



Governing Body Agenda

**October 12, 2021
6:00 PM**

Public Comment Allowed via Zoom or In-Person - Due to the increase of COVID-19 cases Face Masks Required

Mayor: Michelle De La Isla

Councilmembers

Karen A. Hiller	District No. 1	Hannah Naeger	District No. 6
Christina Valdivia-Alcala	District No. 2	Neil Dobler	District No. 7
Sylvia E. Ortiz	District No. 3	Spencer Duncan	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: Public comment for the October 12th meeting will be available via Zoom or in-person. Due to the increase of COVID-19 pandemic cases face masks are required. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on October 12th after which the City Clerk's Office will provide Zoom link information and protocols prior to the October 12th meeting. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

Written public comment may also be considered to the extent it is personally submitted at the October 12th meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before October 12th for attachment to the meeting minutes.

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 by 5:00 p.m. on Thursday in the City Clerk's Office, 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or on the City's website at <https://www.topeka.org>.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. ROLL CALL:

2. PRESENTATIONS:

"Public Works Quarterly Report"
"Utilities Quarterly Report"

3. CONSENT AGENDA:

- A. MINUTES** of the regular meeting of October 5, 2021
- B. APPLICATIONS:**

4. ACTION ITEMS:

- A. Ordinance - Fairvan Scooter's PUD21/02**

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 on property located at 1409 NW Topeka Boulevard *from* "R-2" Single Family Dwelling District to Planned Unit Development ("PUD") / C-1 Commercial Uses plus Food and Beverage Kiosk with Drive-up and Walk-up Window Service on approximately .7 acre. (PUD 21/02) (Council District No. 2)

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 will allow development of a drive-through and walk-up service coffee shop.)

- B. Ordinance - Brian Thompson (Z21/07)**

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 SE 10th St east of SE Wittenberg Rd from "R-1" Single Family Dwelling District TO "I-1" Light Industrial District. (Z21/07) (Council District No. 3)

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 will allow construction and operation of a contractor office, shop, and equipment and materials storage yard.)

- C. Resolution of Advisability and Authorization - Horseshoe Bend Subdivisions No. 6 and No. 7 - Sanitary Sewer Imp Project No. T-401103.00**

RESOLUTION introduced by City Manager Brent Trout, authorizing Improvement Project No. T-401103.00 that provides for sanitary sewer improvement for Horseshoe Bend Subdivisions

No. 6 and No. 7 as more specifically described herein.

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

(Approval would establish a benefit district for sanitary sewer improvements, the cost of which will be assessed against property owners within the district).

- D. **Resolution of Advisability and Authorization - Horseshoe Bend Subdivisions No. 6 and No. 7 - Street Imp Project No. T-601130.00**

RESOLUTION introduced by City Manager Brent Trout, authorizing Improvement Project No. T-601130.00 that provides for street improvements for Horseshoe Bend Subdivisions No. 6 and No. 7 as more specifically described herein.

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

(Approval would create a benefit district to provide street improvements, the cost of which would be assessed against the property owners in the district.)

- E. **Public Hearing and Ordinance - Neighborhood Revitalization Plan Renewal (2022 - 2024)**

PUBLIC HEARING and ORDINANCE introduced by City Manager Brent Trout establishing a neighborhood revitalization area, adopting a neighborhood revitalization plan, and authorizing the city manager to execute an interlocal cooperation agreement with other municipalities pursuant to the Neighborhood Revitalization Act, K.S.A. 12-17,114 et seq.

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

(Approval would renew the City's Neighborhood Revitalization Plan through December 31, 2024.)

- F. **Resolution - Downtown Parking Meters - 100 Blocks of Kansas Avenue**

RESOLUTION introduced by the members of the Public Infrastructure Committee comprised of Council Members Neil Dobler, Tony Emerson, and Mike Lesser recommending resumption of metered parking on certain downtown streets.

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

(Approval would result in the removal of parking hoods on certain downtown meters and imposition of two-hour metered parking.)

- G. **Establish Special Meeting (Work Session) Date - American Rescue Plan Act (ARPA) Funding Discussion**

ESTABLISH a special meeting (work session) date of the Governing Body to discuss American Rescue Plan Act (ARPA) funding.

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

5. PUBLIC COMMENT:

Public comment for the October 12th meeting will be available via Zoom or in-person. Due to the recent increase of COVID-19 pandemic cases face masks are required. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on October 12th after which the City Clerk's Office will provide Zoom link information and protocols

prior to the October 12th meeting. Written public comment may also be considered to the extent it is personally submitted at the October 12th meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before October 12th for attachment to the meeting minutes. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

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
October 12, 2021

DATE: October 12, 2021
CONTACT PERSON: James Jackson, Public Works Director; and Braxton Copley, Utilities Director
DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

"Public Works Quarterly Report"

"Utilities Quarterly Report"

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

2021 Public Works 3rd Quarter Report

2021 Utilities CIP 3rd Quarter Report



CITY OF
TOPEKA



Public Works 3rd Quarter Report to the Topeka City Council – October 12, 2021
James A. Jackson, Topeka Public Works Director



2021 Projects

Under Construction

SE Deer Creek - I-70 to 6th Ave.

Central Park Neighborhood Project SORT

SE 37th - Turnpike Overpass to SE California

SE Adams - 45th to 37th Street

SW Fillmore and 9th Street intersection

S Kansas Avenue and 29th Street Intersection

SW 10th Wanamaker to Fairlawn

SW 12th - Kansas to Washburn - Phase 1

N Kansas Avenue - Morse to Soldier

Completion Dates

October 29, 2021

October 29, 2021

October 29, 2021

October 29, 2021

October 29, 2021

November 5, 2021

November 19, 2021

November 23, 2021

December 2, 2021



Transportation / Streets



Completed

N Kansas Ave. – N. Curtis St. to N. Norris St.

SW 8th Avenue Sidewalk Improvement Project

NW Furman Rd. – ¼ N. of Lower Silver Lake Rd.

SW Urish Rd. – 29th St. to 21st St.

In Design - 2022 Construction

SW 17th - I-470 Bridge to Wanamaker Road &

SW Westport Drive - 17th to Wanamaker

SE California - 37th to 45th

NW Tyler - Lyman to Beverly

In Design - 2023 Construction

SW 17th - MacVicar to I-470 (2023-2024)



SW Urish Road – 29th to 21st Street



SE Deer Creek Trfy – I-70 to SE 6th Ave.



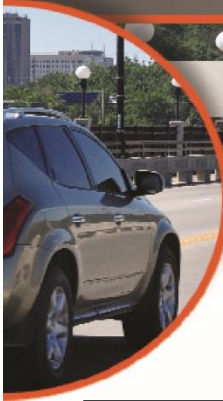
- All asphalt is in.
- Remaining work includes manhole adjustments, striping, grading, seeding, sod and median cap repairs.



Central Park Neighborhood SORT



- The last sanitary sewer main and alley are under construction.
- All sidewalks are done.



SE 37th – Turnpike Bridge to SE California



- Open to traffic.
- Concrete work around manholes, valves remains.
- Work will be done after Adams reopens.
- Traffic will be restricted at that time.



SE 29th & Kansas Intersection



- Replacing most of the north portion of the intersection.
- Geogrid (foreground) placement to stabilize ground above buried utility lines.



SW 10th – Wanamaker to Fairlawn



- Last section under construction.
- The final 2-inch lift will be placed from Fairlawn to Morna when phase is complete.



SW 12th – S Kansas to SW Washburn

- Open to through traffic from S Kansas Ave. to SW Washburn by Nov. 23.
- Sidewalk work and grading will continue.





N Kansas Ave – N Morse to N Soldier St.



- West half from Morse to St. John complete.
- East half under construction.
- Project behind schedule due to buried utility conflict; material theft.



SE Adams – 37th to 45th



- Originally scheduled for 2022.
- Adams will be the detour route for the SE California Project in 2022.
- Project started.



SW Fillmore and SW 9th Street



- Four blocks, one in each direction, from 9th & Fillmore.
- Added in 2021; highly traveled as it's location near Topeka High.
- Selected curb tear out has begun



17th/Wanamaker/Westport/Bridge – Wanamaker to Fairlawn – In Design



- Reconstruct in 2022 before the start of the SW 17th – MacVicar to I-470 Bridge Project, which will be constructed in 2023 and 2024.



SE California – 37th to 45th – In Design



- Reconstruct from a two-lane rural section to a three-lane section with curb & gutter and sidewalks.



17th – MacVicar to I-470 – In Design



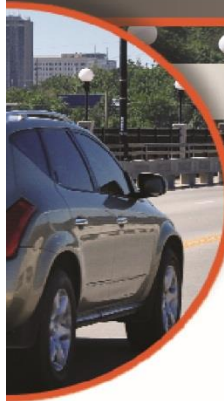
- To be reconstructed in 2023 and 2024.



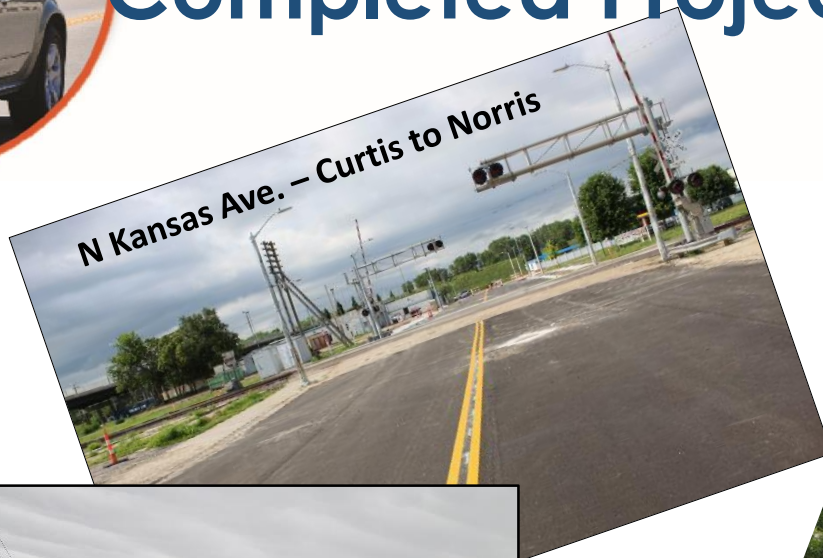
NW Tyler – Lyman to Beverly – In Design



- Reconstruct from a two-lane rural section to a three-lane section with curb & gutter and sidewalks.
- Beverly to Paramore to be reconstructed in 2025.



Completed Projects



N Kansas Ave. - Curtis to Norris



SW 8th Street Sidewalks



NW Furman Road



SW Urish - 21st to 29th

Transportation Operations: By the Numbers

Q3 Report (Jan. 1 - Sept. 16 reporting date)	Q3 - '21	YTD - '21	Totals '20
Street Section Activities			
Street Sweeping lane Miles	1,090	2,411	4,162
Crack Sealing Linear Feet	11,800	25,600	141,600
Linear Foot Aggregate Alley Maintained	75,950	162,850	132,400
# of Alley's Maintained	120	277	229
Number of Potholes Filled	4,053	23,845	39,761

Q3 Report (Jan. 1 - Sept. 16 reporting date)	Q3 - '21	YTD - '21	Totals '20
Traffic Operations Section	Q3 - '21	YTD - '21	Totals '20
Marked	619	1,518	1,771
After Hours Calls	38	117	114
Signs Manufactured	359	948	992
Street Lights Repaired	8	43	53
Traffic Signals Repaired	373	856	1,303

Q3 Report (Jan. 1 - Sept. 16 reporting date)	Q3 - '21	YTD - '21	Totals '20
Forestry Section	Q3 - '21	YTD - '21	Totals '20
Trees Pruned	359	1,437	1,607
Trees Removed	66	231	434
Stumps Removed	54	142	435
Traffic Visibility Issues Resolved	45	76	74
Broken/Hazardous Limb Issues Resolved	249	453	440
Blocks of Alley or Street Cleared	24	48	55
Forestry sprays roundabouts/landscape beds about twice a month.			
Kansas Avenue banner placement: 4 times so far in 2021.			



Winter Operations Prep

- **Snow Route Dry Run Oct. 27**
- **New Anti-Icing Plan**
- **Snow Dashboard**
- **Bike Lanes and Multi-Use Path Unit**
- **Consolidated Check-in/Check-Out**





SeeClickFix Dashboard Recap Development

- Created by the Public Works Business Services Division and used by the Technical Support Group.
- Organization-wide analytic tool.
- Weekly report by request type, council district, and category.
- Year-to-Date report-out coming in early October. Report includes how long it takes to close a request.
- Public portal coming soon.





Curb and Gutter Program

Wb	Description	Priority	Status	Submit To	Proj Start Date	Proj Finish Date	Actual Start	Actual Finish	Address	Date Initiated
398091	Curb & Gutter - Repair/Replace	5	CLOSED	GARTIN, JEFF	06/23/2023 12:00 AM	06/25/2023 12:00 AM	07/30/2021 12:00 AM	08/17/2021 12:00 AM	4311 SW MISTY HARBOR DR, TOPEKA, KS, 66610	06/23/2021 3:14 PM
380580	Curb & Gutter - Repair/Replace	3	CLOSED	WARD, JASON	11/17/2020 3:25 PM	11/30/2020 3:25 PM	11/18/2020 12:00 AM	11/18/2020 12:00 PM	3401 SE PARK LANE CT, TOPEKA, KS, 66605	11/17/2020 3:25 PM
378043	Curb & Gutter - Repair/Replace	3	CLOSED	GARTIN, JEFF	10/20/2020 9:11 AM	10/22/2020 9:11 AM	10/20/2020 12:00 AM	10/20/2020 12:00 PM	SE 4TH ST & SE MADISON ST, TOPEKA, KS, 66603	10/20/2020 9:11 AM
374229	Curb & Gutter - Repair/Replace	2	CANCELED	GARTIN, JEFF	10/12/2020 12:00 AM	10/30/2020 3:15 PM	10/19/2020 12:00 AM	10/22/2020 12:00 AM	6317 SW 28TH ST, TOPEKA, KS, 66614	09/12/2020 1:30 PM
373869	Curb & Gutter - Repair/Replace	3	CLOSED	GARDNER, JOSEPH	08/28/2020 3:15 PM	08/12/2020 12:57 PM	09/2/2020 12:00 PM	09/8/2020 12:00 AM	6535 SW 24TH CT, TOPEKA, KS, 66614	08/28/2020 3:15 PM
371991	Curb & Gutter - Repair/Replace	3	CLOSED	GARTIN, JEFF	08/10/2020 12:57 PM	08/27/2020 3:18 PM	06/16/2021 12:00 PM	06/16/2021 12:00 PM	2201 SE Market St	08/10/2020 12:57 PM
368337	Curb & Gutter - Repair/Replace	3	CLOSED	GARDNER, JOSEPH	06/25/2020 3:18 PM	11/23/2019 11:16 AM	12/2/2019 12:00 PM	12/2/2019 12:00 PM	5907 SW 21st st	06/25/2020 3:18 PM
360207	Curb & Gutter - Repair/Replace	1	CANCELED	GARDNER, JOSEPH	06/14/2019 8:00 AM	10/31/2019 8:00 AM	09/11/2019 8:00 AM	09/11/2019 12:00 PM	934 NE QUINCY	11/21/2019 11:16 AM
341525	Curb & Gutter - Repair/Replace	3	CLOSED	WARD, JASON	06/14/2019 8:00 AM	11/29/2019 8:00 AM	06/14/2019 12:00 PM	07/25/2019 12:00 PM	800 SW Lane Street(Southeast corner)	08/19/2019 1:33 PM
338818	Curb & Gutter - Repair/Replace	3	CANCELED	GARDNER, JOSEPH	03/29/2019 12:00 PM	11/29/2019 12:00 PM	03/31/2019 12:00 PM	03/31/2019 12:00 PM	320 SW Woodlawn Ave	07/24/2019 1:07 PM
334344	Curb & Gutter - Repair/Replace	1	CLOSED	WARD, JASON	09/27/2019 12:00 PM	09/21/2018 11:56 AM	10/25/2018 8:00 AM	06/24/2019 1:00 PM	SE 38th & SE CALIFORNIA AVENUE(ROUNDABOUT)	06/14/2019 7:44 AM
334342	Curb & Gutter - Repair/Replace	2	CANCELED	GARDNER, JOSEPH	09/19/2018 11:56 AM	09/21/2018 10:38 AM	09/11/2018 12:00 AM	09/11/2018 12:00 PM	4807 SW 23RD STREET	03/12/2019 6:53 AM
323319	Curb & Gutter - Repair/Replace	3	CANCELED	MANN, TRAVIS	05/02/2018 10:38 AM	05/26/2018 3:07 PM	07/9/2018 12:00 PM	07/9/2018 12:00 PM	1609 SW MACVICAR	01/15/2019 10:24 AM
318115	Curb & Gutter - Repair/Replace	3	CLOSED	WARD, JASON	05/02/2018 3:07 PM	10/22/2017 11:51 AM	06/8/2018 8:00 AM	06/13/2018 12:00 PM	400 Southwest Woodlawn Avenue	09/19/2018 11:56 AM
309641	Curb & Gutter - Repair/Replace	2	CLOSED	WARD, JASON	10/29/2017 11:51 AM	06/29/2018 7:43 AM	12/5/2017 12:00 PM	06/21/2018 12:00 PM	830 SW Filmore Street	09/19/2018 10:38 AM
306625	Curb & Gutter - Repair/Replace	3	CLOSED	WARD, JASON	03/12/2018 7:43 AM	05/3/2017 1:11 PM	01/4/2018 12:00 AM	09/29/2016 12:00 PM	2324 SE Gemini Ave	05/24/2018 3:07 PM
294551	Curb & Gutter - Repair/Replace	2	CLOSED	WARD, JASON	05/12/2017 1:11 PM	10/21/2016 11:01 AM	01/4/2018 12:00 AM	09/29/2016 12:00 PM	SE 33RD TER & SE ADAMS ST, TOPEKA, KS, 66605	10/20/2017 11:51 AM
271497	Curb & Gutter - Repair/Replace	3	CLOSED	SCHRAEDER, ED	10/19/2016 11:01 AM	09/6/2019 10:35 AM	09/15/2016 7:13 AM	09/16/2016 2:46 PM	4807 SW 23RD ST	07/10/2017 7:43 AM
250354	Curb & Gutter - Repair/Replace	5	CLOSED	WARD, JASON	10/19/2016 10:35 AM	09/17/2016 6:13 AM	08/25/2016 1:18 PM	08/26/2016 2:33 PM	320 SW WOODLAWN AVE	05/12/2017 1:11 PM
243111	Curb & Gutter - Repair/Replace	3	CLOSED	GARDNER, JOSEPH	09/15/2016 6:13 AM	08/25/2016 6:46 AM	08/25/2016 6:46 AM	08/25/2016 6:46 AM	310 NE BURGESS AVE	01/20/2017 10:21 AM
235087	Curb & Gutter - Repair/Replace	2	CLOSED	WARD, JASON	08/25/2016 6:46 AM	08/27/2016 6:46 AM	08/27/2016 6:46 AM	08/27/2016 6:46 AM	2317 SW Morningside Road	10/19/2016 11:01 AM
235084	Curb & Gutter - Repair/Replace	3	CLOSED	WARD, JASON	08/25/2016 6:46 AM	08/27/2016 6:46 AM	08/27/2016 6:46 AM	08/27/2016 6:46 AM	3433 SE BRYANT ST	10/19/2016 10:35 AM
231657	Curb & Gutter - Repair/Replace	3	CLOSED	WARD, JASON	08/25/2016 6:46 AM	08/27/2016 6:46 AM	08/27/2016 6:46 AM	08/27/2016 6:46 AM	2405 SW MISSION AVE	09/15/2016 6:13 AM
230069	Curb & Gutter - Repair/Replace	3	CLOSED	WARD, JASON	08/25/2016 6:46 AM	08/27/2016 6:46 AM	08/27/2016 6:46 AM	08/27/2016 6:46 AM	1101 SW WESTERN AVE	08/25/2016 6:46 AM

\$2.3 million in curb and gutter replacement work In Progress or Closed, which equals 28,408 linear feet of curb.

159 service requests In Progress (bidding, under contract or under construction) and 70+ Closed in Q3; 410 remain Open (awaiting action).

Nearly all of the 2016 requests are in progress, then will move on to 2017.

- **Staff continues to bid larger projects using oldest first and identifying others in the same geographical area needing to be replaced.**





Way Forward

- **Process Flow Development** underway; Transportation Operations and Engineering first to go through process.
- **Staff updating policies and procedures** in preparation for the APWA Reaccreditation online visit scheduled for April 11-15.
- **Street Assessment Scheduled** for 2022. Third consecutive assessment in the past 5+ years.
- **Condition Assessment model** development underway to provide avenue for strict adherence to condition assignment and correlating maintenance level of treatment.



PUBLIC WORKS
DEPARTMENT

Thank you. Questions?





