extent of improvements, and location shall be considered in the appraisal process. The selection of independent appraisers shall comply with applicable provisions of TMC Title 2.~~

~~(2) The director of neighborhood relations shall prepare a report of approval by the city manager and submission to the city council. The report shall provide the following information:~~

~~(i1) A current survey or site plan establishing the property corners and a scale drawing showing accurately the property~~ An aerial or other depiction of the property showing the dimensions and the location of buildings and improvements thereon.

~~(ii2) A legal description and identification of the property,~~
including the current zoning.

(iii) A statement of city ownership of the property, detailing the date the city acquired the property and the reason therefor.

(iv) The current use and potential use of the property.

(v) The appraised value of the property.

(vi) A detailed description of the procedure proposed for disposal of the property.

(vii) The financial impact of the proposed transaction.

~~(3) Upon receipt and review of the report, the council shall make a determination as to whether to proceed with disposal of the property.~~

~~(4) Upon completion of a property disposal method, as identified in this article, the director with the approval of the city manager shall present an acceptance of an offer for sale or exchange to the city council for its approval. When an offer for real property owned by the city is accepted as provided in this article, the documents necessary to close the transaction shall be prepared. Council consent is required for disposal of all real property.~~

(c) The governing body shall determine whether to dispose of the property and, if so, approve the method of disposal identified in TMC 3.30.340.

Section 4. That section 3.30.340, Methods of disposal, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Methods of disposal for surplus property.

~~When the city council determines to dispose of real property, all such sales shall be made by one~~Surplus property may be disposed of by any of the following methods:

(a) Transfer to ~~Political Subdivision~~Government Agency. ~~By transfer to~~

98 ~~any~~ Transfer to a local governmental, state or federal agency political subdivision,
99 ~~agency, department or board of the state either by gift, donation, exchange or~~
100 ~~negotiated sale.~~

101 (b) Public Auction. ~~By open public sale at a~~ Auction to the highest bidder after
102 advertisement in the official city newspaper at least (ten) 10 days prior to the auction
103 date.

104 (c) Competitive Bidding. ~~By c~~Competitive sealed bids based upon a written
105 request for proposals. A notice of the proposed sale shall be published in the official city
106 newspaper at least 10 days prior to acceptance of proposals. All proposals shall be
107 delivered to the director of ~~administrative and financial services~~ the department of
108 neighborhood relations or designee by the time and date specified in the request for
109 proposals.

110 (d) Private ~~Negotiated~~ Sale. By private ~~negotiated~~ sale, in the following cases:

111 (1) Sale to an owner of the real property contiguous to the real property
112 being sold, provided the property being sold is less than the minimum required
113 for development under the city zoning ordinance and is without any capital
114 improvement thereon. All abutting property owners shall have an equal
115 opportunity to purchase the property through an invitation to bid.

116 (2) ~~If an offer to purchase is received for a parcel that has been~~
117 ~~declared surplus and advertised for bids within the past six months with no~~
118 ~~successful purchase contract.~~ No purchase contract is secured after six (6)
119 months from the date of the public auction or the date of the notice of the bid
120 request in subsection (c).

(3) ~~When the offer to purchase is made to a private~~Sale to an
individual or group and entity where the use of suchthe property will be used
solely for a public benefit,including but not limited to affordable housing.

(e) ~~By Real Estate Broker. By contracting with a licensed real estate broker to~~
~~act as the city's agent to dispose of the property.~~Donation. Donation to an individual or
entity where the use of the property will be used solely for a public benefit, including but
not limited to affordable housing.

(f) Other Methods. Any other method approved by the governing
body.

Section 5. That section 3.30.350, Acquisition of real property, of The Code of
the City of Topeka, Kansas, is hereby repealed.