QUARTERLY REPORT

3rd Quarter 2021

Projects Under Construction and In Design





- NE Crane, River Road to Jefferson
- N Kansas Ave, Morse to Soldier
- SW 11th St, Oakley to Billard
- SW Gamwell and Nottingham

SW Gamwell & Nottingham





- SW 21st St, Washburn to Western
- SW Jackson St, 8th to 10th
- SW Gage Blvd, 10th to Huntoon
- SW Yorkshire Rd & Danbury Ln

Wastewater Projects Under Construction



- Biogas
- SW Roosevelt Interceptor Lining
- SW 12th Street Lining

Roosevelt Interceptor Lining - BEFORE



Roosevelt Interceptor Lining - AFTER



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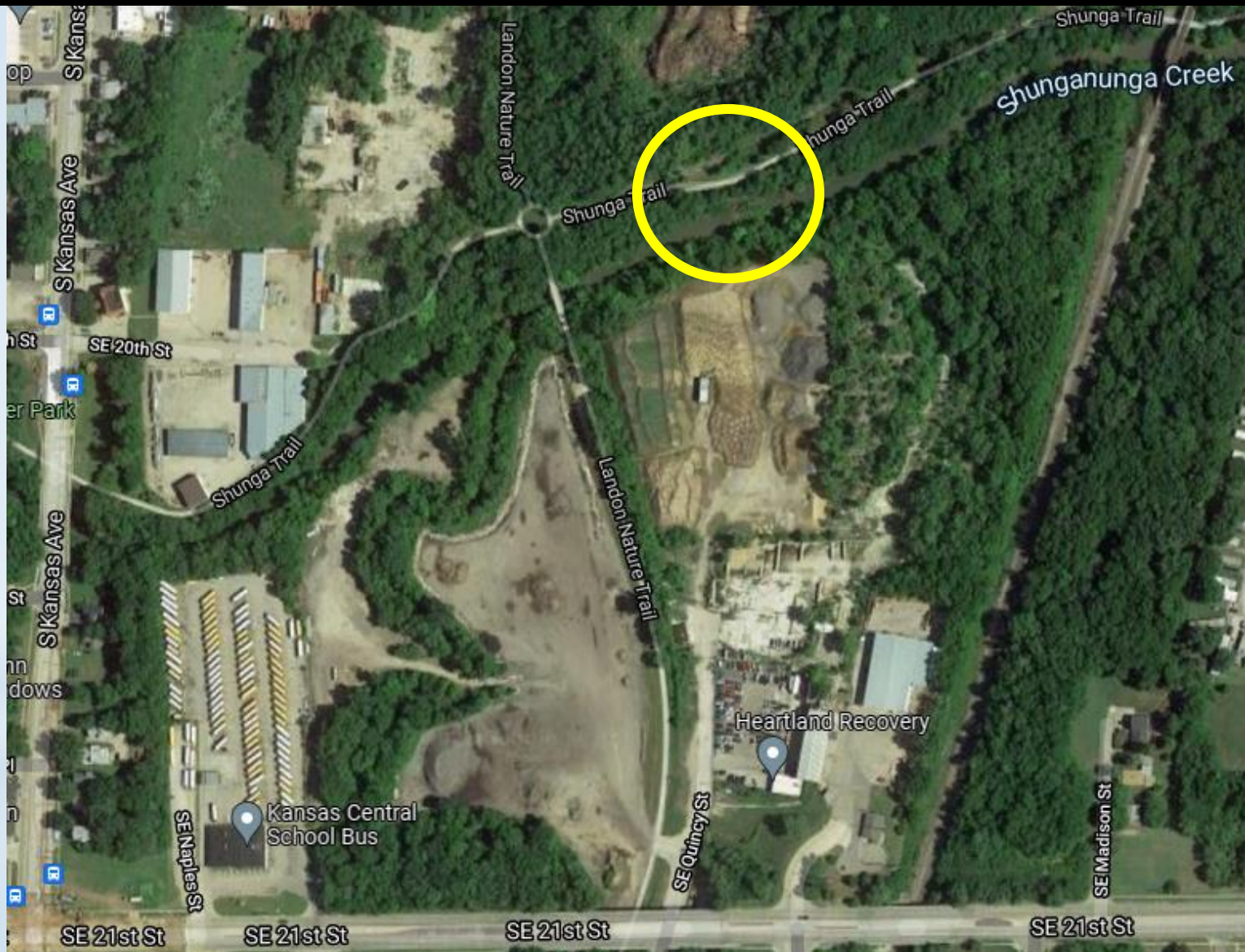


- Nutrient Removal NTWWTP
- Odor Control
- Grant Jefferson Pump Station & Force Main



- Shunga Bank Stabilization
- NE Seward Bulb-outs
- 1910 NW Grove Ave
- Aquarian Acres, SE Scorpio and 23rd
- Levee Outfall Repairs

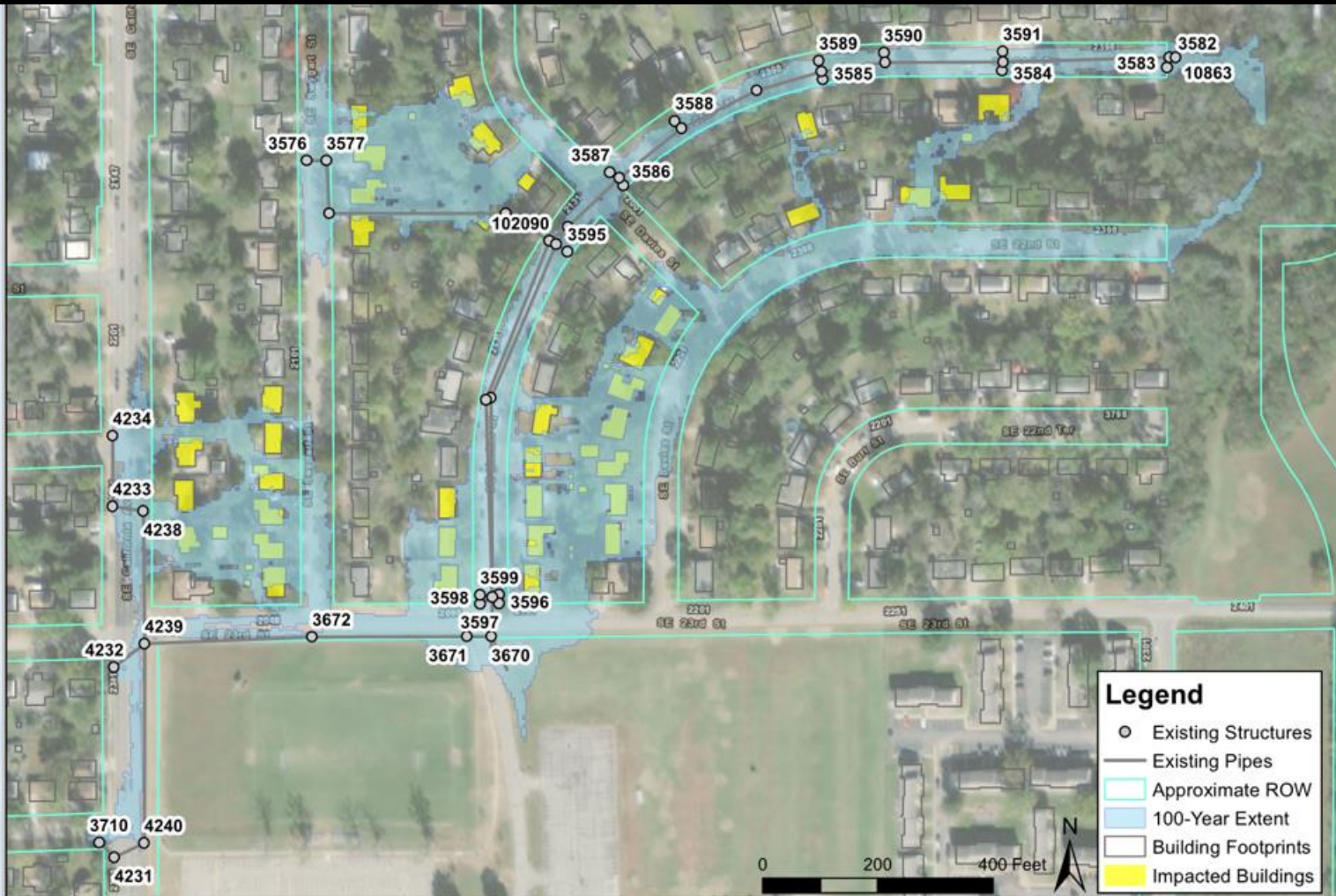
Shunga Bank Stabilization





- NE River Road
- SE 23rd and Market
- SE 37th and California DCP

SE 23rd and Market - BEFORE



Created By: AEN
Date: 11/25/2020
Revised: 1/5/2021
Software: ArcGIS 10.7.1

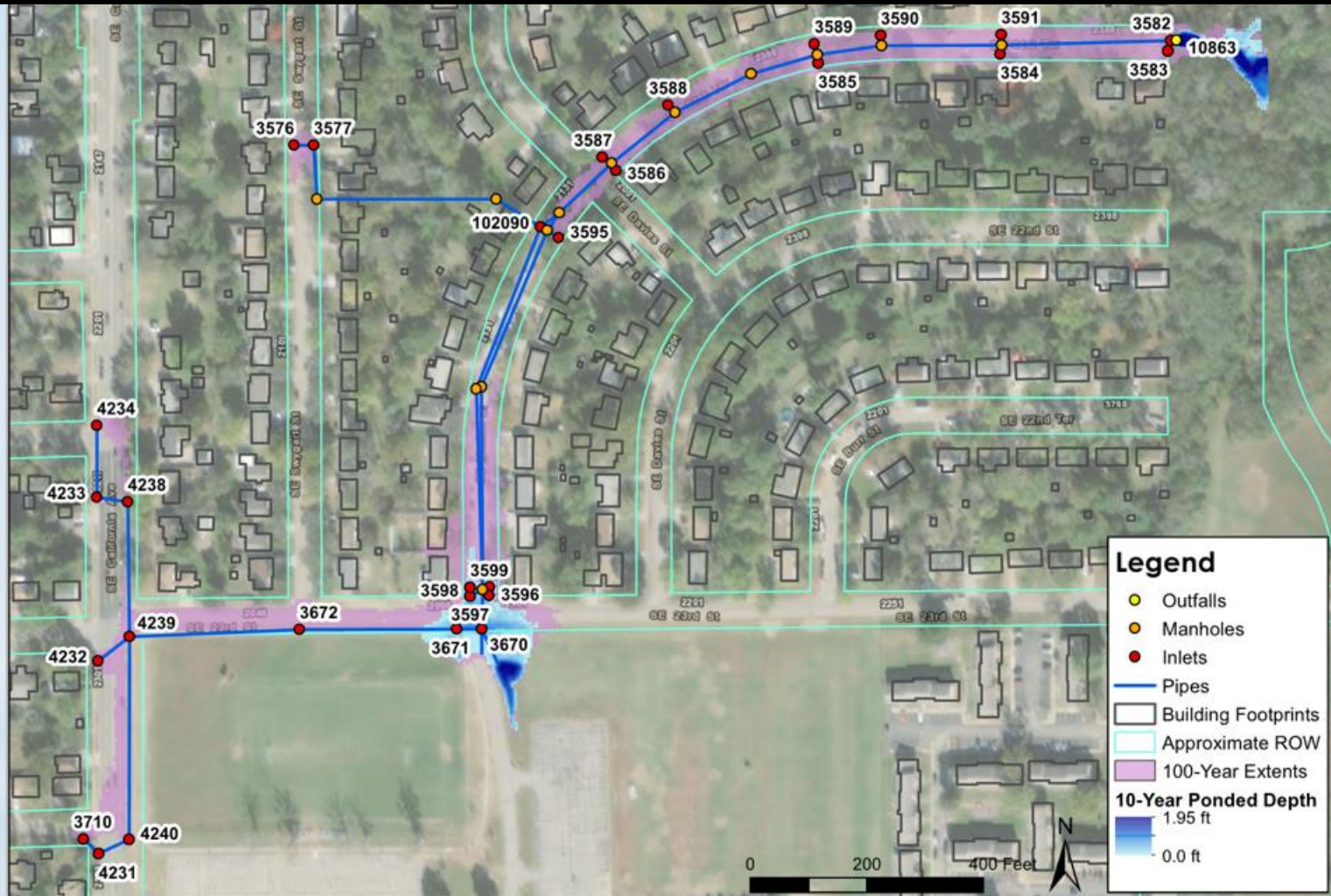
This map was prepared using information from record drawings supplied by JEO and/or other applicable city, county, federal, or public or private entities. JEO does not guarantee the accuracy of this map or the information used to prepare this map. This is not a scaled plot.

Figure 3: Existing Conditions for 100-Year

Topeka, Kansas



SE 23rd and Market - AFTER



Created By: AEN
Date: 11/25/2020
Revised: 1/5/2021
Software: ArcGIS 10.7.1

This map was prepared using information from record drawings supplied by JE and/or other applicable city, county, federal, or public or private entities. JE does not guarantee the accuracy of this map or the information used to prepare this map. This is not a scaled plot.

Figure 9: Proposed Results for All Recommendations

Topeka, Kansas



QUESTIONS?



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 12, 2021

DATE: October 12, 2021
CONTACT PERSON: Bill Fiander DOCUMENT #:
SECOND PARTY/SUBJECT: Randy Fair, Fairvan PROJECT #:
Investments, LLC
CATEGORY/SUBCATEGORY
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 on property located at 1409 NW Topeka Boulevard *from* “R-2” Single Family Dwelling District *to* Planned Unit Development (“PUD”) / C-1 Commercial Uses plus Food and Beverage Kiosk with Drive-up and Walk-up Window Service on approximately .7 acre. (PUD 21/02) (Council District No. 2)

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 will allow development of a drive-through and walk-up service coffee shop.)

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.
2. Amend the Planning Commission's recommendation by amending the ordinance. A minimum of 7 votes is required.
3. Refuse to approve the Planning Commission's recommendation by rejecting the ordinance. A minimum of 7 votes is required.
4. Remand to the Planning Commission for further consideration, with a statement specifying the basis for the governing body's failure to approve or disapprove. A minimum of 6 votes is required.

POLICY ISSUE:

Whether to adopt the Planning Commission's recommendation to rezone the property.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The request to change the zoning from “R-2” Single Family District” to “PUD/C-1 Commercial Uses plus Food and Beverage Kiosk with Drive-up and Walk-up Window Service” to allow for development of a drive-up coffee shop. The proposed PUD zoning is not tied to a master plan but all conditions of the zoning are included in the attached ordinance.

The proposed zoning and land use are consistent with the North Topeka West Neighborhood Plan which envisions “Commercial Neighborhood” land use for the property. The proposed coffee shop's inclusion of a walk-up window and outdoor seating are key to its consistency with the neighborhood plan as they serve pedestrians and other neighborhood residents.

The applicant conducted an in-person Neighborhood Information Meeting on August 25, 2021. Two neighborhood residents attended the meeting, and the applicant intends to incorporate the suggestions of residents in the site plan.

The Planning Commission recommended approval by a vote of 7-0-0 on September 20, 2021. Staff recommends approval per the attached Staff Report.

BUDGETARY IMPACT:

The change in zoning has no budgetary impact on the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

Planning Commission Minutes PUD21/02 - September 20, 2021

Staff Report PUD21/02

Aerial Map PUD21/02

Zoning Map PUD 21/02

Future Land Use Map PUD21/02

Neighborhood Information Meeting Summary PUD21/02 - August 25, 2021

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 on property located at 1409 NW Topeka Boulevard **from** “R-2” Single Family Dwelling District **to** Planned Unit Development (“PUD”) / C-1 Commercial Uses plus Food and Beverage Kiosk with Drive-up and Walk-up Window Service on approximately .7 acre. **(PUD 21/02) (Council District No. 2)**

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

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

Parks Addition, Block D, Lot 10+, beginning NW corner Lot 20 then 160' sly 265'S, W 85'S, N 250', to POB including part Lots 2-20 (even) Sec 20 Township 11 Range 16.

subject to:

1. Development shall comply with standards applicable to C-1 zoning except as noted by any of the following conditions of the Planned Unit Development.
2. In addition to use and development allowed under C-1 standards, a restaurant or beverage store or kiosk with drive-through and walk-in service are permitted but shall not include sales of alcoholic or cereal malt beverages for off-premise consumption.
3. Development / use of the property as a restaurant or beverage store or kiosk with drive-through services shall also include service for walk-up customers either on the interior or exterior of the building. Some accommodation for seating shall be provided either on the interior or exterior of the building.
4. Safe pedestrian access in compliance with the Americans with Disabilities Act (ADA) shall be provided from the public sidewalks on NW Topeka Boulevard, NW St John Street, and NW Harrison Street.
5. For any restaurant or coffee store with drive-through service, the developer/owner shall submit a traffic impact analysis (TIA) subject to review the by City Engineer. Development shall comply with TIA recommendations approved by the City Engineer.
6. Sign standards applicable to C-1 zoning shall apply except:
 - a. No freestanding signs shall be located within 25 feet of the right-of-way for NW Harrison Street.
 - b. Other than incidental signage, no more than two (2) freestanding signs shall be allowed.
7. A minimum landscape setback of 15 feet shall be provided along the NW Harrison Street and St. John Street rights-of-way and the north property line. Landscaping shall be designed to provide a visually attractive and safe environment for patrons and neighbors. All other aspects of landscaping shall comply with the Landscape Requirements of TMC 18.235.

Section 2. This Ordinance shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of this Ordinance and prior to building permit and/or land development on the site, site development plans as required by this Ordinance shall be submitted for review and administrative approval by the Planning Director.

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

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

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

PASSED AND APPROVED by the Governing Body, City of Topeka, KS _____, 2021

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified X



CITY OF
TOPEKA

TOPEKA PLANNING COMMISSION

Monday, September 20, 2021

Zoom Videoconference

CASE MINUTES

Members present: Marc Fried (Acting Chair), Corey Dehn, Wiley Kannarr, Jim Kaup, Ariane Messina, Katrina Ringler, Matt Werner (7)

Members Absent: Brian Armstrong, Del-Metrius Herron (2)

Staff Present: Bill Fiander, Planning & Development Director; Dan Warner, Planning; Mike Hall, Current Planning Manager; Bryson Risley, Planner; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Public Hearing of PUD21/02 Fairvan Scooter's Coffee Kiosk PUD by Fairvan Land Investments, LLC

requesting to amend the District Zoning Map for the property located at 1409 NW Topeka Boulevard from R-2 Single Family Dwelling District all to PUD Planned Development with C-1 Commercial uses and food and beverage kiosk with drive-up and walk-up window service.

Mr. Fried called the case and Mr. Hall presented the staff report with recommendation for approval subject to conditions listed in the staff report.

Mr. Dehn asked about the land to the south of the proposed development, wondering whether it would be landscaped or if there could be future development there with the PUD zoning. Mr. Hall stated his understanding is that there's no intent to develop that with anything but landscaping.

Mr. Kaup asked if a left turn exit would be possible onto Topeka Blvd. Mr. Hall explained that a Traffic Impact Analysis/Study would be required later in the development process and would be used to determine the answer to this question.

Mr. Kaup asked if the proposed zoning would allow for the sale of liquor/cereal malt beverages (CMB). He acknowledged that the proposed business does not intend to sell liquor, but the zoning goes with the property so future owners or projects must be considered. Mr. Hall stated that neither a drinking establishment nor packaged liquor sales would be permitted under C-1. There could be potential for CMB to be allowed as an accessory use because that is allowed in C-1 zoning. He went on to say that PUD conditions as written refer to food and beverage sales and do not specify non-alcoholic beverages. If that's a concern, text could be added to the condition so that it does not allow for the sale of CMB or alcoholic beverages.

Additional discussion followed and Mr. Kaup asked about including a condition that there be no sale of alcoholic liquor or CMB for off-premise consumption. Mr. Hall suggested adding "not including sales of

alcoholic beverages for off-premise consumption” after “restaurant or beverage store” in the condition would clarify. Mr. Kaup confirmed he would be in favor of disallowing sales for off-premise consumption due to the nature of the surrounding neighborhood being mostly residential.

Randy Fair, one of the owners of Fairvan Land Investments, spoke about the proposed zoning. He explained that this would be the sixth Scooters Coffee store his company has opened. He explained Scooters is a franchise with a required minimum 10-year obligation and the franchise does not sell alcohol or alcoholic beverages.

Mr. Fair explained that he has spoken with the pastor of a nearby church who was at the Neighborhood Information Meeting, sending him additional information and confirming that they understand Fairvan's intent. He noted that the church has plans for some major renovations soon and it is Fairvan's desire to work with them and be good neighbors.

In regard to Mr. Dehn's question about potential development of the property to the south of the proposed development, Mr. Fair explained that they intend to landscape.

Mr. Kaup assured Mr. Fair that his concern is in regard to what could happen if this development doesn't happen or what happens with the property in the future. He is glad to see the property being developed.

Mr. Kaup asked Mr. Fair if he has any objection to a condition that restricts the sale of alcohol/CMB for off-premise consumption and Mr. Fair stated he does not.

Mr. Fried declared the public hearing open. With nobody logged in to speak, the **public hearing was declared closed.**

Motion by Mr. Dehn and **second** by Ms. Messina to recommend approval. Mr. Kaup asked Mr. Dehn if he would be open to a friendly amendment allowing staff to add to the conditions a restriction on sales of CMB / alcoholic liquor for off-premise consumption consistent with the discussion held this evening. Mr. Dehn and Ms. Messina both agreed to the amended motion.

Amended Motion: Recommend to the Governing Body approval of the rezoning from R-2 Single Family Dwelling District to PUD Planned Unit Development (C-1 Commercial uses plus food and beverage kiosk with drive-up and walk-up window service, not including sales of alcoholic or cereal malt beverages for off-premises consumption) on property located at 1409 NW Topeka Blvd, subject to conditions as recommended in the staff report. **APPROVED** 7-0-0

STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, September 20, 2021

APPLICATION
INFORMATION

APPLICATION CASE
NUMBER/NAME:

PUD21/02 Scooter's Coffee Kiosk by: Fairvan Investments, LLC

REQUESTED ACTION /
CURRENT ZONING:

Rezoning from R-2 Single Family Dwelling District to PUD Planned Unit Development District (C-1 Commercial uses plus food and beverage kiosk with drive-up and walk-up window service) on property located at 1409 NW Topeka Boulevard.

The proposed zoning is for a parcel of less than one acre and reviewed as a "transition area" PUD. Applications for PUD zoning typically include a master plan. As is allowed under TMC 18.190.050 (PUD procedures) the requirement for a master plan is waived for this case because the conditions and restrictions of the PUD can be adequately included in the ordinance reclassifying the property.

PROPERTY OWNER:

Lindemuth, Inc. under contract by Fairvan Investments, LLC

APPLICANT REPRESENTATIVE:

Randy Fair, Fairvan Investments, LLC

CASE PLANNER:

Mike Hall, AICP, Current Planning Manager

PROPERTY ADDRESS:

1409 NW Topeka Blvd. / PID: 1042003022005000

PARCEL SIZE(S):

.7 acre

PHOTOS:



View looking northeast from SW corner of site. (June 2019)



View looking southeast from northwest corner of site. (June 2019)



View looking west from east side of Topeka Boulevard. (June 2019)

RECOMMENDATION:

APPROVAL subject to conditions

RECOMMENDED MOTION:

Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the rezoning from *R-2 Single Family Dwelling District* to *PUD Planned Unit Development District* (C-1 Commercial uses plus food and beverage kiosk with drive-up and walk-up window service) on property located at 1409 NW Topeka Boulevard, subject to conditions as recommended in the staff report.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

Applicant proposes to build and operate a Scooter's drive-up coffee store to include a walk-up window for pedestrians and others wanting an alternative to drive-through service.

Rezoning as a PUD is necessary to allow a drive-through operation while limiting other potential uses to what is allowed under C-1 zoning regulations. The C-1 classification is intended "to provide for limited commercial facilities which are to serve as convenient services to a residential neighborhood or limited geographic area of the community." Drive-through restaurants and coffee stands are allowed under C-2 zoning but not under C-1 zoning.

DEVELOPMENT / CASE HISTORY:

The property was rezoned in April 2000 from C-4 Commercial to R-2 Single Family Dwelling District following the adoption of the Historic North Topeka Revitalization Plan. The City of Topeka initiated and adopted the change in zoning to implement the Neighborhood Plan. (case # Z00/13)

For ten years or more and until 2002 a restaurant (Heidelberger Café) operated at this site.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES:

North: R-2 (Single Family Dwelling District); single family homes.

West and Southwest (opposite side of Harrison Street): R-2; mostly single family homes, church on the northwest corner of St. John and Harrison.

South and East: OS-1 (Open Space); maintained as park land by Shawnee County.

Southeast: C-3 Commercial; used car sales lot.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

USE STANDARDS AND DIMENSIONAL STANDARDS:

C-1 Commercial district use and dimensional standards will apply.

C-1 use standards are intended to provide for limited commercial uses as a convenience to the residential neighborhood or limited geographic area of the community and are not intended to draw community-wide patronage (TMC 18.140.010). C-1 Commercial uses allowed include but are not limited to banks, funeral homes, professional office, restaurant (without drive-up service), retail store. Auto service stations (types I, II, & III), drive-through restaurants, and drinking establishments are not allowed under C-1 zoning.

C-1 dimensional standards are similar to those for C-2 zoning except buildings are limited to 10,000 square feet under C-1 standards. Required minimum building setbacks are 25' front (including all street

rights-of-way), 10' side, and 25' rear. Maximum building coverage is 40% of the site.

PARKING AND ACCESS:

Off-street parking requirements are determined by land use and not the zoning classification. The parking requirements for a drive-up restaurant or coffee kiosk without indoor seating will be determined by the number of employees.

DESIGN STANDARDS:

The Non-Residential Design Standards in TMC 18.275 regulate exterior building materials, a minimum percentage of window and door openings, and a minimum quantity of architectural details. There are three levels of standards, Types A, B, and C, with Type A standards representing the highest level of design quality. Type A applies to C-1 zoning.

LANDSCAPING:

A landscape plan per TMC 18.235, Landscape Requirements, will be reviewed upon developer's submittal of a Site Plan Review application and approved by staff at the time of building permit approval.

TMC 18.235 provides for various options to provide a landscape buffer where the site abuts a residential zoning district, as this site will along its north property line. A landscape setback is required along all street frontages. Staff is recommending a minimum landscape setback of 15 feet be provided along the NW Harrison Street and St. John rights-of-way and the north property line. TMC 18.235 requires a minimum landscape setback of 5 feet along Topeka Boulevard.

SIGNAGE:

Signage will be required to comply with the Sign Code (TMC18.10) as applied to C-1 zoning except as specifically provided or restricted by the PUD. Under C-1 standards:

- 1 wall sign is allowed per side of building not to exceed 2 sf per linear foot of building frontage (width of exterior wall).
- Other than minor incidental signs, freestanding signs are limited to 1 monument sign per street frontage; height limited to 7 feet on local and collector streets, and 10 feet on arterials; size limited to 40 sf on local streets, 50 sf on collectors, and 60 sf on arterials. Some exceptions may apply.

LIGHTING & SOUND:

Any exterior lighting shall be no brighter than three foot-candles as measured at the property line and the source of illumination shall not be visible from public right-of-way or adjacent properties per code.

OTHER FACTORS

SUBDIVISION PLAT:

Parks Addition, Block D, Lot 10+, beginning NW corner Lot 20 then 160' sly 265'S, W 85'S, N 250', to POB including part Lots 2-20 (even) Sec 20 Township 11 Range 16.

UTILITIES:	There is a public sanitary sewer interceptor in NW St. John Street and a sanitary sewer main in NW Topeka Boulevard. There are City water mains in all three abutting streets.
FLOOD HAZARDS, STREAM BUFFERS:	In area of "Reduced Flood Risk due to Levee."
HISTORIC PROPERTIES:	None
NEIGHBORHOOD PLAN:	Located in the North Topeka West Neighborhood and subject to the neighborhood plan adopted in 2016.
NEIGHBORHOOD INFORMATION MEETING:	The applicant conducted a Neighborhood Information Meeting on August 25, 2021 at the Garfield Community Center in North Topeka. Two neighborhood residents attended in addition to the application and Planning staff. The applicant presented a preliminary site plan for discussion. None of the attendees expressed concerns but did offer recommendations about the site layout.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering:	A traffic impact analysis (TIA) submitted by developer subject to review by the City Engineer is required for a drive-through food or beverage service. Developer will be required to rebuild any damaged or deteriorated sidewalks along street frontages.
Water Pollution Control:	No issues identified regarding rezoning.
Fire Department:	No issues identified regarding rezoning. Fire Department has provided general comments and conditions applicable to site development.
Development Services:	No issues identified regarding rezoning. Permits will be required.

KEY DATES

SUBMITTAL:	August 6, 2021
LEGAL NOTICE PUBLICATION:	August 30, 2021
PROPERTY OWNER NOTICE MAILED:	August 27, 2021

STAFF ANALYSIS

Planning staff have reviewed the zoning application 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) as is required for applications for rezoning.

CHARACTER OF THE NEIGHBORHOOD: Within one to two blocks of the subject property, the neighborhood is characterized by modest sized single-family homes built prior to 1955, a church, and used car sales lot. The site fronts on NW Topeka Boulevard, a highly traveled arterial and primary route for drivers coming from and returning to North Topeka and the more rural areas north of Topeka. Development allowed under C-1 standards, including the drive-up coffee store the applicant plans for the site, will change the character of where Harrison Street, St. John Street, and Topeka Boulevard intersect. With the proper landscaping, building design, setbacks, and controls on vehicular access, development allowed under the proposed Planned Unit Development & C-1 zoning is likely to have a positive and not detrimental impact on the neighborhood's physical character.

ZONING AND USE OF NEARBY PROPERTIES: The proposed zoning of Planned Unit Development (PUD) with C-1 uses plus a restaurant with food and beverage kiosk with drive-through and walk-up service provides an appropriate transition from the C-3 Commercial zoning southeast of the site and Topeka Boulevard to the residential zoning and land use north and west of the subject property. Zoning standards that will apply under the proposed zoning will help to ensure compatibility of development with surrounding zoning and land use.

The zoning to the north, west, and southwest is R-2 Single Family Dwelling District and the land use is primarily single family residential, although there is a church at the northwest corner of NW Harrison and St. John Street west of the subject property. The zoning to the south and east, on the south side of St. John Street and east side of Topeka Boulevard is Open Space (OS-1) and maintained as park land by the Shawnee County Parks and Recreation Department. The property to the southeast, at the southeast corner of St. John Street and Topeka Boulevard is zoned C-3 and contains a used car sales lot.

Development of the property requires approval of a Site Plan Review application, including a site plan, landscape plan, exterior building elevations, and a stormwater management plan (unless waived). If development includes a drive-through restaurant or coffee shop a traffic impact analysis (TIA) is required to ensure the drive through operation does not create traffic conflicts. The approved Site Plan Review application will help to ensure the intended development and any development allowed under C-1 zoning is compatible with surrounding uses.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The property contained a restaurant (Heidelberger Café) for ten or more years up to 2002 but has been vacant since that time. The City of Topeka rezoned the property from C-4 Commercial to R-2 Single Family Dwelling district in April 2000.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The property is not well suited for the uses to which it is restricted under its current R-2 single family residential zoning. It is surrounded on three sides by streets, including the heavily traveled Topeka Boulevard and is thus not a desirable location for single family homes. Few other uses are allowed under R-2 zoning, and the size and shape of the property pose a challenge for development of other uses under other zoning districts, as well.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The subject property is designated “*Commercial - Neighborhood*” in the North Topeka West Neighborhood Plan (2016). The future land use designation “allows for small-scale ‘mom and pop’ businesses located along main roads that serve local needs of the neighborhood residents. Compatible uses include a family restaurant, delicatessen, coffee shop, professional offices, video sales, etc. These uses intended to be an asset to neighborhood residents that can serve pedestrian convenience and are not intended to attract a large number of non-local visitors.” C-1 Commercial zoning is consistent with

the neighborhood commercial uses envisioned by the neighborhood plan. The proposed coffee kiosk with drive-through service is consistent with the neighborhood plan because it includes a walk-up window for use by pedestrians, including neighborhood residents.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Development allowed under the proposed zoning is anticipated to generate few if any detrimental effects on nearby properties. C-1 Commercial uses are compatible with adjacent residential land use under most circumstances. Potential negative effects of a drive-through and walk-up food and beverage service allowed under the proposed PUD zoning are prevented or mitigated by conditions and requirements for regarding traffic, signage, and landscaping. The requirement that any drive-through service also include walk-up service helps to ensure that land use will be an asset to surrounding North Topeka neighborhoods.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: There is no apparent gain to the public health, safety and welfare by denial of the application since approval of the proposed zoning will facilitate development of a property that has been vacant and in a state of deterioration for ten years or more. The property is not likely to be developed under its current R-2 single family residential zoning because of its size and shape and frontage on three streets. Denial of the application would be not good for the owner, surrounding neighborhood, or the broader community.

AVAILABILITY OF PUBLIC SERVICES: All essential public roadways, utilities, and services are currently present and available within the area or will be extended at the expense of the developer.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: Development under the proposed zoning will be required to comply with C-1 Commercial district standards. The PUD zoning allows drive-through food and beverage service subject to conditions making the zoning and land use consistent with the North Topeka West Neighborhood Plan. The property is platted as part of the Parks Addition subdivision.

STAFF RECOMMENDATION

Based upon the above findings and analysis, Planning staff recommend APPROVAL of the proposed zoning, subject to the following conditions, which are to be included in the ordinance adopted by the Governing Body:

1. Development shall comply with standards applicable to C-1 zoning except as noted by any of the following conditions of the Planned Unit Development.
2. In addition to use and development allowed under C-1 standards, a restaurant or beverage store or kiosk with drive-through and walk-in service are permitted.
3. Development / use of the property as a restaurant or beverage store or kiosk with drive-through services shall also include service for walk-up customers either on the interior or exterior of the building. Some accommodation for seating shall be provided either on the interior or exterior of the building.
4. Safe pedestrian access, in compliance with the Americans with Disabilities Act (ADA) shall be provided from the public sidewalks on NW Topeka Boulevard, NW St John Street, and NW Harrison Street.
5. For any restaurant or coffee store with drive-through service, the developer/owner shall submit a traffic impact analysis (TIA) subject to review the City Engineer. Development shall comply with TIA recommendations approved by the City Engineer.

6. Sign standards applicable to C-1 zoning shall apply except:
 - a. No freestanding signs shall be located within 25 feet of the right-of-way for NW Harrison Street.
 - b. Other than incidental signage, no more than two (2) freestanding signs shall be allowed.
7. A minimum landscape setback of 15 feet shall be provided along the NW Harrison Street and St. John Street rights-of-way and the north property line. Landscaping shall be designed to provide a visually attractive and safe environment for patrons and neighbors. All other aspects of landscaping shall comply with the Landscape Requirements of TMC 18.235.

PLANNING COMMISSION MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the rezoning from R-2 Single Family Dwelling district to "PUD" Planned Unit Development (C-1 Commercial uses plus food and beverage kiosk with drive-up and walk-up window service) on property located at 1409 NW Topeka Boulevard, subject to conditions as recommended in the staff report.

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ATTACHMENTS:

Aerial Map
Zoning Map
Future Land Use Map
Neighborhood Meeting Attendance & Summary



Aerial Map
PUD 21/02 Fairvan Scooter's Coffee Kiosk

Legend
 Subject Property

City of Topeka
Planning and Development
Department





Zoning

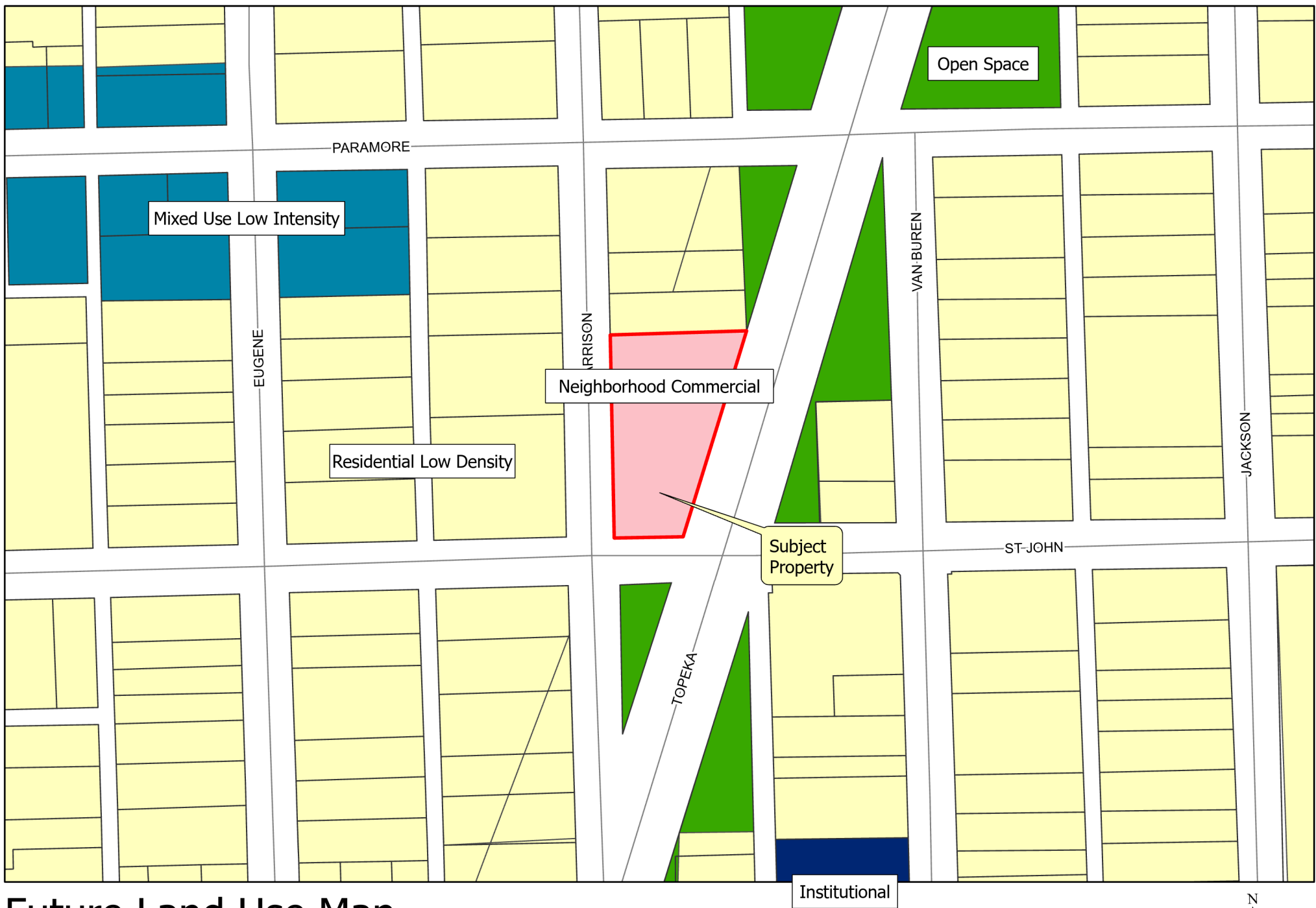
PUD 21/02 Fairvan Scooter's Coffee Kiosk

Legend

Subject Property

City of Topeka
Planning and Development
Department





Neighborhood Information Meeting - Summary

Re: Fairvan Land Investments, LLC, Planned Unit Development
PUD21/02

NIM Info: August 25, 2021 at Garfield Community Center

PUD Site: 1409 NW Topeka Blvd.

Present:

Randy Fair on behalf of Scooter's Topeka and Lindemuth, Inc. (owner of the site)

Mike Hall, Current Planning Manager, City of Topeka

Rev. David McGinnis, Pastor of Heartland Worship Center, Church of God

Debra McClelland, Treasurer of Historic North Topeka East (Neighborhood Improvement Association) and appearing on behalf of the NIM.

The meeting commenced live and in person at 5:30 pm.

Mike Hall explained the purpose of the meeting.

Randy Fair provided a brief explanation of the background and described the reason for the PUD as well as the plan for the property. Larger pictures of the site, two possible layouts, along with handouts were provided describing the reason for the change and possible layouts for the Scooter's Coffee design.

Rev. David McGinnis expressed concern over placing the kiosk in the southern portion of the lot as it would block the front view and site of the Church. The Church has a major renovation in place for October to increase the visibility and appearance of the church. Rev. McGinnis preferred the site alternative placing the Scooter's kiosk on the north part of the site while eliminating the proposed driveway on the west side of the lot. Randy Fair indicated a willingness to do both those things as they had no desire to disrupt or change the neighborhood but were looking to enhance the area.

Debra McClelland spoke about the interest and need for more improvement of the area and indicated a desire to maintain the walk-up window to better serve the neighborhood.

Randy Fair provided his contact information to everyone as well as getting their contact information to continue any further dialogue or insight from the public. The meeting was closed. Mike Hall reiterated the date of the Planning Commission's public hearing which they were all invited to attend and described how to submit written comments for the record.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 12, 2021

DATE: October 12, 2021
CONTACT PERSON: Bill Fiander DOCUMENT #:
SECOND PARTY/SUBJECT: Mark Boyd, SBB PROJECT #:
Engineering, 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 SE 10th St east of SE Wittenberg Rd from “R-1” Single Family Dwelling District TO “I-1” Light Industrial District. (Z21/07) (Council District No. 3)

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 will allow construction and operation of a contractor office, shop, and equipment and materials storage yard.)

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.
2. Amend the Planning Commission's recommendation by amending the ordinance. A minimum of 7 votes is required.
3. Refuse to approve the Planning Commission's recommendation by rejecting the ordinance. A minimum of 7 votes is required.
4. Remand to the Planning Commission for further consideration, with a statement specifying the basis for the governing body's failure to approve or disapprove. A minimum of 6 votes is required.

POLICY ISSUE:

Whether to adopt the Planning Commission's recommendation to rezone the property.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The request to change the zoning from “R-1” Single Family District” to “I-1” Light Industrial District to allow construction and operation of a contractor office, shop, and equipment and materials storage yard.

The proposed I-1 zoning is consistent with the Topeka Land Use and Growth Management Plan 2040 (LUGMP). The subject property is designated “Industrial” by the Future Land Use Map in the LUGMP.

The applicant conducted a neighborhood information meeting remotely via Zoom on August 31, 2021. Only the applicant’s representative and Planning staff attended.

The Planning Commission recommended approval by a vote of 7-0-0 on September 20, 2021. Staff recommends approval per the attached Staff report.

BUDGETARY IMPACT:

The proposed zoning change has no impact on the City's budget.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

Planning Commission Minutes Z21/07 - September 20, 2021

Staff Report - Z21/07

Aerial Map Z21/07

Zoning Map Z21/07

Future Land Use Map Z21/07

Neighborhood Information Meeting Summary Z21/07 - August 31, 2021

(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 SE 10th St east of SE Wittenberg Rd from “R-1” Single Family Dwelling District TO “I-1” Light Industrial District. (Z21/07) (Council District No. 3)

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

Section 1. That the “District Map” referred to and made 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 consisting of one parcel:

A tract of land beginning at a point on the North line of the Southwest Quarter of Section Three (3), Township Twelve (12) South, Range Sixteen (16), East of the 6th P.M., which is 375 feet East of the Northwest corner of said Quarter Section; thence South 231 feet; thence west 8.7 feet to a point which is 366.3 feet East of the West line of said Quarter Section; thence South 135.3 feet; thence East 57 4/5 rods, more or less, to the East line of the Northwest Quarter of the Southwest Quarter of said Section; thence North 366.3 feet along the East line of the Northwest Quarter of the Southwest Quarter of said Section; thence North 366.3 feet along the East line of the Northwest Quarter of the Southwest Quarter of said Section to the North line of said Southwest Quarter; thence West 945 feet, more or less, to the place of Beginning, in Shawnee County, Kansas, except that portion taken by Kansas Turnpike.

FROM “R-1” Single –Family Dwelling District TO “I-1” Light Industrial 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, _____,
2021.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



CITY OF
TOPEKA

TOPEKA PLANNING COMMISSION

Monday, September 20, 2021

Zoom Videoconference

CASE MINUTES

Members present: Marc Fried (Acting Chair), Corey Dehn, Wiley Kannarr, Jim Kaup, Ariane Messina, Katrina Ringler, Matt Werner (7)

Members Absent: Brian Armstrong, Del-Metrius Herron (2)

Staff Present: Bill Fiander, Planning & Development Director; Dan Warner, Planning; Mike Hall, Current Planning Manager; Bryson Risley, Planner; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Public Hearing of Z21/07 by Brian Thompson requesting to amend the district map on property located on the south side of SE 10th Street, approximately 360 feet east of SE Wittenberg Road, from R-1 Single Family Dwelling District to I-1 Light Industrial District. The application was submitted in order to allow for operation of a contractor office and shop.

Mr. Fried called the case and Mr. Hall presented the staff report with recommendation for approval. Mark Boyd of SBB Engineering was present representing the applicant. He had nothing to add but stated he would stand for questions.

Mr. Fried declared the public hearing open. With nobody logged in to speak, the **public hearing was declared closed.**

Motion by Mr. Kaup to recommend to the Governing Body APPROVAL of the request for rezoning from R-1 Single Family Dwelling District to I-1 Light Industrial District. **Second** by Mr. Werner. **APPROVED 7-0-0**

STAFF REPORT – ZONING CASE
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, September 20, 2021

APPLICATION CASE: Z21/07 by: Brian Thompson

REQUESTED ACTION: Zoning change from R-1 Single Family District” to I-1 Light Industrial District.

APPLICANT / PROPERTY OWNER: Brian Thompson / Phillip Stockman

STAFF: Mike Hall, AICP, Current Planning Manager

PROPERTY LOCATION / PARCEL ID: SE 10th Street east of SE Wittenberg Road / PID: 1320303002001000

PARCEL SIZE: 7.31 acres

STAFF RECOMMENDATION: Based on the following findings and analysis, the Planning Department recommends APPROVAL of the request for rezoning from R-1 Single Family Dwelling District to I-1 Light Industrial District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body APPROVAL of the request for rezoning from R-1 Single Family Dwelling District to I-1 Light Industrial District.

PHOTOS:

View of Property from 10th Street at NW Corner of Site (looking southeast) :



View of Property from 10th Street at NE Corner of Site (looking southwest)



PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

Contractor office, shop, and equipment and materials storage yard for excavation contractor.

The use is classified as a "Building, Construction, and Mechanical Contractor Office – Contractor Yards" in TMC 18.60 and thus requires a minimum of "I-1" zoning.

DEVELOPMENT / CASE HISTORY:

Property has been vacant since the 1950s or earlier. Annexed to City in 1959 and zoning has not changed since.

ZONING AND USE OF SURROUNDING PROPERTIES:

North: "R-1" Single Family Dwelling District; vacant land.

Northwest: "R-1" Single Family Dwelling District; Forest Park Retreat and Conference Center

South: "R-1" Single Family Dwelling District; vacant land

West: "I-1" Light Industrial; vehicular parking and storage. R-1 Single Family Dwelling District; single family residence.

East: "R-1" Single Family Dwelling District; vacant land

Southeast: "R-1" Single Family Dwelling District; Kansas women's correctional facility

DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS:

Current "R-1" Zoning: This district is established to provide for the use of detached single-family dwellings together with specified accessory uses and other uses as may be approved. It is intended that the character and use of this district be for housing and living purposes free from the encroachment of incompatible uses.

Uses Allowed in "R-1" Zoning District: Includes but is not limited to single family dwellings, group homes, home care, residential-design manufactured homes. A range of other uses are permitted by conditional use permit.

Proposed "I-1" Zoning: This district is established to provide for a wide range of uses except specified uses which are obnoxious or offensive by reason of odor, dust, smoke, gas or noise. The extent and range of uses are highly intensive. Residential dwellings are not permitted in this district except for on-site caretakers or watchmen or correctional placement residence or facility, limited or general.

Uses Allowed in "I-1" District: Includes a very wide range of industrial and commercial activities not allowed in the R-1 zoning, including but not limited to:

- Product manufacturing from previously prepared materials and food manufacturing (manufacturing processing, types I and II)
- Outdoor storage, including automobile tow lots.
- Contractor storage yards.
- Self-storage facilities, indoor and outdoor.

DIMENSIONAL STANDARDS:

I-1 Zoning has no required building setbacks except where property abuts a residentially zoned property.

The maximum building coverage is 85%. No maximum building size.

Maximum building height: 70'

OFF-STREET PARKING:

"I-1: District": Per TMC18.240.010 Off-Street Parking off-street parking is required for a contractor office and shop (and most other light industrial uses) at 1 space per 1,000 square feet of floor area.

Off-street parking and circulation will be reviewed as part of the review of Site Plan Review and parking and building permit applications.

OTHER DESIGN GUIDELINES AND CONSIDERATIONS:

Outdoor storage associated with a contractor office or contractor yard, when located along a lot line adjoining a visible public street or in a yard that abuts residentially zoned property, shall be screened from public view by a solid, opaque screen, fence or sight-prohibitive landscaping of not less than six feet in height. If storage is adjacent to driveways or intersections, screening may be reduced to comply with sight distance triangles, as provided in TMC 12.20.020.

SIGNAGE: Signage will be permitted subject to Title 18 Division 2 Sign Code for I-1 zoning. Most signs require a sign permit through Development Services Division.

COMPREHENSIVE PLANS: Land Use and Growth Management Plan 2040 (LUGMP): The property sits within an area designated "Industrial" on the Future Land Use Map.

SUBDIVISION PLAT: Non platted

FLOOD HAZARDS, STREAM
BUFFERS: None

UTILITIES: City water located along SE 10th St.

City sanitary sewer is located along SE 10th St and SE Wittenberg RD

TRAFFIC: Two openings desired from SE 10th St (Collector). No closer than 200 feet and consistent with standards. Right of way dedication on collector streets (dedicated by plat). The parcel will need to include a note stating that the location, spacing of two access openings on SE 10th will be approved by the COT Traffic Engineer at the time of site development. Sidewalks required unless waived by Planning & Development Director per code. Identify the type/loads of vehicles, equipment, and materials to be stored on the site for staff to determine hard surfacing requirements.

HISTORIC PROPERTIES: Not applicable

NEIGHBORHOOD MEETING: The applicant conducted a neighborhood information meeting remotely via Zoom on August 31, 2021. The applicant's representative and Planning staff attended. No others attended.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING: Water and sanitary sewer connections will be reviewed at the time of Building Permit Application.

FIRE: Additional fire hydrants appear to be necessary when development begins. 20 foot fire access width is required throughout the site to provide access with 150 feet of all portions of buildings and vehicle parking areas.

DEVELOPMENT SERVICES: Development Services will review construction plans when they are submitted for Site Plan Review and as a part of the application for the Building Permit.

KEY DATES

SUBMITTAL:	August 3, 2021
NEIGHBORHOOD INFORMATION MEETING:	August 31, 2021
LEGAL NOTICE PUBLICATION:	August 30, 2021
PROPERTY OWNER NOTICE:	August 27, 2021

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 immediate surrounding area is characterized by current undeveloped land zoned R-1 Single Family Dwelling District. A large Reser’s food manufacturing plant and accessory parking lot is located immediately to the west. The residence adjacent to the subject property is south of the parking lot, surrounded by trees and other natural vegetation, and is not visible from 10th Street. To the south is more undeveloped, residentially zoned land that then abuts Interstate–70. The parcels to the north and south are heavily wooded.

The applicant intends to develop the site for a contractor office and yard for outdoor storage, uses allowed by the proposed zoning. Development allowed under the proposed I-1 zoning has the potential to substantially change the physical character of the property but can be mitigated by retaining or planting new landscape around the perimeter of the site.