3.30.350 Acquisition of real property.

~~(a) Any department with a need to acquire real property shall notify the director of~~
~~neighborhood relations of its requirements and availability of funds. The director of~~
~~neighborhood relations shall search the market to identify appropriate properties and~~
~~present a list of properties to the department for consideration. Upon identification of~~
~~suitable property or properties, an appraisal shall be conducted, either by staff or by an~~
~~independent fee appraiser, for the purpose of establishing an amount considered to be~~
~~just compensation for the property. More than one appraisal may be required.~~
~~Appropriate city staff will negotiate an acceptable agreement with the owner of the~~
~~property. When the purchase price of any real property is anticipated to exceed~~
~~\$50,000, a public notice shall be given in the official city newspaper of the city's interest~~

143 ~~in acquiring property. Such notice shall include a description of the city's needs and the~~
144 ~~proposed use of the property.~~

145 ~~(b) In any proposed acquisition of real property under this section, the department of~~
146 ~~neighborhood relations shall prepare a report, approved by the city manager, for~~
147 ~~approval and acceptance by the city council. The report shall provide the following~~
148 ~~information:~~

149 ~~(1) The appraisal value of the property.~~

150 ~~(2) The financial impact of the transaction.~~

151 ~~(3) The terms and conditions of the acquisition.~~

152 ~~(4) A statement identifying anticipated use.~~

153 ~~(5) Identification of the existence of any conditions impacting the environment.~~

154 ~~(c) Upon approval of the transaction provided for in this section by the city council, the~~
155 ~~director of neighborhood relations shall, with the approval of the city attorney, accept~~
156 ~~deed as prepared by the seller. Prior to final execution, all property to be purchased~~
157 ~~shall be insured at the seller's expense against title defects, unless otherwise waived by~~
158 ~~the governing body. The approval and acceptance of the council shall not be required~~
159 ~~for any acquisition where the purchase price is \$20,000 or less. However, the other~~
160 ~~provisions of this section shall apply to such transactions.~~

161 Section 6. That section 3.30.360, Lease of city-owned property, of The Code
162 of the City of Topeka, Kansas, is hereby repealed.

163 **~~Lease of city-owned property.~~**

164 (a) ~~The department of neighborhood relations shall keep and maintain~~
165 ~~records relating to city-owned property which is not needed for municipal purposes and~~
166 ~~designated for lease.~~

167 (b) ~~Proper lease agreements may be entered into upon approval and~~
168 ~~signature by the city manager. The terms and conditions of such agreements shall be~~
169 ~~consistent with the prevailing real estate market.~~

170 (c) ~~Any lease of city-owned real estate that will exceed \$10,000 within a 12-~~
171 ~~month period shall be approved by the city council and signed by the city manager.~~

172 (d) ~~The city manager shall present an annual report to the city council~~
173 ~~identifying the city-owned property being leased, the terms of the lease, and the use of~~
174 ~~the property.~~

175 Section 7. That section 3.30.370, Lease of privately owned property, of The
176 Code of the City of Topeka, Kansas, is hereby repealed.

177 **~~3.30.370 Lease of privately owned property.~~**

178 (a) ~~Any department with a need to lease real property shall notify the director of~~
179 ~~neighborhood relations of the requirements and availability of funds. Upon~~
180 ~~determination that the need to lease privately owned property exists, the market shall be~~
181 ~~searched for appropriate properties. When suitable property is identified, a lease~~
182 ~~agreement consistent with prevailing real estate market conditions shall be negotiated.~~
183 ~~At the completion of negotiations, a lease agreement shall be prepared and authorized~~
184 ~~by the city manager and requesting department head, except as specifically provided in~~
185 ~~this section.~~

~~(b) Except where a specific location is required when the anticipated lease of privately owned property is anticipated to exceed \$10,000, a notice of the city's interest to acquire leased property shall be published in the official city newspaper at least 10 days prior to acceptance of any lease agreement. Such notice shall specify the necessary conditions of the needed real estate, including but not limited to square footage, access, and location.~~

~~(c) No leased real property in excess of \$10,000 per year, including all costs contemplated by the lease agreement, shall be authorized unless approved by resolution of the city council and signed by the city manager.~~

~~(d) The city manager shall submit an annual report to the city council identifying privately owned property being leased. The report shall include the following:~~

~~(1) A list of the privately owned property by location.~~

~~(2) The owner of each leased property.~~

~~(3) The square footage of such property and the terms, conditions and options of the lease, excluding cost.~~

~~(4) Current city use of the property.~~

Section 8. That original § 3.30.310 through § 3.30.340 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 9. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 10. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 11. Should any section, clause or phrase of this ordinance be declared

209 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
210 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

211 PASSED AND APPROVED by the City Council on _____.

212
213 CITY OF TOPEKA, KANSAS

214
215
216
217
218 _____
219 Michelle De La Isla, Mayor

220 ATTEST:
221
222
223 _____
224 Brenda Younger, City Clerk