THE ZONING AND USE OF PROPERTIES NEARBY: The property is surrounded on its north, east, and south sides by land zoned R-1 single family residential but vacant and undeveloped. The Kanas women’s correctional facility is located less than one quarter mile to the east. Lands along the west boundary of the property are zoned R-1 single family residential, and containing a single residence, and I-1 Industrial and containing a parking lot for the Reser’s food manufacturing plant to the east. The single family residence on the abutting parcel to the west appears to be unoccupied. As indicated by the growth of Reser’s west of Deer Creek Parkway and the Land Use and Growth Management Plan, much of the surrounding area is more likely to develop as industrial use than as residential. I-1 zoning is potentially not compatible with adjacent R-1 zoning, but given the current conditions and potential future development of surrounding parcels, the proposed I-1 zoning is not incompatible with surrounding zoning and land use. Rezoning of the property to I-1 would allow a variety of industrial uses to be developed on the site that are consistent with nearby properties along SE 10th Street.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: Aerial photographs indicate the subject property has remained vacant and undeveloped since the 1950s or earlier.

CONFORMANCE TO COMPREHENSIVE PLAN: The proposed zoning is consistent with the comprehensive plan as it is designated “Industrial” by the Future Land Use Map in the Topeka Land Use and Growth Management Plan 2040 (LUGMP). In accordance with the Industrial designation, the LUGMP envisions development of industrial uses at sites with available transportation access and available infrastructure. The site is located less than one half mile east of the I-

70 access ramp at SE Deer Creek Parkway and less than one half mile west of the Rice Road & I-70 interchange. All public infrastructure is available to the property.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: Most of the west third of the seven acre tract has steep slopes rendering much of it difficult to develop. The relatively flat parts of the property could accommodate residential development but the location is not likely to be desirable for low density residential use because of its proximity to growing industrial use to the west, I-70 on the south, and the Kansas women's correctional facility less than one quarter mile to the east.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: There will be few if any detrimental effect upon adjacent properties by rezoning to I-1. The proposed I-1 zoning is appropriate given the property's location within a growing industrialized area in East Topeka. There is already substantial truck traffic on the adjacent segment of SE 10th Street between SE Deer Creek Parkway and Rice Road because of adjacent Reser's plant and other Reser's facilities in Southeast Topeka. Industrial development of the subject property has the potential to generate a marked increase in truck traffic but that is not likely based on the applicant's intended use of the property.

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: Disapproval of the proposed zoning change would likely impose a hardship on the property owner because the site does not appear to be well suited for development allowed under its current R-1 residential zoning. As few if any detrimental effects are anticipated by the rezoning, there appears to be no particular gain to the public health, safety, and welfare by maintaining the R-1 Single Family Dwelling District.

AVAILABILITY OF PUBLIC SERVICES: There are city water and sanitary sewer mains running parallel to the site in SE 10th Street. The site is in close proximity to I-70. Direct access to the site is by SE 10th Street, classified as a collector but is less than the desired width for a collector and lacking curbs, gutters, and sidewalks. Overall, public services appear to be adequate to serve development anticipated under the proposed I-1 zoning. Requirements related to connection to utilities and adequacy of SE 10th Street will be reviewed and considered in greater detail as part of a subdivision plat and site development plan.

STAFF RECOMMENDATION:

RECOMMENDATION: Based on the above findings and analysis Planning Staff recommends **APPROVAL** of the request for rezoning from R-1 Single Family Dwelling District to I-1 Light Industrial District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body **APPROVAL** of the request for rezoning from R-1 Single Family Dwelling District to I-1 Light Industrial District.

Exhibits:

Aerial map
Zoning map
Future land use map
NIM Summary



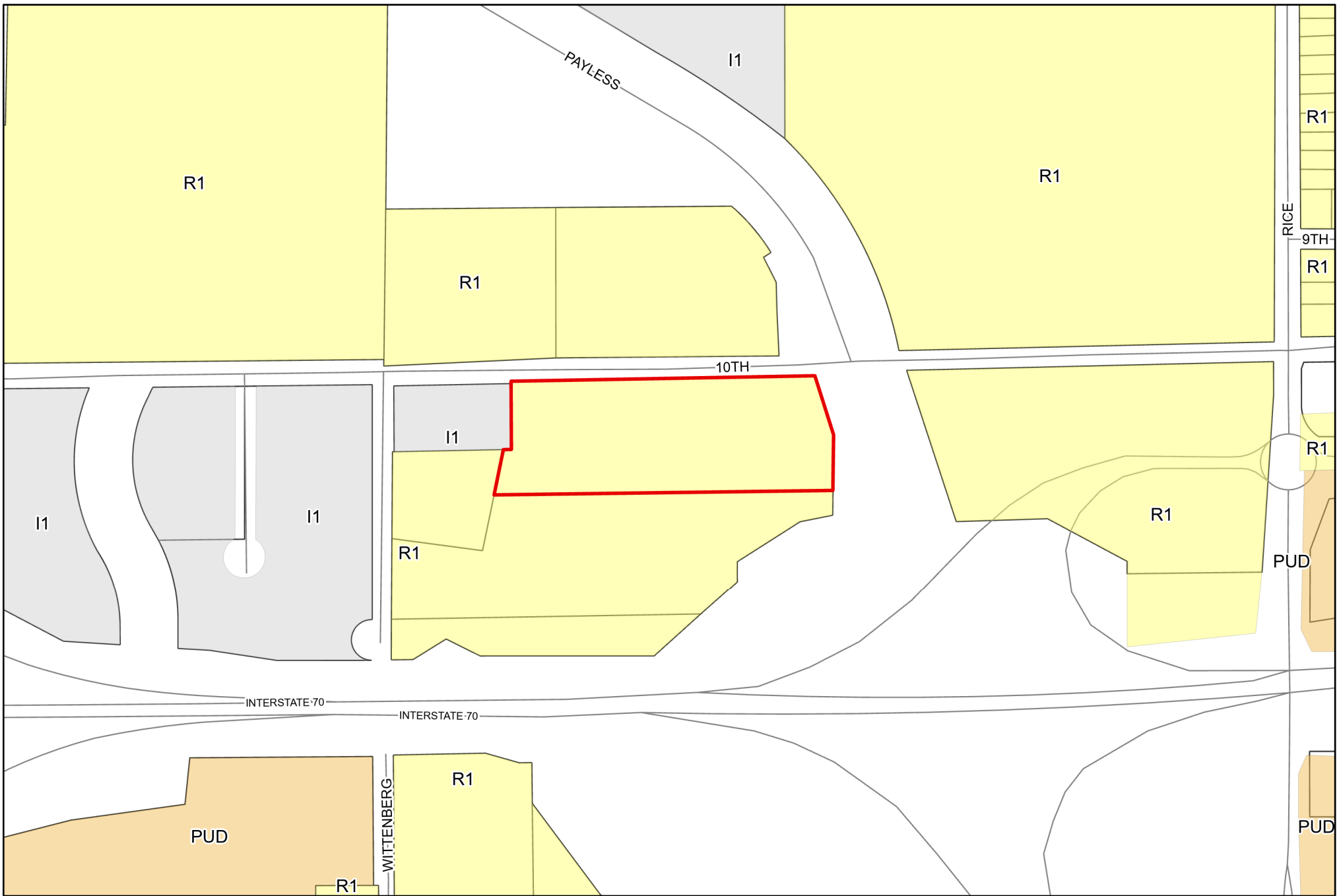
Z21/07 By Thompson, Brian Aerial Map

Legend

 Subject Property

City of Topeka
Planning and Development
Department





Z21/07 By Thompson, Brian Zoning Map

Legend

Subject Property

City of Topeka
Planning and Development
Department





Z21/07 By Thompson, Brian Future Land Use Map

Legend

 Subject Property

City of Topeka
Planning and Development
Department





Date: August 31, 2021
To: City of Topeka Planning Department
From: SBB Engineering, LLC
Mark A. Boyd
Re: Thompson Re-Zoning Application – Z21/07
Neighborhood Meeting Minutes

To whom it may concern:

On August 31, 2021, at 5:30 P.M., we held a publicized meeting for the above referenced case via Zoom remote meeting format. In attendance were Michael Hall (Topeka Planning Department) and Mark Boyd (SBB Engineering).

There were no other people signed in for the meeting. The meeting closed at 6:00 p.m.

Respectfully submitted,


Mark A. Boyd
SBB Engineering, LLC

SBB Engineering, LLC

785.215.8630 | 785.215.8634 (F) | www.sbbeng.com | 101 South Kansas Avenue | Topeka, Kansas 66603
785.260.2805 | 3705 Clinton Parkway Ste. 202 | Lawrence, Kansas 66047



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 12, 2021

DATE: October 12, 2021
CONTACT PERSON: Mark Schreiner, City Engineer; and Stephen Wade, Financial and Administrative Services Director
DOCUMENT #:
SECOND PARTY/SUBJECT: Horseshoe Bend Subdivisions No. 6 and No. 7
PROJECT #: 401103.00
CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Brent Trout, authorizing Improvement Project No. T-401103.00 that provides for sanitary sewer improvement for Horseshoe Bend Subdivisions No. 6 and No. 7 as more specifically described herein.

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

(Approval would establish a benefit district for sanitary sewer improvements, the cost of which will be assessed against property owners within the district).

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to establish a benefit improvement district for sanitary sewer improvements in the Horseshoe Bend Subdivisions No. 6 and No. 7 which will be financed by the City through special assessment general obligation bonds.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution of advisability.

BACKGROUND:

The owner of the property located with the proposed Horseshoe Bend Subdivisions No. 6 and No. 7, RT Builders (Raymond J Thurlow), has petitioned the governing body to establish a benefit district pursuant to K.S.A. 12-6a04. RT Builders owns 100% of the property within the proposed district.

The total cost is estimated at \$782,500 which will serve 56 lots. If the Governing Body establishes the district, construction will commence and, upon completion, special assessments covering the project cost will be imposed on the property owner(s) over the bond period of 20 years.

The Governing Body has previously approved two sewer benefit districts in the Horseshoe Bend subdivision.

Pursuant to the policy for considering the establishment of benefit districts, the benefit district committee met on Friday September 24, 2021, and approved the recommendation of this project to the Governing Body.

BUDGETARY IMPACT:

The projects within the proposed benefit improvement district have an estimated cost of \$782,500. The City of Topeka would finance the cost of the projects through special assessment general obligation bonds. The cost would be repaid through assessment on a unit basis for all lots which are included in the improvement district.

SOURCE OF FUNDING:

100% of the costs will be paid by the owners of the property within the improvement district.

ATTACHMENTS:

Description

Resolution - Sanitary Sewer Project T-401103.00

Sanitary Sewer Project T-401103.00 Petition (September 9, 2021)

Project Budget - Sanitary Sewer Project T-401103.00

Combined Cost Benefit Analysis

Realtor Support Letter (August 3, 2021)

City Special Assessment Policy (Resolution No. 8726)

Preliminary Plat

Aerial Map

1 RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. ____

2
3 A RESOLUTION introduced by City Manager Brent Trout, authorizing
4 Improvement Project No. T-401103.00 that provides for
5 sanitary sewer improvement for Horseshoe Bend Subdivision
6 No. 6 and No. 7 as more specifically described herein.
7

8 WHEREAS, the City Clerk has received a petition, pursuant to K.S.A. 12-6a04(c), as
9 amended, containing the signature of the property owner of 100% of the area in the
10 improvement district hereinafter described; and

11 WHEREAS, the property owner, having waived the notice and hearing requirements
12 of K.S.A. 12-6a04 and TMC 3.45, has agreed to pay all of the costs for the proposed
13 improvement which the property owner is requesting be constructed by the City.

14 NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of
15 Topeka, Kansas, that it finds Improvement Project No. T-401103.00, hereinafter described,
16 to be advisable and does hereby authorize and order said improvement to be made in
17 accordance with its findings as follows:

18 A. GENERAL NATURE OF IMPROVEMENT:

19
20 To provide sanitary sewer service to the following described area with piping,
21 manholes, engineering and all other required for a completed project.
22

23 B. PROPOSED IMPROVEMENT DISTRICT:

24
25 Horseshoe Bend No. 6

26 Lots 1 through 11, Block A
27 Lots 1 through 9, Block B
28 Lots 1 through 4, Block C
29 Lots 1 through 4, Block D
30

31 Horseshoe Bend No. 7

32 Lots 1 through 13, Block A
33 Lots 1 through 5, Block B
34 Lots 1 through 7, Block C
35 Lots 2 through 4, Block D
36

C. ESTIMATED OR PROBABLE COST:

\$782,500

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

D. PROPOSED METHOD OF ASSESSMENT:

On a unit basis for all lots which are included in the improvement district.
(56 lots)

E. APPORTIONMENT OF COSTS:

100% of the costs will be paid by the property owners within the Improvement District.

BE IT FURTHER RESOLVED THAT:

1. The City Clerk is directed to file a certified copy of this Resolution with the Register of Deeds.

2. Upon completion of the project described herein, the City Clerk is directed to provide all assessment notices in accordance with the provisions of K.S.A. 12- 6a09, as amended.

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

ADOPTED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

IMPROVEMENT PROJECT

PETITION

THE MAYOR AND COUNCILMEMBERS
City of Topeka

We, the undersigned owners of record of real estate located within the Improvement District legally described herein, do hereby respectfully petition for the following street improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, *et seq.*, as amended.

SANITARY SEWER IMPROVEMENT - PROJECT NO. T-401103.00

A. GENERAL NATURE OF IMPROVEMENT:

To provide sanitary sewer service to the following described area with piping, manholes, engineering and all other required for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

Horseshoe Bend Subdivision No. 6, City of Topeka, Shawnee County, Kansas

Lots 1 through 11, Block A;

Lots 1 through 9, Block B;

Lots 1 through 4, Block C;

Lots 1 through 4, Block D.

Horseshoe Bend Subdivision No. 7, City of Topeka, Shawnee County, Kansas

Lots 1 through 13, Block A;

Lots 1 through 5, Block B;

Lots 1 through 7, Block C;

Lots 2 through 4, Block D.

C. ESTIMATED OR PROBABLE COST:

\$782,500

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

D. METHOD OF ASSESSMENT:

Unit Basis.

E. APPORTIONMENT OF COSTS:

Costs are to be paid 100 percent by the owners of property within the Improvement District.

F. CERTIFICATION OF SIGNERS OF THE PETITION:

We understand, agree and certify:

- (i) That we own 100% of the property or properties included in the Improvement District; and

- (ii) That this Petition is one submitted pursuant to subsection (c) of K.S.A. 12-6a04, and amendments thereto; and
- (iii) That the proposed Improvement District does not include all properties which may be deemed to benefit from the proposed improvements; and
- (iv) That we may not withdraw our signature(s) from this Petition after the Governing Body commences consideration of this Petition or later than seven (7) days after such filing, whichever occurs first; and
- (v) That we are willing to pay the costs of the proposed improvements; and
- (vi) That we hereby waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. et seq. and Article 2 of TMC Chapter 3.45. Further we request that the City Council adopt a Resolution authorizing the above described improvement; and
- (vii) That the parcels of property contained within the Improvement District may not be altered by replatting or other means until assessments have been levied unless the developer submits a new Petition signed by all property owners with the changes or modifications to the parcels within the Improvement District. Provided, however, no new petition will be required if all owners of the parcel(s) to be altered provide the City Engineer written notice specifying the allocation of the project costs among the new parcels to be created through the replat. Said written notice of the allocation of project costs shall accompany the application for the replat and also shall be filed with the Register of Deeds and shall be a covenant running with the land and binding on the subsequent owners of said parcels; and
- (viii) That, in addition to the costs for the improvement, we will be responsible for paying all applicable rates, fees or charges for municipal services such as water, sanitary sewer or storm water management; and
- (ix) No signator to this petition has a financial interest in an existing development with delinquent tax obligations. (Resolution No. 8726); and
- (x) If the signator is a legal entity, no director, officer, or member of the entity has a financial interest in any property with delinquent special assessments, ad valorem/property taxes, or other federal or state tax liens anywhere within the State of Kansas (Resolution No. 8726); and
- (xi) That, if the property is not owned by an individual or individuals, we have disclosed the name of the company, partnership, trust corporation or other entity which owns the property along with our title, position or office, and we have been duly authorized to execute this Petition on behalf of the entity; and
- (xii) The signatories declare under penalty of perjury that the statements in this petition and certification are true and correct.

Name of Property Owner	Name, Title and Signature of Person Executing Petition	Legal Description of Property Owned	Date
RT Builders, LLC	Raymond J. Threlow managing member	Horseshoe Bend Subdivision No. 6 Lots 1 through 11, Block A; Lots 1 through 9, Block B; Lots 1 through 4, Block C; Lots 1 through 4, Block D. Horseshoe Bend Subdivision No. 7 Lots 1 through 13, Block A; Lots 1 through 5, Block B; Lots 1 through 7, Block C; Lots 2 through 4, Block D.	9/9/21

CERTIFICATION OF PERSON CARRYING PETITION AND WITNESSING SIGNATURES

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

9/9/2021
Date

[Signature]
Signature of Person Carrying Petition

CERTIFICATION OF DEVELOPER

I, the undersigned developer of record of real estate located within the Improvement District, hereby certify:

- (i) That I have reviewed the City's policy for special benefit districts in Resolution No. 8726 and will supply the information requested.
- (ii) That, as required by K.S.A. 12-6a20, I will notify, in writing, each and every purchaser of parcels of property within the Improvement District that the property is located in an improvement district and is subject to special assessments to pay for the Improvement; and
- (iii) That I will notify in writing each and every purchaser of parcels of property within the Improvement District that in addition to the costs for the Improvement, the property owners will be responsible for paying all applicable rates, fees or charges for municipal services such as water, sanitary sewer or storm water management.

9/9/21
Date

[Signature]
Signature

PROJECT BUDGET
Project No. (T-401103.00)
SBB Engineering Project No. 21-090

Horseshoe Bend Subdivision No. 6 and 7 Sanitary Sewer Benefit District

LOCATION:

Horseshoe Bend Subdivision No. 6, City of Topeka, Shawnee County, Kansas (28 Lots)

Lots 1 through 11, Block A

Lots 1 through 9, Block B

Lots 1 through 4, Block C

Lots 1 through 4, Block D

Horseshoe Bend Subdivision No. 6, City of Topeka, Shawnee County, Kansas (28 Lots)

Lots 1 through 13, Block A

Lots 1 through 5, Block B

Lots 1 through 7, Block C

Lots 2 through 4, Block D

DESCRIPTION OF PROJECT:

To provide sanitary sewer service to the following described area with piping, manholes, engineering and all other required for a completed project.

SOURCE OF FUNDS:

Assesment District

COST ESTIMATE:

	City of Topeka	Other Funds	Total
Construction:	\$ 597,100		\$597,100
Design:	\$ 47,768		\$47,768
Geotech:	\$ -		\$0
Utility Adjustments	\$ -		\$0
Project Services Fees;	\$ -		\$0
Construction Admin. & Inspection: (8%)	\$ 47,768		\$47,768
Construction Staking	\$ 11,900		\$11,900
Administrative Fees:			
Legal Dept. Admin. (3%)	\$ 17,913		\$17,913
Engineering Admin. (2%)	\$ 11,942		\$11,942
Right-of-Way Acquisition:	\$ -		\$0
Contingency amount: 3%	\$ 17,913		\$17,913
Interim Interest: 5%	\$ 29,855		\$29,855
	\$ -		\$0
Total:	\$782,159		\$782,159

PUBLIC HEARING:

PROJECT AUTHORITY:

a. Statutes:	KSA 12-6a01 Petition Project	Date
b. Ord.\Res. No.		
c. Improvement District:		
d. City at Large:		
e. Method of Assessment:	Unit Basis	

PROJECT ENGINEER:

SBB Engineering
101 S. Kansas Ave.
Topeka, KS 66603

Horseshoe Bend #6 & 7 Subdivision Cost Benefit Analysis - Street

Cost Benefit Analysis - Cost of Street Maintenance

This analysis assumes a 50-year cycle for regular preventative maintenance and major rehabilitation. Maintenance and rehabilitation is defined within the City of Topeka's Pavement Management Program. The subdivision has approximately **5,920** feet of street pavement with a total of **59** houses.

Total property tax revenue to the City of Topeka is estimated at **\$60,587 a year** with approximately **\$3,029,350** collected over 50 years.

The **annualized 50-year cycle cost** of maintaining the 5,920 feet of streets is **\$13,826**. The annualized street sweeping and winter treatment and snow removal cost is **\$1,568**. The **annualized total street maintenance cost is \$15,394**. The annual property tax revenue to the City of Topeka is **\$60,587** for a net annualized revenue of **\$45,193**.

The cost benefit analysis to maintain the streets over the course of 50 years demonstrates that the COT property tax revenue from the subdivision should be adequate.

Street Maintenance	Cost	Property Tax	Difference
Crack seal, surface seal, mill & overlay and replace curbs and ramps	13,826	60,587	46,761
Annual Street Maintenance	1,568		(1,568)
Total (Annualized)	15,394	60,587	45,193

Street Preventative Maintenance	Cost	Property Tax	Difference
Joint repairs, mill and overlay, signal repair/replace and full street replacement (Annualized)	6,748	16,720	9,972
Annual street sweeping, winter treatment/snow plowing (Annualized)	822	-	(822)
Total (Annualized)	7,570	16,720	9,150

Estimated Property Tax Impact from Issuing General Obligation Bonds

The developer has estimated that the total probable cost is \$1,375,000 for these improvements (these costs are not considered final). In some cases, the City has issued General Obligation Bonds to fund the initial costs when not paid at project completion by the Developer. This amount is added to the impacted property on their annual ad valorem property tax bill. If the entire \$1,375,000 was funded through General Obligation bonds, the average home owner would pay an estimated \$1,566 in annual special property tax associated with these improvements.

Horseshoe Bend No. 6 & 7 Subdivision Cost Benefit Analysis - Utilities

The assumed lifecycle for the **2,565** feet of new sewer line is 100 years. This development is a single-family residential subdivision with **56** lots. Future annual sewer utility revenue to the City of Topeka would be approximately **\$28,058** from this development. Future annual stormwater utility revenue to the City of Topeka would be approximately **\$4,092** from this development. The annualized operations cost for the 2,565 feet of sewer line is **\$3,043** and **\$12,376** of annualized replacement cost. The annualized operations cost for the 1,750 feet of stormwater line is **\$660** and **\$2,348** of annualized replacement cost.

The cost benefit analysis estimates that the annual costs to maintain and replace the wastewater and stormwater infrastructure over the course of 100 years respectively demonstrates that COT utility revenue from the development will cover the operations and replacement costs for those utilities.

Utility	Operations Cost	Replacement Cost	Revenue	Difference
Wastewater (Annualized)	3,043	12,376	28,058	12,639
Stormwater (Annualized)	660	2,348	4,092	1.085
Total (Annualized)	3,703	14,724	32,150	13,724

Estimated Property Tax Impact from Issuing General Obligation Bonds

The developer has estimated that the total probable cost is \$782,500 for these improvements (these costs are not considered final). In some cases, the City has issued General Obligation Bonds to fund the initial costs when they are not paid at project completion by the Developer. The associated cost of principal and interest is added to the impacted property on their annual ad valorem property tax bill. If the entire \$782,500 was funded through General Obligation bonds, the average home owner would pay an estimated \$891 in annual special property tax associated with these improvements.



2900 SW Wanamaker Dr, Suite 200
Topeka, Ks 66614
1-866-377-9250 Toll-Free Fax

Michelle Aenk ★★★★★

Five Star Real Estate Professional
Associate Broker & Realtor ®
(785) 221-9276 Cell/Text
MichelleAenk@gmail.com
www.MovingTopeka.com



August 3rd, 2021

To Whom it May Concern,

My name is Michelle Aenk, Associate Broker/Realtor at Realty Professionals of Topeka. I have been actively involved in the Topeka, KS real estate market for over 20 years.

Over the years, I have assisted many clients with newly construction homes and explaining specials and taxes, lending options, etc. Many of my real estate transactions have revolved around newly constructed homes, custom or model homes. Most of the developments I have assisted in sales and development in Topeka have had benefit districts created and the annual assessments have ranged from approximately \$1,500 to \$3,000 per year. Currently or recently sold;

Lauren's Bay Estates has specials in the amount of \$3,136 per year
Lauren's Bay Subdivision has specials in the amounts of \$3,059.03 per year
Greenwood Est 2 subdivision has specials in the amount of \$2,046.27 per year
Sterling Chase # 1 has \$1,329 specials per year
Misty Harbor Estates #5 has specials in the amount of \$1,597.22 per year
Rockfire at the Lake has specials in the amount of \$1,832 per year
Southboro #9 has specials in the amount of \$1,551.93
Stonecrest subdivision has specials in the amount of \$1,998 to \$2,181.94 per year
Timber Ridge subdivision has specials ranging in the amount of \$1,906 per year
Aquarian Acres subdivision has specials in the amount of \$1,598.78.
Sherwood Estates 63 subdivision has specials in the amount of \$2,205.08 per year.
Millers Reserve has specials in the amount of \$2,641 to \$3,305 per year

In my opinion, any development in Topeka area including Horseshoe Bend which may have special assessments of approximately \$1,809.40 per lot is within the range of other subdivisions mentioned above. I would expect normal sales activity for this area. This is based on having a fair economy and an average pool of buyers.

Please feel free to reach out with any questions.

Kind Regards,

MA

Michelle Aenk

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WHEREAS, the Governing Body of the City of Topeka, Kansas, is authorized to construct public improvements that confer a special benefit upon real property within a definable area of the City in accordance with K.S.A. 12-6a01 *et. seq.*, and to levy special assessments upon the benefited property to pay all or any part of the costs of making such improvements (“benefit district financing”); and

WHEREAS, the City entrusts its Benefit District Committee, comprised of City staff representing all departments involved in the benefit district process, to determine conformance with its benefit district policy, the level of completeness of benefit district petitions, and to provide recommendations to the Governing Body regarding proposed benefit districts; and

WHEREAS, the use of benefit district financing is discretionary with the City, and the Governing Body is under no obligation to approve any petitioned improvements, nor is it relinquishing its authority to initiate improvements by resolution as may be necessary to promote the general welfare of the community.

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

SECTION 1: GENERAL POLICIES. The following general policies and practices apply to benefit district financing in Topeka.

- a. Scope. Benefit districts shall only be considered for installation of public improvements owned and maintained by the City of Topeka. This policy applies to developers seeking improvement benefit districts for the purpose of creating subdivision improvements and does not apply to individual property owners or projects less than \$100,000.
- b. Creation. Benefit district improvement proceedings may be initiated by action of the Governing Body or in response to a petition. The Governing Body may initiate the creation of a benefit district for any improvement authorized by K.S.A. 12-6a01 *et seq.* pursuant to the notice and public hearing procedures set forth in K.S.A. 12-6a04. The Governing Body may initiate the creation of a benefit district for sanitary and/or

storm water sewer improvements without a petition or notice and public hearing, as set forth in K.S.A. 12-6a04.

c. Petition Information. Should a benefit district be initiated by petition, all benefit district petitions submitted for consideration shall contain the information required by K.S.A. 12-6a04 or K.S.A. 12-6a19 if applicable.

d. Costs and Methods of Assessment. Benefit district project costs shall include all required reports and studies, preliminary and final engineering, design, land acquisition, construction, inspection, financing, professional analysis, and administrative costs. Determination of all benefit district costs shall occur prior to construction of any benefit district improvements. All petitions for creation of a benefit district must utilize one of the following methods of assessment in accordance with K.S.A. 12-6a08.

1. Unit. If the assessments are to be determined by unit, the total number of lots included in the district will be assigned a number of units per lot. The total cost to be assessed is then divided by the total units. This figure multiplied by the number of units per lot or parcel would determine the assessment costs.
2. Frontage. If the assessments are to be determined by front foot along the improvement, the footage of each lot or parcel must be determined. The total cost to be assessed is then divided by the total footage to fix the amount per foot. This figure multiplied by the footage of the lot or parcel determines the assessment on the lot or parcel.
3. Area. If the assessments are to be determined according to area, the total number of square feet in the benefit district and the number of square feet of each lot and parcel must be determined. The total cost to be assessed divided by the total number of square feet of the district gives the charge per square foot. This amount multiplied by the square foot of a lot or parcel gives the assessment to be charged.
4. Value. If the assessments are to be determined according to appraised value or assessed value, the values of all the lots and parcels are added to get the total value of property within the benefit district. The total cost to be assessed divided by the total appraised or assessed value of the benefit district gives the amount to be paid per dollar value. This amount multiplied by the appraised or assessed value of each lot or parcel gives the amount of the assessment.
5. Other Method. If some other method is used, the assessment method must meet the standard of reasonableness. Examples of alternative assessment plans include determining the assessments according to zoning classifications or decreasing the assessment levels on the basis of proximity from the improvement on the theory that the land nearest to the improvement receives the greatest benefit from the improvement.

The Governing Body, upon the recommendation of the City's Benefit District Committee, may determine the proper method of assessment for a benefit district improvement.

- e. Petitions. The City may facilitate new development by providing for the installation of public improvements upon submission of a sufficient petition of the property owners.
- f. Signatures of Owners. The City favors benefit districts that have the signature of 100% of the property owners within a proposed district and are funded 100% by the landowners in the proposed district. Pursuant to K.S.A. 12-6a01, the City at-large may, at its sole discretion, pay up to 95% of the benefit district cost. However, the City will, at its sole discretion, give preference to benefit district projects that either are funded entirely by the benefit district or by no more than 5% from the City at-large, subject to the limitations of the City's debt management policy and availability of funds allocated within the City's annual Capital Improvements Program ("CIP").
- g. Benefit District Committee. A Benefit District Committee comprised of the City Manager or their appointee, Finance Director, Planning Director, Public Works Director, Neighborhood Relations Director and the City Engineer, will meet to review and make recommendations to the Governing Body consistent with this policy.
- h. Maximum Term. General Obligation Bonds. Pursuant to K.S.A. 12-6a01 *et seq.*, the Governing Body may authorize the financing of benefit district improvements by the issuance of general obligation bonds to finance benefit district improvements. The general obligation bond term cannot exceed twenty (20) years. The Benefit District Committee shall review the impact of each proposed benefit district in light of the debt management policy.
- i. Maximum Term. Special Obligation Bonds. Pursuant to K.S.A. 12-6a01 *et. seq.*, the Governing Body may authorize the financing of benefit district improvements by the issuance of special obligation bonds to finance benefit district improvements. The special obligation bond term may extend up to twenty (20) years. The Benefit District Committee shall review the financial feasibility of each benefit district proposed to be financed by special obligation bonds.
- j. Financial Due Diligence. The Benefit District Committee will conduct due diligence on developer finances in order to ensure developers have the financial capacity and wherewithal to support the development. Financial due diligence will include:
 - 1. Delinquent Tax Obligations. Benefit district financing will not be approved if any signator to a petition has a financial interest in an existing development with delinquent tax obligations. All petitioners for new development (including anyone with a material ownership interest in the Developer's parent organization or any single purpose entity created for the subject development)

will be required to certify, under oath, that they have no financial interest in any property with delinquent special assessments, ad valorem taxes, or other federal or state tax liens anywhere within the State of Kansas.

2. Review of Finances. Developers desiring to create benefit districts for new housing developments shall be required to provide financial statements and shall be required to document ownership or control of the land. The City recognizes that many developments are constructed under single-purpose legal entities; the City requires financial statements to demonstrate the ability of the Developer, its single-purpose entity or any of its members or shareholders to complete the project as proposed and to make special assessment payments in full and on time, should development not materialize according to the development plan.
3. Special Assessment Monthly Payments. The developer shall provide a certification from a reputable real estate broker with knowledge of the Topeka market that the anticipated annual assessments for the development for which special assessments are granted are not inconsistent with assessments imposed on comparable properties in the market and will not materially impair the salability of the properties benefitted in the current real estate market.
4. Cost Benefit Analysis. A cost-benefit analysis shall be prepared by the Department of Finance to ensure that a public benefit exists for utilizing special assessment financing.

- k. Financial Sureties. Any petitioner requesting the creation of a benefit district shall pledge financial commitments guaranteeing payment of assessments levied to pay principal and interest on bonds issued for the improvement project. Financial guarantees shall be in place with the City prior to the construction contract being awarded. Financial guarantees shall equal at least 30% of the estimated costs of the project, except for items i through iii, which would require 20%.

1. A financial guarantee may consist of:
 - i. Cash
 - ii. Cashier's Check
 - iii. Escrow Account, held in trust for the City's benefit by a financial institution approved by the City in its sole discretion, funded with high quality securities approved at the discretion of the City's Director of Finance, where the principal balance along with the project interest is sufficient to satisfy the full amount of the guarantee.
 - iv. Irrevocable letter of credit for up to ten (10) years from a reputable bank, subject to the City's Director of Finance approval.
 - v. Surety bond. Surety bonds will be on a form approved by the City, from a company authorized to sell insurance in the State of Kansas, and have a rating of at least A – (excellent) from A&M Best. Developers will be responsible for costs incurred by the City to verify the rating for the proposed surety provider.

Project costs shall include, but not be limited to, engineering design, construction, inspection, temporary note interest (which will be calculated by the City), and the City's administrative cost in creating and administering the district. In the event that any special assessment is not paid when due, the financial guarantee will be applied by July 1 of each year to satisfy the principal and interest costs and any additional costs, such as penalties, occasioned by delinquent payment of the bonded public improvements.

Upon request of the developer, the financial guarantee shall be released on the following conditions:

1. Improvements on at least thirty (30%) of the properties (by lot) within the benefit district have been completed and issued an occupancy permit; or
2. The appraised value of improvements located within the benefit district is equal to seven (7) times the amount of the special assessments.

The Director of Finance or designee will approve the release, when the above conditions have been met and proof of evidence has been provided.

- l. Phase of Lots. In order to ensure orderly development and limit the potential of too many lots on the market at any given time, the maximum number will be 45 lots per development. Consideration also will be given to the accumulation of lots resulting from multiple benefit districts; and therefore, the City reserves the right to withhold approval of a benefit district if the lots created by said benefit district are anticipated to result in excess market supply. The City may give preference to the use of benefit districts as an incentive to support infill and redevelopment of existing neighborhoods in order to implement the goals and policies of the City's Land Use and Growth Management Plan.
- m. Termination. Benefit districts may be terminated by the Governing Body at the Governing Body's sole discretion at any time prior to the issuance of temporary notes in support of the project. Prior to termination, the Governing Body will endeavor to provide regular mail notice to all property owners within the district. The Governing Body may consider the following factors when considering whether to terminate a benefit district:
 1. Construction of the improvements described in the petition have not commenced within five (5) years after approval of the petition, or acquisition of all rights-of-way and/or easements necessary for construction of the improvements has not been secured within five (5) years of approval of the petition;
 2. Changes in ownership and/or land development patterns in the area have reduced or eliminated the need for the improvements described in the petition; and/or
 3. The City's share of the total costs to construct the improvements in the benefit area exceeds the amount described in the resolution creating the benefit district.

n. Development Agreement. Upon submission of a sufficient petition, which is approved by the Governing Body, a development agreement will be submitted acknowledging the terms of this policy by the developer.

o. Foreclosure. Properties with special assessments that are delinquent for a period of at least three years will be subject to a judicial tax foreclosure sale.

SECTION 2: COST DISTRIBUTION POLICIES.

a. Cost Distribution Policies for Streets.

1. Benefit district financing is allowable for the construction of arterial streets, collector streets and local streets in commercial or industrial developments and new residential developments.
2. All streets shall be designed in accordance with the City's technical design criteria for public improvements.
3. One hundred percent (100%) of the construction costs of local streets, including related drainage facilities and sidewalks, shall be funded by the developer or, if by benefit district, shall be assessed to property within the benefit district.
4. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the owners of property that benefits from such improvement but that was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, will be served by such improvement.
5. Pursuant to K.S.A. 12-692, the owner or owners or predecessors with title to all lots or tracts of land abutting upon any existing or proposed street or highway that have dedicated or conveyed property necessary for the opening, widening or extending of such street or highway, may, at the discretion of the Governing Body, be exempt, in whole or in part, from the payment of special assessment to pay the cost of acquiring land necessary for such opening, widening or extension from owners of lots or tracts of land abutting upon such existing or proposed street or highway and failing or refusing to dedicate or convey such property.

b. Cost Distribution Policies for Water Lines

1. Benefit district financing shall generally be limited to the construction or extension of water mains along arterial, collector and local streets within commercial and industrial developments.
2. Benefit districts shall not be established for the purpose of financing distribution or service line improvements in residential subdivisions.
3. Water main sizes shall be determined in accordance with the City's technical design criteria for public improvements.
4. Construction costs of all water mains up to and including 12" diameter shall be assessed 100% to the property within the benefit district. However, if water

demands caused by the development to be served by the benefit district or unique hydraulic or topographic conditions require construction of a distribution main in excess of 12" to meet building and fire codes, the Governing Body, at its sole discretion, may require all costs of the main in excess of 12" to be assessed and paid 100% by the benefit district.

5. When the City determines that a water transmission main in excess of the size determined in Subsection b. 4., above, is needed to benefit the overall water transmission system, construction costs shall be distributed so that property within the benefit district pays the cost equivalent of the required distribution main and the City-at-large pays the cost differential between the transmission and distribution sized main.
6. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the owners of property that benefits from such improvement but which was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, will be served by such improvement.

c. Cost Distribution Policies for Sanitary and Storm Sewers.

1. Benefit district financing is available for the construction or extension of sewer main and sub-main district lines, as well as lateral lines within commercial and industrial developments and new residential subdivisions.
2. Sanitary sewer mains shall be sized to carry flows from the ultimate tributary population in accordance with the City's technical design criteria for public improvements. At the discretion of the Governing Body, if improvements are required to downstream receiving sewers, the cost of paralleling or upsizing existing downstream sewer mains may be included in the benefit district.
3. Construction costs of all sanitary sewer improvements shall be assessed 100% to the property within the benefit district.
4. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the owners of property that benefits from such improvement but which was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, will be served by such improvement.

d. Cost Distribution Policies for Other Improvements.

In addition to the public improvements described above in this Section, the Governing Body may use benefit district financing for other types of public improvements as authorized by law. The Governing Body shall distribute the costs of these improvements to the benefit district in accordance with its determination of the special benefits accruing to the district from the improvement.

SECTION 3: FEES. City may charge up to 5% of the total costs of an improvement or the cost of work done by the City to reimburse for administration and supervision of the improvement by its employees.

310 SECTION 4: NOTICE. Except in the case of a benefit district petition proposed by a single
311 owner, the Governing Body shall notify all property owners within a proposed benefit district
312 that certain improvements have been proposed, and the date, time, and place the Governing Body
313 will consider authorizing said improvements. In the case of improvements proposed by petition,
314 the petitioner shall provide the City with a current mailing list of property owners within the
315 proposed benefit district, including those not signing the petition.

316
317 SECTION 5: AUTHORITY OF GOVERNING BODY. The Governing Body reserves the right
318 to deviate from any policy or practice set forth in this Resolution when it considers such action to
319 be in the best interests of the City.

320
321 SECTION 6: EFFECTIVE DATE. This Resolution shall take effect upon passage.

322
323 ADOPTED and APPROVED by the Governing Body on this 13th day of October, 2015.

324
325 CITY OF TOPEKA, KANSAS

326
327
328
329 _____
330 Larry E. Wolgast, Mayor

331 ATTEST:

332
333
334 _____
335 Brenda Younger, City Clerk

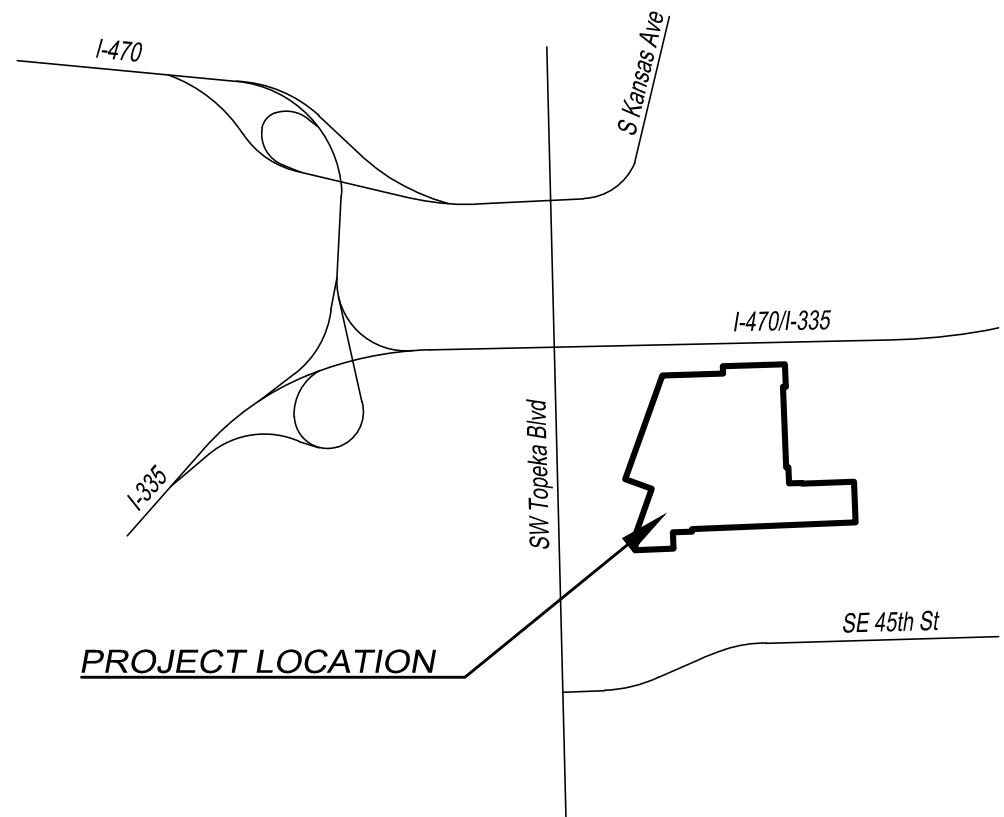
PRELIMINARY PLAT HORSESHOE BEND SUBDIVISION NO. 5

A REPLAT OF PART OF LOT 1, BLOCK A, LOTS 1, 2 AND 3, BLOCK B, PART OF LOT 3, BLOCK C; PART OF LOTS 1, 5, 6 AND 7, BLOCK F, LOT 1 AND PART OF LOT 2 AND 3, BLOCK G AND A PORTION OF SE TRUMAN AVENUE, SE 42ND STREET, SE 43RD STREET, SE 44TH STREET AND SE FREEMONT STREET, ALL IN HILLTOP SUBDIVISION NO. 2 AND LOTS 2, 3 AND 4, BLOCK E, GRAND OAKS SUBDIVISION, ALL IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

Horseshoe Bend No. 7

Horseshoe Bend No. 5 (Completed)

Horseshoe Bend No. 6



LOCATION MAP
NTS



Scale: 1" = 100'
0 100'

LEGEND

- P.A.E. Pedestrian Access Easement
U.E. Utility Easement
RW Right of Way
D.E. Drainage Easement
S.S.E. Sanitary Sewer Easement
Proposed Lot Number
Existing Sanitary Sewer Line
Existing Water Line
Proposed Stormwater Management Easement
Proposed Sanitary Sewer Line
Proposed Water Line

Description:

A replat of part of Lot 1, Block A, Lots 1, 2 and 3, Block B, part of Lot 3, Block C; part of Lots 1, 5, 6 and 7, Block F, Lot 1 and part of Lot 2 and 3, Block G and a portion of SE Truman Avenue, SE 42nd Street, SE 43rd Street, SE 44th Street and SE Freemont Street, all in Hilltop Subdivision No. 2 and Lots 2, 3 and 4, Block E, Grand Oaks Subdivision, all in the City of Topeka, Shawnee County, Kansas being more particularly described as follows: Beginning at the Southwest corner of Lot 1, Block A, Horseshoe Bend Subdivision No. 4; thence on an assumed bearing of S88°00'53"W, 788.81 feet; thence S20°00'45"W, 49.47 feet; thence S50°30'48"E, 186.43 feet; thence on a 160.00 foot radius curve left an arc distance of 115.46 feet, said curve bearing of S18°41'13"W, 112.97 feet; thence S01°59'07"E, 23.68 feet to the Northeast corner of Lot 1, Block E, Grand Oaks Subdivision; thence S88°00'53"W, 90.00 feet to the Northwest corner of said Lot 1; thence S01°59'07"E, 110.00 feet to the Southwest corner of said Lot 1; thence S88°00'53"W, 260.03 feet to the Southwest corner of said Lot 4, Block E, Grand Oaks Subdivision; thence N01°28'07"W along the West line of said Lot 4, being coincident with the Eastern right of line of SE Truman Avenue, 1.58 feet Measured, (1.49 feet Plat); thence continuing along said right of way line on a 120.00 foot radius curve right an arc distance of 44.99 feet, said curve having a long chord bearing of N09°16'19"E, 44.73 feet; thence continuing along said right of way line N20°00'45"E, 69.63 feet Measured (69.60 feet Plat); thence S88°00'53"W, 26.96 feet to the centerline of said SE Truman Avenue; thence N20°00'45"E along said centerline, 325.21 feet; thence N69°57'45"W, 191.46 feet Measured (191.35 feet Plat) to the Southwest corner of said Lot 1, Block G, Hilltop Subdivision No. 2; thence Northerly along the West line of said Lots 1 and 2, Block G, Hilltop Subdivision No. 2, N20°04'38"E, 744.68 feet Measured (744.76 feet Plat) to the Northwest corner of said Lot 2, Block G, Hilltop Subdivision No. 2; thence N88°33'53"E, 412.18 feet Measured (412.08 feet Plat); thence N01°26'07"W, 50.00 feet; thence N88°33'53"E, 418.51 feet Measured (419.98 feet Plat) to the Northwest corner of Lot 1, Block F, Horseshoe Bend Subdivision No. 2; thence S01°59'07"E, 151.95 feet Measured (152.05 feet Plat) to the Southwest corner of said Lot 1, Block F; thence S88°00'53"W, 20.61 feet; thence S01°59'07"E, along the West line of said Horseshoe Bend Subdivision No. 4, 545.18 feet; thence N88°00'53"E, 15.00 feet to the Northwest corner of Lot 1, Block A, Horseshoe Bend Subdivision No. 4; thence S01°59'07"E, 110.00 feet to the Point of Beginning. Containing 27.2 acres more or less.

General Notes:

- Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer, drainage or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access or egress of maintenance vehicles or equipment for the operation and maintenance of the utilities or pipe lines located in the easement. Any permanent or semi-permanent obstruction located in the permanent sewer or utility easement may be removed by personnel representing the governing body, to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement, cost of removal, and/or replacement shall be the responsibility of the property owner.
- Water service will be provided by City of Topeka Water Department. No building permits shall be issued until arrangements for the installation of water main and/or connection charges have been made with the City of Topeka Water Department.
- Sewer service is provided by City of Topeka public sanitary sewer system.
- Minimum opening elevations shall be 1 ft above the highest adjacent 100-year water surface elevation.
- No building permit(s) shall be issued until all Stormwater Management requirements set forth in the Topeka Municipal Code (TMC) are met including: approval of Stormwater Management Plan and granting of any necessary Stormwater Easements.
- All utilities shall be placed underground pursuant to the City's right-of-way management standards.
- All pedestrian access easements (P.A.E.) to be improved with a 4' wide public sidewalk at the time of construction of residences on the lots. The sidewalks along SE 44th Terrace and Truman Avenue adjacent with the "SME" lot "Tract A" shall be constructed by the developer at the time of street improvements.
- According to "FIRM" Map Community Panel Number 20177C0306E, effective September 29, 2011, this tract is in flood zone "X", areas determined to be outside the 0.2% annual chance flood plain.

Rev.	By	Date	Description
1	JEM	5/23/19	Planning Staff Comments
2	JEM	5/17/21	Added proposed utilities for the last phases of subdivision

PREPARED FOR:
RT Builders, LLC
2257 SW Romar Road
Topeka, Kansas 66614

Schmidt, Beck & Boyd
Engineering, LLC
1415 SW Topeka Boulevard
Topeka, Kansas 66612
Ph: (785) 215-0630 / www.sbbeng.com



SHEET TITLE: PRELIMINARY PLAT
PROJECT LOCATION: SE 43rd Street And SE Truman Street
Topeka, Kansas 66609

SBB Proj. No.:	19-048
Drawn by:	JEM
Checked by:	RS
Date:	5/22/2019
Drawn No.:	

AERIAL LOCATION MAP

PROJECT LOCATION

Horseshoe
Bend No. 7

Horseshoe
Bend No. 5
(Completed)

Horseshoe
Bend No. 6

SEC. 19, T12S, R16E

Horseshoe Bend
Subdivision #6 and #7



NOT TO SCALE

Date:

21-090

September 30, 2021



Schmidt, Beck & Boyd
Engineering, LLC

101 S Kansas Ave., Topeka, KS 66603
Ph: (785) 215-8630 www.sbbeng.com



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 12, 2021

DATE: October 12, 2021
CONTACT PERSON: Mark Schreiner, City Engineer; and Stephen Wade Administrative and Financial Services Director
DOCUMENT #:
SECOND PARTY/SUBJECT: Horseshoe Bend Subdivisions No. 6 and No. 7
PROJECT #: 601130.00
CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements
CIP PROJECT: Yes
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Brent Trout, authorizing Improvement Project No. T-601130.00 that provides for street improvements for Horseshoe Bend Subdivisions No. 6 and No. 7 as more specifically described herein.

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

(Approval would create a benefit district to provide street improvements, the cost of which would be assessed against the property owners in the district.)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to establish a benefit improvement district for street improvements in the Horseshoe Bend Subdivisions No. 6 and No. 7 which will be financed by the City through special assessment general obligation bonds.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution of advisability.

BACKGROUND:

The owner of the property located with the proposed Horseshoe Bend Subdivisions No. 6 and No. 7, RT Buildings (Raymond J Thurlow), has petitioned the Governing Body to establish a benefit district pursuant to K.S.A. 12-6a01. RT Builders owns 100% of the property within the proposed district.

The total cost is estimated at \$1,700,000 which will serve 59 lots. If the Governing Body establishes the district, construction will commence and, upon completion, special assessments covering the project cost will be imposed on the property owner(s) over the bond period of 20 years.

The Governing Body has previously approved two benefit districts for street improvements in the Horseshoe Bend subdivision.

Pursuant to the policy for considering the establishment of benefit districts, the benefit district committee met on Friday September 24, 2021, and approved the recommendation of this project to the Governing Body.

BUDGETARY IMPACT:

The projects within the proposed benefit improvement district have an estimated cost of \$1,700,000. The City of Topeka would finance the cost of the projects through special assessment general obligation bonds. The cost would be repaid through assessment on a unit basis for all lots which are included in the improvement district.

SOURCE OF FUNDING:

100% of the costs will be paid by the owners of the property within the improvement district.

ATTACHMENTS:

Description

Resolution - Street Imp. Project T-601130.00

Street Imp. Project T-601130.00 Petition (September 9, 2021)

Street Imp Project Budget T-601130.00

Combined Cost Benefit Analysis

Realtor Support Letter (August 3, 2021)

City Special Assessment Policy (Resolution No. 8726)

Preliminary Plat

Aerial Map

1 RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. ____

2
3 A RESOLUTION introduced by City Manager Brent Trout, authorizing
4 Improvement Project No. T-601130.00 that provides for street
5 improvements for Horseshoe Bend Subdivision No. 6 and No.
6 7 as more specifically described herein.
7

8 WHEREAS, the City Clerk has received a petition, pursuant to K.S.A. 12-6a04(c), as
9 amended, containing the signature of the property owner of 100% of the area in the
10 improvement district hereinafter described; and

11 WHEREAS, the property owner, having waived the notice and hearing requirements
12 of K.S.A. 12-6a04 and TMC 3.45, has agreed to pay all of the costs for the proposed
13 improvement which the property owner is requesting be constructed by the City.

14 NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of
15 Topeka, Kansas, that it finds Improvement Project No. T-601130.00, hereinafter described,
16 to be advisable and does hereby authorize and order said improvement to be made in
17 accordance with its findings as follows:

18 A. GENERAL NATURE OF IMPROVEMENT:

19
20 To construct paved street to serve 59 lots within Horseshoe Bend
21 Subdivision No. 6 and No. 7, along with concrete curb and gutters, storm
22 sewer structures, piping, and engineering and all other contingencies
23 required for a complete project.
24

25 B. PROPOSED IMPROVEMENT DISTRICT:

26
27 Horseshoe Bend No. 6

28 Lots 1 through 11, Block A
29 Lots 1 through 9, Block B
30 Lots 1 through 4, Block C
31 Lots 1 through 4, Block D
32

33 Horseshoe Bend No. 7

34 Lots 1 through 13, Block A
35 Lots 1 through 6, Block B
36 Lots 1 through 8, Block C
37 Lots 1 through 4, Block D
38

C. ESTIMATED OR PROBABLE COST:

\$1,700,000

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

D. PROPOSED METHOD OF ASSESSMENT:

On a unit basis for all lots which are included in the improvement district.
(59 lots)

E. APPORTIONMENT OF COSTS:

100% of the costs will be paid by the property owners within the Improvement District.

BE IT FURTHER RESOLVED THAT:

1. The City Clerk is directed to file a certified copy of this Resolution with the Register of Deeds.

2. Upon completion of the project described herein, the City Clerk is directed to provide all assessment notices in accordance with the provisions of K.S.A. 12- 6a09, as amended.

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

ADOPTED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

IMPROVEMENT PROJECT

PETITION

THE MAYOR AND COUNCILMEMBERS
City of Topeka

We, the undersigned owners of record of real estate located within the Improvement District legally described herein, do hereby respectfully petition for the following street improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, *et seq.*, as amended.

STREET IMPROVEMENT - PROJECT NO. T-601130.00

A. GENERAL NATURE OF IMPROVEMENT:

To construct paved street to serve 59 lots within Horseshoe Bend Subdivision No. 6 and Horseshoe Bend Subdivision No. 7, along with concrete curb and gutters, storm sewer structures, piping, and engineering and all other contingencies required for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

Horseshoe Bend Subdivision No. 6, City of Topeka, Shawnee County, Kansas

Lots 1 through 11, Block A;

Lots 1 through 9, Block B;

Lots 1 through 4, Block C;

Lots 1 through 4, Block D.

Horseshoe Bend Subdivision No. 7, City of Topeka, Shawnee County, Kansas

Lots 1 through 13, Block A;

Lots 1 through 6, Block B;

Lots 1 through 8, Block C;

Lots 1 through 4, Block D.

C. ESTIMATED OR PROBABLE COST:

\$1,700,000

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

D. METHOD OF ASSESSMENT:

Unit Basis.

E. APPORTIONMENT OF COSTS:

Costs are to be paid 100 percent by the owners of property within the Improvement District.

F. CERTIFICATION OF SIGNERS OF THE PETITION:

We understand, agree and certify:

- (i) That we own 100% of the property or properties included in the Improvement District; and
- (ii) That this Petition is one submitted pursuant to subsection (c) of K.S.A. 12-6a04, and amendments thereto; and
- (iii) That the proposed Improvement District does not include all properties which may be deemed to benefit from the proposed improvements; and
- (iv) That we may not withdraw our signature(s) from this Petition after the Governing Body commences consideration of this Petition or later than seven (7) days after such filing, whichever occurs first; and
- (v) That we are willing to pay the costs of the proposed improvements; and
- (vi) That we hereby waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. et seq. and Article 2 of TMC Chapter 3.45. Further we request that the City Council adopt a Resolution authorizing the above described improvement; and
- (vii) That the parcels of property contained within the Improvement District may not be altered by replatting or other means until assessments have been levied unless the developer submits a new Petition signed by all property owners with the changes or modifications to the parcels within the Improvement District. Provided, however, no new petition will be required if all owners of the parcel(s) to be altered provide the City Engineer written notice specifying the allocation of the project costs among the new parcels to be created through the replat. Said written notice of the allocation of project costs shall accompany the application for the replat and also shall be filed with the Register of Deeds and shall be a covenant running with the land and binding on the subsequent owners of said parcels; and
- (viii) That, in addition to the costs for the improvement, we will be responsible for paying all applicable rates, fees or charges for municipal services such as water, sanitary sewer or storm water management; and
- (ix) No signator to this petition has a financial interest in an existing development with delinquent tax obligations. (Resolution No. 8726); and
- (x) If the signator is a legal entity, no director, officer, or member of the entity has a financial interest in any property with delinquent special assessments, ad valorem/property taxes, or other federal or state tax liens anywhere within the State of Kansas (Resolution No. 8726); and
- (xi) That, if the property is not owned by an individual or individuals, we have disclosed the name of the company, partnership, trust corporation or other entity which owns the property along with our title, position or office, and we have been duly authorized to execute this Petition on behalf of the entity; and
- (xii) The signatories declare under penalty of perjury that the statements in this petition and certification are true and correct.

Name of Property Owner	Name, Title and Signature of Person Executing Petition	Legal Description of Property Owned	Date
RT Builders, LLC	Raymond J. Thralow managing member	Horseshoe Bend Subdivision No. 6 Lots 1 through 11, Block A; Lots 1 through 9, Block B; Lots 1 through 4, Block C; Lots 1 through 4, Block D. Horseshoe Bend Subdivision No. 7 Lots 1 through 13, Block A; Lots 1 through 6, Block B; Lots 1 through 8, Block C; Lots 1 through 4, Block D.	9/9/21

CERTIFICATION OF PERSON CARRYING PETITION AND WITNESSING SIGNATURES

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

9/9/2021
Date

[Signature]
Signature of Person Carrying Petition

CERTIFICATION OF DEVELOPER

I, the undersigned developer of record of real estate located within the Improvement District, hereby certify:

- (i) That I have reviewed the City's policy for special benefit districts in Resolution No. 8726 and will supply the information requested.
- (ii) That, as required by K.S.A. 12-6a20, I will notify, in writing, each and every purchaser of parcels of property within the Improvement District that the property is located in an improvement district and is subject to special assessments to pay for the Improvement; and
- (iii) That I will notify in writing each and every purchaser of parcels of property within the Improvement District that in addition to the costs for the Improvement, the property owners will be responsible for paying all applicable rates, fees or charges for municipal services such as water, sanitary sewer or storm water management.

9/9/21
Date

[Signature]
Signature

PROJECT BUDGET
Project No. (T-601130.00)
SBB Engineering Project No. 21-090

Horseshoe Bend Subdivision No. 6 and 7 Street Benefit District

LOCATION:

Horseshoe Bend Subdivision No. 6, City of Topeka, Shawnee County, Kansas (28 Lots)

Lots 1 through 11, Block A

Lots 1 through 9, Block B

Lots 1 through 4, Block C

Lots 1 through 4, Block D

Horseshoe Bend Subdivision No. 6, City of Topeka, Shawnee County, Kansas (31 Lots)

Lots 1 through 13, Block A

Lots 1 through 6, Block B

Lots 1 through 8, Block C

Lots 1 through 4, Block D

DESCRIPTION OF PROJECT:

To construct paved street to serve 59 lots within Horseshoe Bend Subdivision No. 6 and 7, along with concrete curb and gutters, storm sewer structures, piping, and engineering and all other contingencies required for a complete project.

SOURCE OF FUNDS:

Assessment District

COST ESTIMATE:

	City of Topeka	Other Funds	Total
Construction:	\$ 1,292,500		\$1,292,500
Design:	\$ 103,400		\$103,400
Geotech:	\$ 5,500		\$5,500
Utility Adjustments	\$ -		\$0
Project Services Fees;	\$ -		\$0
Construction Admin. & Inspection: (8%)	\$ 103,400		\$103,400
Construction Staking	\$ 25,000		\$25,000
Administrative Fees:			
Legal Dept. Admin. (3%)	\$ 38,775		\$38,775
Engineering Admin. (2%)	\$ 25,850		\$25,850
Right-of-Way Acquisition:	\$ -		\$0
Contingency amount: 3%	\$ 38,775		\$38,775
Interim Interest: 5%	\$ 64,625		\$64,625
	\$ -		\$0
Total:	\$1,697,825		\$1,697,825

PUBLIC HEARING:

PROJECT AUTHORITY:

a. Statutes:	KSA 12-6a01 Petition Project	Date
b. Ord.\Res. No.		
c. Improvement District:		
d. City at Large:		
e. Method of Assessment:	Unit Basis	

PROJECT ENGINEER:

SBB Engineering
101 S. Kansas Ave.
Topeka, KS 66603

Horseshoe Bend #6 & 7 Subdivision Cost Benefit Analysis - Street

Cost Benefit Analysis - Cost of Street Maintenance

This analysis assumes a 50-year cycle for regular preventative maintenance and major rehabilitation. Maintenance and rehabilitation is defined within the City of Topeka's Pavement Management Program. The subdivision has approximately **5,920** feet of street pavement with a total of **59** houses.

Total property tax revenue to the City of Topeka is estimated at **\$60,587 a year** with approximately **\$3,029,350** collected over 50 years.

The **annualized 50-year cycle cost** of maintaining the 5,920 feet of streets is **\$13,826**. The annualized street sweeping and winter treatment and snow removal cost is **\$1,568**. The **annualized total street maintenance cost is \$15,394**. The annual property tax revenue to the City of Topeka is **\$60,587** for a net annualized revenue of **\$45,193**.

The cost benefit analysis to maintain the streets over the course of 50 years demonstrates that the COT property tax revenue from the subdivision should be adequate.

Street Maintenance	Cost	Property Tax	Difference
Crack seal, surface seal, mill & overlay and replace curbs and ramps	13,826	60,587	46,761
Annual Street Maintenance	1,568		(1,568)
Total (Annualized)	15,394	60,587	45,193

Street Preventative Maintenance	Cost	Property Tax	Difference
Joint repairs, mill and overlay, signal repair/replace and full street replacement (Annualized)	6,748	16,720	9,972
Annual street sweeping, winter treatment/snow plowing (Annualized)	822	-	(822)
Total (Annualized)	7,570	16,720	9,150

Estimated Property Tax Impact from Issuing General Obligation Bonds

The developer has estimated that the total probable cost is \$1,375,000 for these improvements (these costs are not considered final). In some cases, the City has issued General Obligation Bonds to fund the initial costs when not paid at project completion by the Developer. This amount is added to the impacted property on their annual ad valorem property tax bill. If the entire \$1,375,000 was funded through General Obligation bonds, the average home owner would pay an estimated \$1,566 in annual special property tax associated with these improvements.

Horseshoe Bend No. 6 & 7 Subdivision Cost Benefit Analysis - Utilities

The assumed lifecycle for the **2,565** feet of new sewer line is 100 years. This development is a single-family residential subdivision with **56** lots. Future annual sewer utility revenue to the City of Topeka would be approximately **\$28,058** from this development. Future annual stormwater utility revenue to the City of Topeka would be approximately **\$4,092** from this development. The annualized operations cost for the 2,565 feet of sewer line is **\$3,043** and **\$12,376** of annualized replacement cost. The annualized operations cost for the 1,750 feet of stormwater line is **\$660** and **\$2,348** of annualized replacement cost.

The cost benefit analysis estimates that the annual costs to maintain and replace the wastewater and stormwater infrastructure over the course of 100 years respectively demonstrates that COT utility revenue from the development will cover the operations and replacement costs for those utilities.

Utility	Operations Cost	Replacement Cost	Revenue	Difference
Wastewater (Annualized)	3,043	12,376	28,058	12,639
Stormwater (Annualized)	660	2,348	4,092	1.085
Total (Annualized)	3,703	14,724	32,150	13,724

Estimated Property Tax Impact from Issuing General Obligation Bonds

The developer has estimated that the total probable cost is \$782,500 for these improvements (these costs are not considered final). In some cases, the City has issued General Obligation Bonds to fund the initial costs when they are not paid at project completion by the Developer. The associated cost of principal and interest is added to the impacted property on their annual ad valorem property tax bill. If the entire \$782,500 was funded through General Obligation bonds, the average home owner would pay an estimated \$891 in annual special property tax associated with these improvements.



2900 SW Wanamaker Dr, Suite 200
Topeka, Ks 66614
1-866-377-9250 Toll-Free Fax

Michelle Aenk ★★★★★

Five Star Real Estate Professional
Associate Broker & Realtor ®
(785) 221-9276 Cell/Text
MichelleAenk@gmail.com
www.MovingTopeka.com



August 3rd, 2021

To Whom it May Concern,

My name is Michelle Aenk, Associate Broker/Realtor at Realty Professionals of Topeka. I have been actively involved in the Topeka, KS real estate market for over 20 years.

Over the years, I have assisted many clients with newly construction homes and explaining specials and taxes, lending options, etc. Many of my real estate transactions have revolved around newly constructed homes, custom or model homes. Most of the developments I have assisted in sales and development in Topeka have had benefit districts created and the annual assessments have ranged from approximately \$1,500 to \$3,000 per year. Currently or recently sold;

Lauren's Bay Estates has specials in the amount of \$3,136 per year
Lauren's Bay Subdivision has specials in the amounts of \$3,059.03 per year
Greenwood Est 2 subdivision has specials in the amount of \$2,046.27 per year
Sterling Chase # 1 has \$1,329 specials per year
Misty Harbor Estates #5 has specials in the amount of \$1,597.22 per year
Rockfire at the Lake has specials in the amount of \$1,832 per year
Southboro #9 has specials in the amount of \$1,551.93
Stonecrest subdivision has specials in the amount of \$1,998 to \$2,181.94 per year
Timber Ridge subdivision has specials ranging in the amount of \$1,906 per year
Aquarian Acres subdivision has specials in the amount of \$1,598.78.
Sherwood Estates 63 subdivision has specials in the amount of \$2,205.08 per year.
Millers Reserve has specials in the amount of \$2,641 to \$3,305 per year

In my opinion, any development in Topeka area including Horseshoe Bend which may have special assessments of approximately \$1,809.40 per lot is within the range of other subdivisions mentioned above. I would expect normal sales activity for this area. This is based on having a fair economy and an average pool of buyers.

Please feel free to reach out with any questions.

Kind Regards,

MA

Michelle Aenk

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WHEREAS, the Governing Body of the City of Topeka, Kansas, is authorized to construct public improvements that confer a special benefit upon real property within a definable area of the City in accordance with K.S.A. 12-6a01 *et. seq.*, and to levy special assessments upon the benefited property to pay all or any part of the costs of making such improvements (“benefit district financing”); and

WHEREAS, the City entrusts its Benefit District Committee, comprised of City staff representing all departments involved in the benefit district process, to determine conformance with its benefit district policy, the level of completeness of benefit district petitions, and to provide recommendations to the Governing Body regarding proposed benefit districts; and

WHEREAS, the use of benefit district financing is discretionary with the City, and the Governing Body is under no obligation to approve any petitioned improvements, nor is it relinquishing its authority to initiate improvements by resolution as may be necessary to promote the general welfare of the community.

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

SECTION 1: GENERAL POLICIES. The following general policies and practices apply to benefit district financing in Topeka.

- a. Scope. Benefit districts shall only be considered for installation of public improvements owned and maintained by the City of Topeka. This policy applies to developers seeking improvement benefit districts for the purpose of creating subdivision improvements and does not apply to individual property owners or projects less than \$100,000.
- b. Creation. Benefit district improvement proceedings may be initiated by action of the Governing Body or in response to a petition. The Governing Body may initiate the creation of a benefit district for any improvement authorized by K.S.A. 12-6a01 *et seq.* pursuant to the notice and public hearing procedures set forth in K.S.A. 12-6a04. The Governing Body may initiate the creation of a benefit district for sanitary and/or

storm water sewer improvements without a petition or notice and public hearing, as set forth in K.S.A. 12-6a04.

c. Petition Information. Should a benefit district be initiated by petition, all benefit district petitions submitted for consideration shall contain the information required by K.S.A. 12-6a04 or K.S.A. 12-6a19 if applicable.

d. Costs and Methods of Assessment. Benefit district project costs shall include all required reports and studies, preliminary and final engineering, design, land acquisition, construction, inspection, financing, professional analysis, and administrative costs. Determination of all benefit district costs shall occur prior to construction of any benefit district improvements. All petitions for creation of a benefit district must utilize one of the following methods of assessment in accordance with K.S.A. 12-6a08.

1. Unit. If the assessments are to be determined by unit, the total number of lots included in the district will be assigned a number of units per lot. The total cost to be assessed is then divided by the total units. This figure multiplied by the number of units per lot or parcel would determine the assessment costs.
2. Frontage. If the assessments are to be determined by front foot along the improvement, the footage of each lot or parcel must be determined. The total cost to be assessed is then divided by the total footage to fix the amount per foot. This figure multiplied by the footage of the lot or parcel determines the assessment on the lot or parcel.
3. Area. If the assessments are to be determined according to area, the total number of square feet in the benefit district and the number of square feet of each lot and parcel must be determined. The total cost to be assessed divided by the total number of square feet of the district gives the charge per square foot. This amount multiplied by the square foot of a lot or parcel gives the assessment to be charged.
4. Value. If the assessments are to be determined according to appraised value or assessed value, the values of all the lots and parcels are added to get the total value of property within the benefit district. The total cost to be assessed divided by the total appraised or assessed value of the benefit district gives the amount to be paid per dollar value. This amount multiplied by the appraised or assessed value of each lot or parcel gives the amount of the assessment.
5. Other Method. If some other method is used, the assessment method must meet the standard of reasonableness. Examples of alternative assessment plans include determining the assessments according to zoning classifications or decreasing the assessment levels on the basis of proximity from the improvement on the theory that the land nearest to the improvement receives the greatest benefit from the improvement.

The Governing Body, upon the recommendation of the City's Benefit District Committee, may determine the proper method of assessment for a benefit district improvement.

- e. Petitions. The City may facilitate new development by providing for the installation of public improvements upon submission of a sufficient petition of the property owners.
- f. Signatures of Owners. The City favors benefit districts that have the signature of 100% of the property owners within a proposed district and are funded 100% by the landowners in the proposed district. Pursuant to K.S.A. 12-6a01, the City at-large may, at its sole discretion, pay up to 95% of the benefit district cost. However, the City will, at its sole discretion, give preference to benefit district projects that either are funded entirely by the benefit district or by no more than 5% from the City at-large, subject to the limitations of the City's debt management policy and availability of funds allocated within the City's annual Capital Improvements Program ("CIP").
- g. Benefit District Committee. A Benefit District Committee comprised of the City Manager or their appointee, Finance Director, Planning Director, Public Works Director, Neighborhood Relations Director and the City Engineer, will meet to review and make recommendations to the Governing Body consistent with this policy.
- h. Maximum Term. General Obligation Bonds. Pursuant to K.S.A. 12-6a01 *et seq.*, the Governing Body may authorize the financing of benefit district improvements by the issuance of general obligation bonds to finance benefit district improvements. The general obligation bond term cannot exceed twenty (20) years. The Benefit District Committee shall review the impact of each proposed benefit district in light of the debt management policy.
- i. Maximum Term. Special Obligation Bonds. Pursuant to K.S.A. 12-6a01 *et. seq.*, the Governing Body may authorize the financing of benefit district improvements by the issuance of special obligation bonds to finance benefit district improvements. The special obligation bond term may extend up to twenty (20) years. The Benefit District Committee shall review the financial feasibility of each benefit district proposed to be financed by special obligation bonds.
- j. Financial Due Diligence. The Benefit District Committee will conduct due diligence on developer finances in order to ensure developers have the financial capacity and wherewithal to support the development. Financial due diligence will include:
 - 1. Delinquent Tax Obligations. Benefit district financing will not be approved if any signator to a petition has a financial interest in an existing development with delinquent tax obligations. All petitioners for new development (including anyone with a material ownership interest in the Developer's parent organization or any single purpose entity created for the subject development)

will be required to certify, under oath, that they have no financial interest in any property with delinquent special assessments, ad valorem taxes, or other federal or state tax liens anywhere within the State of Kansas.

2. Review of Finances. Developers desiring to create benefit districts for new housing developments shall be required to provide financial statements and shall be required to document ownership or control of the land. The City recognizes that many developments are constructed under single-purpose legal entities; the City requires financial statements to demonstrate the ability of the Developer, its single-purpose entity or any of its members or shareholders to complete the project as proposed and to make special assessment payments in full and on time, should development not materialize according to the development plan.
3. Special Assessment Monthly Payments. The developer shall provide a certification from a reputable real estate broker with knowledge of the Topeka market that the anticipated annual assessments for the development for which special assessments are granted are not inconsistent with assessments imposed on comparable properties in the market and will not materially impair the salability of the properties benefitted in the current real estate market.
4. Cost Benefit Analysis. A cost-benefit analysis shall be prepared by the Department of Finance to ensure that a public benefit exists for utilizing special assessment financing.

- k. Financial Sureties. Any petitioner requesting the creation of a benefit district shall pledge financial commitments guaranteeing payment of assessments levied to pay principal and interest on bonds issued for the improvement project. Financial guarantees shall be in place with the City prior to the construction contract being awarded. Financial guarantees shall equal at least 30% of the estimated costs of the project, except for items i through iii, which would require 20%.

1. A financial guarantee may consist of:
 - i. Cash
 - ii. Cashier's Check
 - iii. Escrow Account, held in trust for the City's benefit by a financial institution approved by the City in its sole discretion, funded with high quality securities approved at the discretion of the City's Director of Finance, where the principal balance along with the project interest is sufficient to satisfy the full amount of the guarantee.
 - iv. Irrevocable letter of credit for up to ten (10) years from a reputable bank, subject to the City's Director of Finance approval.
 - v. Surety bond. Surety bonds will be on a form approved by the City, from a company authorized to sell insurance in the State of Kansas, and have a rating of at least A – (excellent) from A&M Best. Developers will be responsible for costs incurred by the City to verify the rating for the proposed surety provider.

Project costs shall include, but not be limited to, engineering design, construction, inspection, temporary note interest (which will be calculated by the City), and the City's administrative cost in creating and administering the district. In the event that any special assessment is not paid when due, the financial guarantee will be applied by July 1 of each year to satisfy the principal and interest costs and any additional costs, such as penalties, occasioned by delinquent payment of the bonded public improvements.

Upon request of the developer, the financial guarantee shall be released on the following conditions:

1. Improvements on at least thirty (30%) of the properties (by lot) within the benefit district have been completed and issued an occupancy permit; or
2. The appraised value of improvements located within the benefit district is equal to seven (7) times the amount of the special assessments.

The Director of Finance or designee will approve the release, when the above conditions have been met and proof of evidence has been provided.

- l. Phase of Lots. In order to ensure orderly development and limit the potential of too many lots on the market at any given time, the maximum number will be 45 lots per development. Consideration also will be given to the accumulation of lots resulting from multiple benefit districts; and therefore, the City reserves the right to withhold approval of a benefit district if the lots created by said benefit district are anticipated to result in excess market supply. The City may give preference to the use of benefit districts as an incentive to support infill and redevelopment of existing neighborhoods in order to implement the goals and policies of the City's Land Use and Growth Management Plan.
- m. Termination. Benefit districts may be terminated by the Governing Body at the Governing Body's sole discretion at any time prior to the issuance of temporary notes in support of the project. Prior to termination, the Governing Body will endeavor to provide regular mail notice to all property owners within the district. The Governing Body may consider the following factors when considering whether to terminate a benefit district:
 1. Construction of the improvements described in the petition have not commenced within five (5) years after approval of the petition, or acquisition of all rights-of-way and/or easements necessary for construction of the improvements has not been secured within five (5) years of approval of the petition;
 2. Changes in ownership and/or land development patterns in the area have reduced or eliminated the need for the improvements described in the petition; and/or
 3. The City's share of the total costs to construct the improvements in the benefit area exceeds the amount described in the resolution creating the benefit district.

n. Development Agreement. Upon submission of a sufficient petition, which is approved by the Governing Body, a development agreement will be submitted acknowledging the terms of this policy by the developer.

o. Foreclosure. Properties with special assessments that are delinquent for a period of at least three years will be subject to a judicial tax foreclosure sale.

SECTION 2: COST DISTRIBUTION POLICIES.

a. Cost Distribution Policies for Streets.

1. Benefit district financing is allowable for the construction of arterial streets, collector streets and local streets in commercial or industrial developments and new residential developments.
2. All streets shall be designed in accordance with the City's technical design criteria for public improvements.
3. One hundred percent (100%) of the construction costs of local streets, including related drainage facilities and sidewalks, shall be funded by the developer or, if by benefit district, shall be assessed to property within the benefit district.
4. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the owners of property that benefits from such improvement but that was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, will be served by such improvement.
5. Pursuant to K.S.A. 12-692, the owner or owners or predecessors with title to all lots or tracts of land abutting upon any existing or proposed street or highway that have dedicated or conveyed property necessary for the opening, widening or extending of such street or highway, may, at the discretion of the Governing Body, be exempt, in whole or in part, from the payment of special assessment to pay the cost of acquiring land necessary for such opening, widening or extension from owners of lots or tracts of land abutting upon such existing or proposed street or highway and failing or refusing to dedicate or convey such property.

b. Cost Distribution Policies for Water Lines

1. Benefit district financing shall generally be limited to the construction or extension of water mains along arterial, collector and local streets within commercial and industrial developments.
2. Benefit districts shall not be established for the purpose of financing distribution or service line improvements in residential subdivisions.
3. Water main sizes shall be determined in accordance with the City's technical design criteria for public improvements.
4. Construction costs of all water mains up to and including 12" diameter shall be assessed 100% to the property within the benefit district. However, if water

demands caused by the development to be served by the benefit district or unique hydraulic or topographic conditions require construction of a distribution main in excess of 12" to meet building and fire codes, the Governing Body, at its sole discretion, may require all costs of the main in excess of 12" to be assessed and paid 100% by the benefit district.

5. When the City determines that a water transmission main in excess of the size determined in Subsection b. 4., above, is needed to benefit the overall water transmission system, construction costs shall be distributed so that property within the benefit district pays the cost equivalent of the required distribution main and the City-at-large pays the cost differential between the transmission and distribution sized main.
6. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the owners of property that benefits from such improvement but which was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, will be served by such improvement.

c. Cost Distribution Policies for Sanitary and Storm Sewers.

1. Benefit district financing is available for the construction or extension of sewer main and sub-main district lines, as well as lateral lines within commercial and industrial developments and new residential subdivisions.
2. Sanitary sewer mains shall be sized to carry flows from the ultimate tributary population in accordance with the City's technical design criteria for public improvements. At the discretion of the Governing Body, if improvements are required to downstream receiving sewers, the cost of paralleling or upsizing existing downstream sewer mains may be included in the benefit district.
3. Construction costs of all sanitary sewer improvements shall be assessed 100% to the property within the benefit district.
4. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the owners of property that benefits from such improvement but which was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, will be served by such improvement.

d. Cost Distribution Policies for Other Improvements.

In addition to the public improvements described above in this Section, the Governing Body may use benefit district financing for other types of public improvements as authorized by law. The Governing Body shall distribute the costs of these improvements to the benefit district in accordance with its determination of the special benefits accruing to the district from the improvement.

SECTION 3: FEES. City may charge up to 5% of the total costs of an improvement or the cost of work done by the City to reimburse for administration and supervision of the improvement by its employees.

310 SECTION 4: NOTICE. Except in the case of a benefit district petition proposed by a single
311 owner, the Governing Body shall notify all property owners within a proposed benefit district
312 that certain improvements have been proposed, and the date, time, and place the Governing Body
313 will consider authorizing said improvements. In the case of improvements proposed by petition,
314 the petitioner shall provide the City with a current mailing list of property owners within the
315 proposed benefit district, including those not signing the petition.

316
317 SECTION 5: AUTHORITY OF GOVERNING BODY. The Governing Body reserves the right
318 to deviate from any policy or practice set forth in this Resolution when it considers such action to
319 be in the best interests of the City.

320
321 SECTION 6: EFFECTIVE DATE. This Resolution shall take effect upon passage.

322
323 ADOPTED and APPROVED by the Governing Body on this 13th day of October, 2015.

324
325 CITY OF TOPEKA, KANSAS

326
327
328
329 _____
330 Larry E. Wolgast, Mayor

331 ATTEST:

332
333
334 _____
335 Brenda Younger, City Clerk

PRELIMINARY PLAT

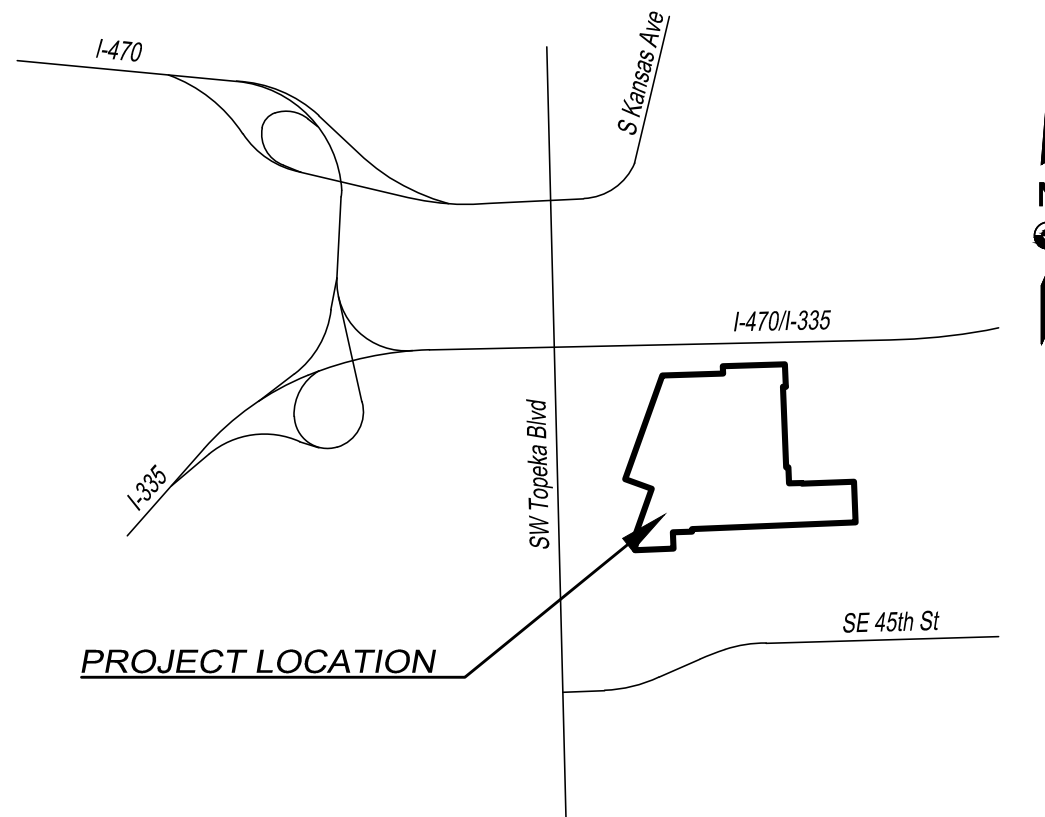
HORSESHOE BEND SUBDIVISION NO. 5

A REPLAT OF PART OF LOT 1, BLOCK A, LOTS 1, 2 AND 3, BLOCK B, PART OF LOT 3, BLOCK C; PART OF LOTS 1, 5, 6 AND 7, BLOCK F, LOT 1 AND PART OF LOT 2 AND 3, BLOCK G AND A PORTION OF SE TRUMAN AVENUE, SE 42ND STREET, SE 43RD STREET, SE 44TH STREET AND SE FREEMONT STREET, ALL IN HILLTOP SUBDIVISION NO. 2 AND LOTS 2, 3 AND 4, BLOCK E, GRAND OAKS SUBDIVISION, ALL IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

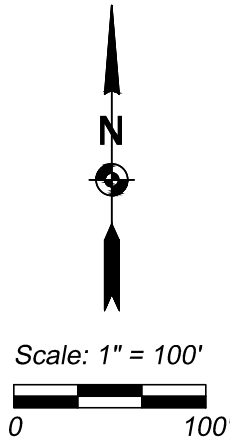
Horseshoe Bend No. 7

Horseshoe Bend No. 5 (Completed)

Horseshoe Bend No. 6



LOCATION MAP
NTS



LEGEND

- P.A.E. Pedestrian Access Easement
U.E. Utility Easement
RW Right of Way
D.E. Drainage Easement
S.S.E. Sanitary Sewer Easement
③ Proposed Lot Number
— Existing Sanitary Sewer Line
— Existing Water Line
— Proposed Stormwater Management Easement
— Proposed Sanitary Sewer Line
— Proposed Water Line

Description:

A replat of part of Lot 1, Block A, Lots 1, 2 and 3, Block B, part of Lot 3, Block C; part of Lots 1, 5, 6 and 7, Block F, Lot 1 and part of Lot 2 and 3, Block G and a portion of SE Truman Avenue, SE 42nd Street, SE 43rd Street, SE 44th Street and SE Freemont Street, all in Hilltop Subdivision No. 2 and Lots 2, 3 and 4, Block E, Grand Oaks Subdivision, all in the City of Topeka, Shawnee County, Kansas being more particularly described as follows: Beginning at the Southwest corner of Lot 1, Block A, Horseshoe Bend Subdivision No. 4; thence on an assumed bearing of S88°00'53"W, 788.81 feet; thence S20°00'45"W, 49.47 feet; thence S50°30'48"E, 186.43 feet; thence on a 160.00 foot radius curve left an arc distance of 115.46 feet, said curve bearing of S18°41'13"W, 112.97 feet; thence S01°59'07"E, 23.68 feet to the Northeast corner of Lot 1, Block E, Grand Oaks Subdivision; thence S88°00'53"W, 90.00 feet to the Northwest corner of said Lot 1; thence S01°59'07"E, 110.00 feet to the Southwest corner of said Lot 1; thence S88°00'53"W, 260.03 feet to the Southwest corner of said Lot 4, Block E, Grand Oaks Subdivision; thence N01°28'07"W along the West line of said Lot 4, being coincident with the Eastern right of line of SE Truman Avenue, 1.58 feet Measured, (1.49 feet Plat); thence continuing along said right of way line on a 120.00 foot radius curve right an arc distance of 44.99 feet, said curve having a long chord bearing of N09°16'19"E, 44.73 feet; thence continuing along said right of way line N20°00'45"E, 69.63 feet Measured (69.60 feet Plat); thence S88°00'53"W, 26.96 feet to the centerline of said SE Truman Avenue; thence N20°00'45"E along said centerline, 325.21 feet; thence N69°57'45"W, 191.46 feet Measured (191.35 feet Plat) to the Southwest corner of said Lot 1, Block G, Hilltop Subdivision No. 2; thence Northerly along the West line of said Lots 1 and 2, Block G, Hilltop Subdivision No. 2, N20°04'38"E, 744.68 feet Measured (744.76 feet Plat) to the Northwest corner of said Lot 2, Block G, Hilltop Subdivision No. 2; thence N88°33'53"E, 412.18 feet Measured (412.08 feet Plat); thence N01°26'07"W, 50.00 feet; thence N88°33'53"E, 418.51 feet Measured (419.98 feet Plat) to the Northwest corner of Lot 1, Block F, Horseshoe Bend Subdivision No. 4; thence S01°59'07"E, 151.95 feet Measured (152.05 feet Plat) to the Southwest corner of said Lot 1, Block F; thence S88°00'53"W, 20.61 feet; thence S01°59'07"E, along the West line of said Horseshoe Bend Subdivision No. 4, 545.18 feet; thence N88°00'53"E, 15.00 feet to the Northwest corner of Lot 1, Block A, Horseshoe Bend Subdivision No. 4; thence S01°59'07"E, 110.00 feet to the Point of Beginning. Containing 27.2 acres more or less.

General Notes:

- Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer, drainage or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access or egress of maintenance vehicles or equipment for the operation and maintenance of the utilities or pipe lines located in the easement. Any permanent or semi-permanent obstruction located in the permanent sewer or utility easement may be removed by personnel representing the governing body, to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement, cost of removal, and/or replacement shall be the responsibility of the property owner.
- Water service will be provided by City of Topeka Water Department. No building permits shall be issued until arrangements for the installation of water main and/or connection charges have been made with the City of Topeka Water Department.
- Sewer service is provided by City of Topeka public sanitary sewer system.
- Minimum opening elevations shall be 1 ft above the highest adjacent 100-year water surface elevation.
- No building permit(s) shall be issued until all Stormwater Management requirements set forth in the Topeka Municipal Code (TMC) are met including: approval of Stormwater Management Plan and granting of any necessary Stormwater Easements.
- All utilities shall be placed underground pursuant to the City's right-of-way management standards.
- All pedestrian access easements (P.A.E.) to be improved with a 4' wide public sidewalk at the time of construction of residences on the lots. The sidewalks along SE 44th Terrace and Truman Avenue adjacent with the "SME" lot "Tract A" shall be constructed by the developer at the time of street improvements.
- According to "FIRM" Map Community Panel Number 20177C0306E, effective September 29, 2011, this tract is in flood zone "X", areas determined to be outside the 0.2% annual chance flood plain.

Rev.	By	Date	Description
1	JEM	5/23/19	Planning Staff Comments
2	JEM	5/17/21	Added proposed utilities for the last phases of subdivision

PREPARED FOR:
RT Builders, LLC
2257 SW Romar Road
Topeka, Kansas 66614

Schmidt, Beck & Boyd
Engineering, LLC
1415 SW Topeka Boulevard
Topeka, Kansas 66612
Ph: (785) 215-0630 / www.sbbeng.com



SHEET TITLE
PRELIMINARY PLAT

PROJECT LOCATION:
SE 43rd Street And SE Truman Street
Topeka, Kansas 66609

SBB Proj. No.: 19-048
Drawn by: JEM
Checked by: RS
Date: 5/22/2019
Drawing No.:

Sh. 1 of 1

AERIAL LOCATION MAP

PROJECT LOCATION

Horseshoe
Bend No. 7

Horseshoe
Bend No. 5
(Completed)

Horseshoe
Bend No. 6

SEC. 19, T12S, R16E

Horseshoe Bend
Subdivision #6 and #7



NOT TO SCALE

Date:

21-090

September 30, 2021



Schmidt, Beck & Boyd
Engineering, LLC

101 S Kansas Ave., Topeka, KS 66603
Ph: (785) 215-8630 www.sbbeng.com



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 12, 2021

DATE: October 12, 2021
CONTACT PERSON: Bill Fiander - Planning and Development Director DOCUMENT #:
SECOND PARTY/SUBJECT: Neighborhood Revitalization Program PROJECT #:
2022 - 2024
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 06-08-21. JOURNAL #:
Set Public Hearing Date
09-21-21.
PAGE #:

DOCUMENT DESCRIPTION:

PUBLIC HEARING and ORDINANCE introduced by City Manager Brent Trout establishing a neighborhood revitalization area, adopting a neighborhood revitalization plan, and authorizing the city manager to execute an interlocal cooperation agreement with other municipalities pursuant to the Neighborhood Revitalization Act, K.S.A. 12-17,114 et seq.

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

(Approval would renew the City's Neighborhood Revitalization Plan through December 31, 2024.)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

The current Neighborhood Revitalization Plan (NRP) is set to expire on December 31, 2021. The NRP boundary is based on the recently updated 2020 Neighborhood Health Map. Future NRP renewals should occur every three years in sync with the update of the Health Map.

Other taxing entities that participate in the NRP through an interlocal agreement include Unified School Districts 345, 450, 437 and 501; the Shawnee County Board of Commissioners; Topeka Metropolitan Transit Authority (TMTA); Metropolitan Topeka Airport Authority (MTAA); Topeka and Shawnee County Public Library, and

Washburn University.

Each of the taxing entities will also have to approve the renewal of the current NRP program and sign a revised interlocal agreement.

STAFF RECOMMENDATION:

Staff recommends the Governing Body hold the public hearing and move to adopt the ordinance.

BACKGROUND:

Topeka's Neighborhood Revitalization Plan began in 1994. The State of Kansas authorized the program through the Neighborhood Revitalization Act. Topeka was the first city in Kansas to adopt a local plan.

All taxing entities participate with an interlocal agreement. Staff met with all potential participation tax entities this summer including: Unified School Districts 345, 437, 450, and 501; the Shawnee County Board of Commissioners; Topeka Metropolitan Transit Authority (TMTA); Metropolitan Topeka Airport Authority (MTAA); Topeka and Shawnee County Public Library and Washburn University. There have been 8 plan renewals. The current plan expires on December 31, 2021.

The current program (2019 - 2021) rebates 95% of the new property taxes for the first 5 years and 50% for years 6 through 10. Intensive Care, Historic properties, and new residential units are eligible for a 95% rebate for 10 years. Applicants have 60 days to apply and up to 1-year to show prior intent if they miss the 60-day deadline. The current boundary contains 14.31 square miles (23% of city). The proposed boundary (2019 - 2021) contains 13.31 square miles (21% of the city).

Recommended changes to the plan include

- A revised boundary to align with the 2020 Health Map's Intensive Care and At Risk areas,
- Transfer of the remaining NRP funds into the Housing Trust Fund,
- Option of an extended rebate period within Tax Increment Finance (TIF) areas (up to 20 years) for significant residential developments,
- Inclusion of the Menninger Clock Tower building, and
- Inclusion of three properties in SE Cyprus and SE 21st area that have started multi-phase developments.

Program Highlights:

- Approximately \$464 million of private investment (1995 - 2021)
- Approximately \$53.5 million of total rebates paid (1996 - 2021)
- Approximately \$149 million invested in the Downtown area (1995 - 2021)
- Approximately \$29.6 million of new tax generated (2006 - 2021) For every dollar rebated by the program \$8.2 is invested

BUDGETARY IMPACT:

Although the City will defer collection on 50-95% of the new property tax generated over a 10-year period, the City will expect to gain additional tax revenue from the increased property value that it had not been realizing within 5-10 years after the improvement.

SOURCE OF FUNDING:

Rebates are funded from each taxing entities share of ad valorem taxes

ATTACHMENTS:

Description

Ordinance

Public Hearing Notice (Resolution 9264)

NRP 2022-24 Plan Draft

NRP 2022-24 Map

NRP Infographic

NRP 2019-21 Investment Map

NRP 2019-21 Applications

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Brent Trout establishing a
6 neighborhood revitalization area, adopting a neighborhood
7 revitalization plan, and authorizing the city manager to execute an
8 interlocal cooperation agreement with other municipalities pursuant
9 to the Neighborhood Revitalization Act, K.S.A. 12-17,114 et seq.
10

11 WHEREAS, pursuant to K.S.A. 12-17,114 et seq., as amended (“the Act”), the
12 governing body of any municipality may designate areas as a neighborhood
13 revitalization area if the rehabilitation, conservation or redevelopment of the area is
14 necessary to protect the public health, safety or welfare of the residents; and

15 WHEREAS, the governing body may declare a building outside of a
16 neighborhood revitalization area to be a dilapidated structure if the structure meets the
17 requirements in K.S.A. 12-17,115(a); and

18 WHEREAS, the City of Topeka (“City”) desires to establish a neighborhood
19 revitalization area (“Area”) and adopt a neighborhood revitalization plan (“Plan”) which
20 includes designating the Menninger Clock Tower as a dilapidated structure in
21 accordance with the Act; and

22 WHEREAS, the City, pursuant to Resolution No. 9264, adopted September 21,
23 2021, gave notice that it is considering adopting a Plan and the Governing Body has
24 conducted a public hearing, as required by K.S.A. 12-17,117 (c); and

25 WHEREAS, the Governing Body finds that one or more of the conditions
26 identified in K.S.A. 12-17,115(c) exists within the Area; and

WHEREAS, the Governing Body finds that the Menninger Clock Tower located at 5800 SW 6th meets the conditions of a dilapidated structure as defined in K.S.A. 12-17,115(a); and

WHEREAS, the Governing Body desires to adopt a Plan for the revitalization of the Area and the Menninger Clock Tower; and

WHEREAS, the Act authorizes two or more municipalities to enter into an interlocal cooperation agreement to exercise the power and duties authorized by the Act; and

WHEREAS, the municipalities will execute such an agreement, which shall be substantially similar to Attachment B.

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

Section 1. **Eligible Area.** The Governing Body finds that the Area identified in the Plan is an eligible area as defined in K.S.A. 12-17,115(c).

Section 2. **Menninger Clock Tower.** The Governing Body finds that the Menninger Clock Tower at 5800 SW 6th Avenue meets the conditions of a dilapidated structure as defined in K.S.A. 12-17,115(a) and designates the building as such.

Section 3. **Findings.** The rehabilitation, conservation or redevelopment of the Area is necessary to protect the public health, safety or welfare of the residents of the City.

Section 4. **Adoption of Neighborhood Revitalization Plan; Inclusion of Menninger Clock Tower.** The Plan, attached hereto as Attachment A and incorporated by reference, is hereby approved and adopted.

Section 5. **Interlocal Cooperation Agreement.** The Governing Body approves and authorizes the city manager to execute the interlocal cooperation agreement, attached hereto as Attachment B, and incorporated by reference.

Section 6. **Notification.** The City Clerk is directed to mail a copy of this ordinance and its attachments to the following: (1) the superintendents for Unified School Districts Nos. 345 (Seaman), 437 (Auburn-Washburn) 450 (Shawnee Heights), and 501 (Topeka); (2) the Shawnee County Clerk; (3) the general manager for the Topeka Metro Transit Authority; (4) the president of the Metropolitan Topeka Airport Authority; (5) the chief executive officer of the Topeka & Shawnee County Library; and (5) the president of Washburn University.

Section 7. **Effective date.** This Ordinance shall take effect and be in force after its passage, approval and publication in the official City newspaper.

Passed and approved by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

ATTACHMENT A (Neighborhood Revitalization Plan – 2022-2024)

ATTACHMENT B (Interlocal Cooperation Agreement)

Ordinance/NRP(2022-2024)

10/12/2021

DRAFT



2022-2024

City of Topeka, Kansas

Effective January 1, 2022

ADOPTED BY THE CITY OF TOPEKA GIVERNING BODY:

ENTER DATE

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Introduction

This Plan is intended to promote the revitalization of the inner urban area hereinafter described as the Neighborhood Revitalization Area (NRA) of the City of Topeka through the rehabilitation, conservation and redevelopment of the area in order to protect the public health, safety welfare of the residents of the City. More specifically, in accordance with KSA 12-17, 118 (d), a tax rebate incentive will be available to property owners for certain improvements that raise the appraised value of residential property 10% and commercial property 20%.

In accordance with KSA 12-17, 114 et. seq., the Governing Body has held a public hearing and considered the existing conditions and alternatives with respect to the described area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units (City of Topeka, Shawnee County, USD 501 (Topeka), USD 345 (Seaman), USD 450 (Shawnee Heights), USD 437 (Auburn-Washburn Rural), Washburn University, Topeka-Shawnee County Public Library, Topeka Metropolitan Transit Authority (TMTA), Metropolitan Topeka Airport Authority (MTAA). Accordingly, the Governing Body has reviewed, evaluated, and found that the described area meets one or more of the conditions contained in KSA 12-17,115 (c).

1. An area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare;
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

Furthermore, the Governing Body may declare a building outside of a NRA to be a “dilapidated structure” if the structure satisfies the following definition KSA 12-17,115(a): “Dilapidated structure” means a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worthy of preservation.

The boundary of the proposed NRA is intended to reflect the City’s most investment-challenged and deteriorated areas as determined by the City’s Neighborhood Health Map. The NRA includes all designated “Intensive Care” and “At Risk” Census block groups based on the most recent update of the health map in 2017. These areas are deemed to qualify under all of the above criteria (KSA 12-17, 115 (c)).

In addition, some parts of the proposed NRA are outside At Risk/Intensive Care designations. Those areas are included because they either: 1) have been historically “At Risk” since 2000, 2) are part of infill subdivisions or redevelopment areas that were dependent upon and approved under the City’s past Neighborhood Revitalization Plans, 3) are part of minor boundary rounding to make the NRA as contiguous and orderly as possible, or 4) otherwise would qualify under the above criteria (KSA 12-17, 115 (c)). Taken as a whole, the proposed NRA meets legislative and statutory intent of KSA 12-17, 115 (c).

Any boundary expansions should be consistent with the above criteria and the State’s Attorney General’s opinion issued in 1996 which determined that the intent of the legislation was aimed at neighborhood stabilization and preventing deterioration in the central section of the city or more specifically, neighborhoods. The opinion concludes that the governing body must make a finding that the area meets one of the conditions listed in KSA 12-17, 115 (c), that rehabilitation of the

area is necessary to protect the welfare of the municipalities' residents, and that the area should not include the entire municipality.

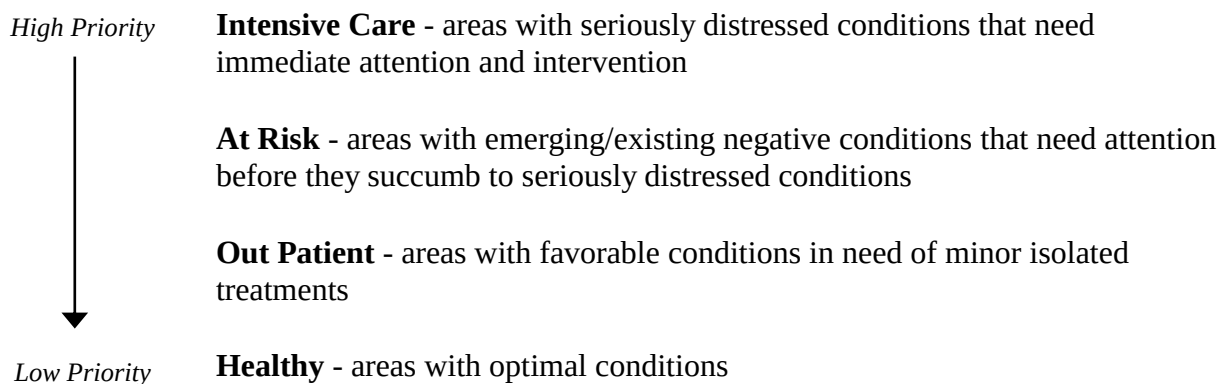
As a matter of policy, the City of Topeka's NRA is also proposed to be limited in scope to the above areas in order to promote a streamlined and administrative "but for" policy. The inherent presumption of this Plan is that necessary private investments would not occur in these areas "but for" the incentives offered under the Plan. Incentives are approved administratively by City of Topeka staff upon application by the property owner without further proof of need for the incentives. In order to enforce this assumption, the Plan puts forth thresholds for application deadlines to ensure the applicant knew about the program prior to construction and that the investment must create an impactful value increase.

Therefore, this Plan finds the proposed areas are most legally justifiable under State law and provides for a streamlined "but for" test to revitalize the City's most deteriorated sections.

PART 1

DESCRIPTION OF NEIGHBORHOOD REVITALIZATION AREA

The Neighborhood Revitalization Area (Map #1) in general follows the boundaries of *Intensive Care* and *At Risk* neighborhoods as identified in the City of Topeka Neighborhood Health Map. This map most recently updated in 2017, establishes four (4) health classifications for neighborhoods (intensive care, at risk, out patient, and healthy) to determine priorities for re-investment and planning assistance. They are described below in order of priority:



The four health classifications were based on five (5) vital signs that measured the relative health of all neighborhood areas in Topeka. This neighborhood health assessment was used to develop a “triage” approach to revitalization. Those areas that had more “life-threatening” or urgent needs as measured by the vital signs should receive higher priority for treatment over those areas with less urgent needs. These higher priority areas (*intensive care/at risk*) are the focus for neighborhood planning efforts and public re-investment. A summary of the vital signs include:

Poverty (2015-2019 American Community Survey 5-Year Estimates, U.S Census) - High concentrations of poverty are one of the most reliable indicators of performance in school, crime rates, family fragmentation, job readiness, housing conditions, etc.

Public Safety (January 2019 – December 2020, Topeka Police Dept.) – Public Safety, as measured by number of Part 1 crimes reported for the last two full years, is a symptom indicating the local environmental conditions conducive to crime and how well a neighborhood is organized to prevent crime from occurring.

Residential Property Values (April 2020, Shawnee County Appraisers Office) – Property values are in part a reflection of the quality of housing supply and the image of a neighborhood. The median value of a house purchased in Shawnee County was \$122,000 in 2018 (Topeka Association of Realtors).

Single Family Housing Tenure (April 2020 Shawnee County Appraisers Office)

The percentage of homeowners residing in a neighborhood can be an indication of the willingness (or confidence) to invest in the area. The most relevant measure of this is how many single-family dwellings are owner-occupied since these homes were primarily built for individual ownership.

Secured Houses & Unsafe Structures (2020 City of Topeka Special Structures Unit) - A secured house is one of the most evident physical displays that will undermine confidence in an area for investment and precipitates a downward spiral for the block and/or neighborhood.

Vital Sign Ranges (2021)

Neighborhood Health Composite (avg. score)	% of Persons Below Poverty Level (score)	Part 1 Crimes per 100 Persons (score)	Average Residential Property Values (score)	% Owner Occupied Housing Units (score)	Number of Secured and Unsafe Structures Per 100 Properties (score)
Healthy (3.3 - 4.0)	2020: 0 - 9% (4)	0 - 12 (4)	2020: \$111,872 and ↑ (4)	70 - 100% (4)	2020: 0 - .25 (4)
Out Patient (2.7 - 3.2)	2020: 10 - 18% (3)	13 - 18 (3)	2020: \$72,694 - \$111,871 (3)	50 - 69% (3)	2020: 0.26 - 0.75 (3)
At Risk (1.9 - 2.6)	2020: 19 - 30% (2)	19 - 28 (2)	2020: \$43,195 - \$72,693 (2)	34 - 49% (2)	2020: 0.76 - 1.75 (2)
Intensive Care (1.0 - 1.8)	2020: 31 - 100% (1)	29 + (1)	2020: \$43,194 and ↓ (1)	0 - 33% (1)	2020: 1.76 and ↑ (1)

Area Profile

Health rankings are determined by averaging all vital sign levels for each neighborhood area. *Intensive care* and *at risk* neighborhoods have the lowest vital sign measurements, and hence are the primary focus of the Neighborhood Revitalization (NR) Area. Below is a comparison profile of the NR Area and non-NR Area

Total Primary Neighborhood Revitalization Area 2020

Health Rating	Part 1 Crimes per 100 persons	% of Persons Below Poverty Level	% Owner Occupied Single Family Housing units	Secured & Unsafe Structures	Average Residential Property Values
Intensive Care	34	36%	40.1%	1.81	\$43,094
At Risk	16	23.5%	48.6%	1.22	\$63,667
Out Patient	15	11.3%	52.5%	0.4	\$63,765
Total Primary NR Area	20	24.2%	47.3%	1.21	\$58,813

Total Non Neighborhood Revitalization Area 2020

Health Rating	Part 1 Crimes per 100 persons	% of Persons Below Poverty Level	% Owner Occupied Single Family Housing units	Secured & Unsafe Structures	Average Residential Property Values
Out Patient	15	13%	59.30%	0.53	\$148,709
Healthy	6	8%	81.60%	0.14	\$221,810
Total Non NR Area	9	9.60%	74.3	0.26	\$198,380

General Characteristics 2020

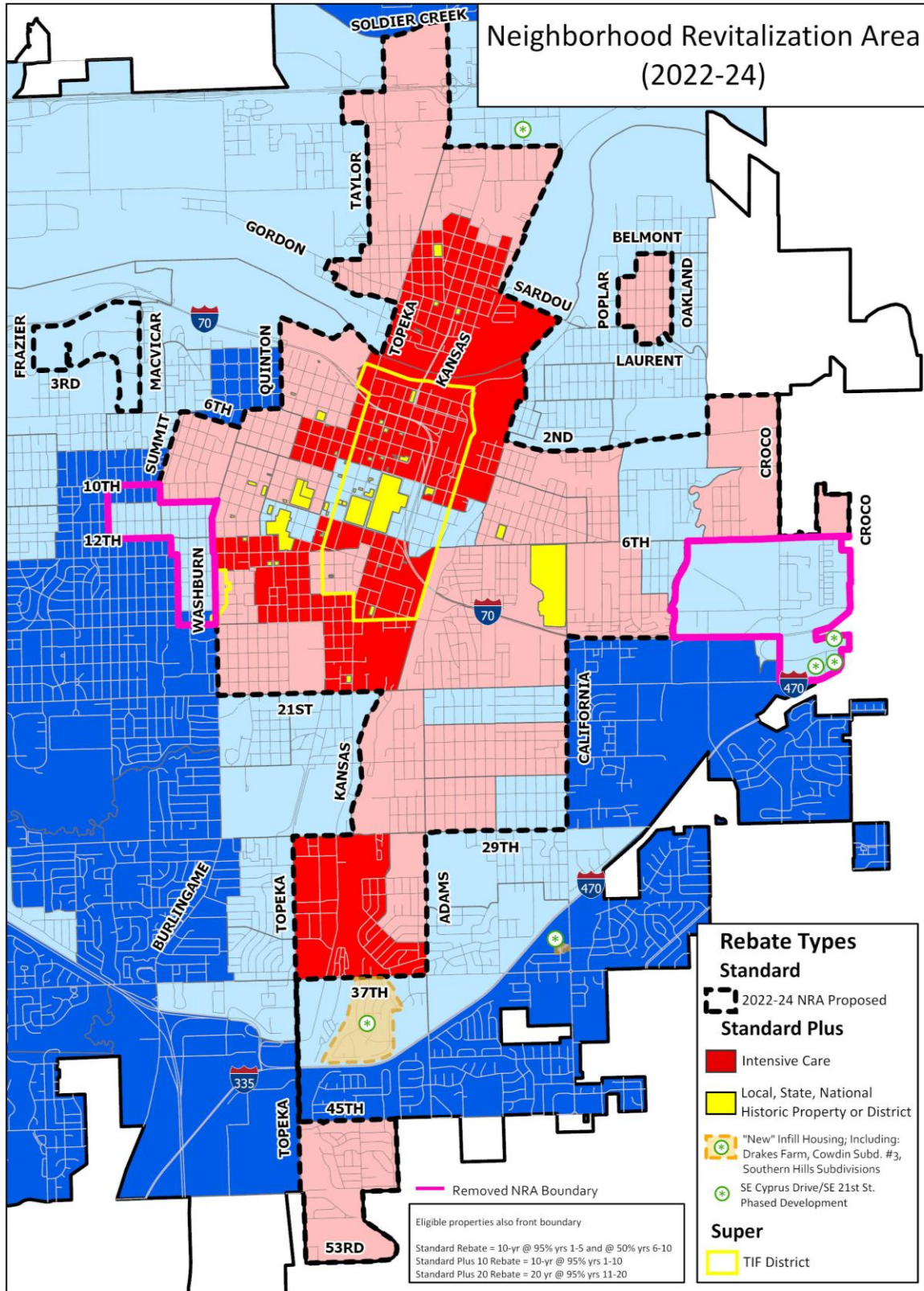
Area	Square Miles	% of Total	#of Parcels	% Total	Vacant Parcels	% Total
Intensive Care	3.6	6%	3,715	7.3%	592	14.1%
At Risk	7.8	12%	8,640	16.9%	1,305	31.0%
Out Patient	1.47	2%	1,731	3.4%	201	4.8%
Kanza/ USD 501	0.31	0%	27	0.1%	4	0.1%
Total NR AREA	13.2	21%	14,113	27.7%	2,102	49.9%
Non-NR Area	49.55	79%	36,895	72.3%	2,111	50.1%
Total (All Topeka)	62.75	100%	51,008	100%	4,213	100.0%

General Characteristics 2020

Area	2019 Population	% of Total	Total Housing Units (2015 - 2019 ACS)	% of Total	Real Property Valuation (2020)	% of Total
Intensive Care (Primary)	6,071	4.8%	3,143	4.7%	\$467,668,280	5.2%
At Risk (Primary)	20,807	16.5%	9,938	14.8%	\$972,567,170	10.8%
Out Patient (Primary)	6,773	5.4%	2,993	4.5%	\$700,763,830	7.8%
Total NR Area	33,651	26.6%	16,074	23.9%	\$2,140,999,280	23.8%
Non-NR Area	92,746	73.4%	51,179	76.1%	\$6,841,428,970	76.2%
Total (All Topeka)	126,397	100%	67,253	100%	\$8,982,428,250	100.0%

Summary

- The primary NR Area comprises only 21% of the land area of Topeka, but contains approximately 50% of all vacant parcels in the City.
- The poverty rate in the primary NR Area is two and a half times the poverty rate of the non-NR Area.
- Average residential property values are nearly 340% greater outside of the NR Area than within its boundaries.
- The homeownership rate is substantially greater outside of the primary NR Area boundary (74% versus 47%).
- 64% of all secured and unsafe structures in the City are located within the NR Area boundary yet only constitute 26% of all housing units in the city



**LEGAL DESCRIPTION OF
Neighborhood Revitalization Area
JULY, 2021**

PRIMARY AREA

Beginning at the intersection of the Centerline of US Highway 24 with the Centerline of NW Clay Street; thence easterly, on the Centerline of US Highway 24, to an intersection with the Centerline of NW Rochester Road; thence northerly on the Centerline of NW Rochester Road to an intersection with the Centerline of Soldier Creek; thence easterly on the Centerline of Soldier Creek to an intersection with the Centerline of NW Topeka Boulevard; thence southerly, on the Centerline of NW Topeka Boulevard to an intersection with the Centerline of Soldier Creek; thence easterly down the Centerline of Soldier Creek to an intersection with the Centerline of the Mainline Track of the Union Pacific Railroad; thence southerly, on the centerline of said mainline track, to an intersection with the Centerline of the West Approach to the Sardou Bridge over the Kansas River; thence east-southeasterly on the centerline of said approach and the Centerline of the Sardou Bridge to an intersection with the Centerline of the Kansas River; thence southwesterly up the Centerline of the Kansas River to an intersection with an extension of the Centerline of NE Chandler Street; thence southerly on the Centerline of NE Chandler Street to an intersection with the Centerline of NE Seward Avenue; thence westerly on the Centerline of NE Seward Avenue to an intersection with the Centerline of NE Branner Street; thence south-southwesterly on the Centerline of Branner Street to an intersection with the Centerline of the Mainline Track of the Burlington Northern - Santa Fe Railway; thence easterly on the centerline of said mainline track to an intersection with the East line of the Northeast Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M.; thence northerly on the East line of the Northeast Quarter to an intersection with the Centerline of NE Seward Avenue; thence easterly on the Centerline of NE Seward Avenue to an intersection with the Centerline of NE Rice Road; thence southerly on the Centerline of NE Rice Road and on the Centerline of SE Rice Road to an intersection with the Centerline on SE Sixth Street; thence easterly on the Centerline of SE Sixth Street to the extended West line of Reser's Croco Subdivision No. 2; thence on the boundary of Reser's Croco Subdivision No. 2 the following five courses: northerly, 300.00 feet; westerly, 100.00 feet; northerly, 1642.97 feet; easterly, 300.00 feet; southerly, 399.26 feet; thence easterly on the North line of Reser's Croco Subdivision No. 2 and its extension to an intersection with the East line of the Southeast Quarter of Section 34, Township 11 South, Range 16 East of the Sixth P.M.; thence southerly to the Northeast corner of Section 3, Township 12 South, Range 16 East of the 6th P.M, also being the Centerline of said SE Sixth Street; thence westerly on the Centerline of said SE Sixth Street to the intersection with SE Deer Creek Parkway; thence South on the Centerline of said SE Deer Creek Parkway to the intersection with the Centerline of Interstate Highway 70; thence westerly on the Centerline of Interstate Highway 70 to the intersection with the Centerline of SE California Avenue; thence southerly on the Centerline of SE California Avenue to an intersection with the Centerline of SE 29th Street; thence westerly on the Centerline of SE 29th Street to an intersection with the Centerline of SE Adams Street; thence southerly on the Centerline of SE Adams Street to an intersection with the Centerline of 37th Street; thence westerly on the Centerline of said 37th Street to an intersection with the Centerline of SW Topeka Boulevard; thence northerly on the Centerline of SW Topeka Boulevard to an intersection with the Centerline of 29th Street; thence easterly on the Centerline of said 29th Street to an intersection with the Centerline of the right of way of the Landon Trail, formerly the right of way of the Missouri Pacific Railway; thence northerly on the Centerline of the right of way of the Landon Trail to an intersection with the Centerline of 21st Street; thence westerly on the Centerline of said 21st Street to the intersection with the Centerline of SW Washburn Avenue; thence northerly on the Centerline of said SW Washburn Avenue to the intersection with the Centerline of SW 11th Street; thence westerly on the Centerline of said SW 11th Street to the intersection with the Centerline of SW Woodward Avenue; thence northerly on the Centerline of said SW Woodward Avenue to an intersection with the Centerline of SW 10th Avenue; thence westerly on the Centerline of said SW 10th Avenue to an intersection with the Centerline of SW Summit Avenue; thence north-northeasterly on the Centerline of said SW Summit Avenue to an intersection with the Centerline of SW Sixth Avenue; thence easterly and east-southeasterly on the Centerline of SW Sixth Avenue to an intersection with the Centerline of SW Washburn Avenue; thence north-northeasterly on the Centerline of SW Washburn Avenue to an intersection with the Centerline of SW Willow Avenue; thence easterly, on the Centerline of SW Willow Avenue to an intersection with the Centerline of Quinton Avenue; thence northerly on the Centerline of Quinton Avenue to an intersection with the Centerline of SW 1st Street; thence east-southeasterly on the Centerline of SW 1st Street to the West line of Section 30, Township 11 South, Range 16 East of the 6th P.M.; thence northerly on the West line of

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Adopted by the Governing Body: ENTER DATE*

DRAFT – 9/22/2021

Section 30 to an intersection with the Centerline of the Kansas River; thence southeasterly down the Kansas River to an intersection with the Centerline of SW Topeka Boulevard; thence north-northeasterly on the Centerline of Topeka Boulevard to an intersection with the Centerline of NW Laurent Street; thence west-northwesterly on the Centerline of NW Laurent Street to an intersection with the Centerline of NW Norris Street; thence west-northwesterly on the Centerline of NW Norris Street to an intersection with the Centerline of NW Lane Street; thence north-northeasterly on the Centerline of NW Lane Street to an intersection with the Centerline of NW Gordon Street; thence east-southeasterly on the Centerline of NW Gordon Street to an intersection with the Centerline of NW Buchanan Street; thence northerly on the Centerline of NW Buchanan Street to an intersection with the Centerline of NW Grant Street; thence easterly, on the Centerline of NW Grant Street to an intersection with the Centerline of NW Western Avenue; thence northerly on the Centerline of NW Western Avenue to an intersection with the Centerline of NW St. John Street; thence easterly on the Centerline of NW St. John Street to an intersection with the Centerline of NW Taylor Street; thence northerly on the Centerline of NW Taylor Street to an intersection with the Centerline of NW Lyman Road; thence westerly on the Centerline of NW Lyman Road to an intersection with the Centerline of NW Clay Street; thence northerly on the Centerline of NW Clay Street to the point of beginning.

(AND IN ADDITION)

KANZA BUSINESS AND TECHNOLOGY PARK (OVERALL PUD BOUNDARY)

A TRACT OF LAND IN THE SOUTHEAST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, LOT 3 OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER, ALL IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00°00'22" EAST, 30.00 FEET, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°36'04" WEST, 23.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'04" WEST, 2611.74 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER, 30.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°06'23" WEST, 1118.90 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 86°16'38" EAST, 130.48 FEET; THENCE NORTH 42°55'39" EAST, 233.28 FEET; THENCE NORTH 01°25'17" WEST, 497.95 FEET; THENCE SOUTH 88°46'41" WEST, 278.01 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°06'23" EAST, 120.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER TO THE NORTH LINE OF ARLINGTON HEIGHTS SUBDIVISION; THENCE SOUTH 89°54'32" WEST, 1309.28 FEET ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°11'27" EAST, 953.94 FEET ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°18'11" EAST, 663.92 FEET ALONG THE WEST LINE OF SAID LOT 3 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70; THENCE NORTH 88°53'30" EAST, 883.63 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE ON A CURVE TO THE LEFT, ALONG SAID RIGHT-OF-WAY LINE, A RADIUS OF 1579.22 FEET, AN ARC DISTANCE OF 683.95 FEET, WITH A CHORD WHICH BEARS NORTH 76°29'04" EAST, 678.62 FEET; THENCE NORTH 64°04'38" EAST, 1046.28 FEET, ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 00°08'08" WEST, 213.32 FEET; THENCE SOUTH 78°48'28" EAST, 1483.53 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°08'53" EAST, 87.25 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 16°33'51" WEST, 156.49 FEET; THENCE SOUTH 00°08'53" EAST, 539.57 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, 45.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°00'22" WEST, 35.43 FEET; THENCE SOUTH 89°59'38" EAST, 21.50 FEET; THENCE SOUTH 00°00'22" WEST, 2570.01 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 258.943 ACRES, MORE OR LESS.

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26; THENCE ALONG THE SOUTH LINE OF SAID QUARTER ON

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Adopted by the Governing Body: ENTER DATE*

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AN ASSUMED BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 825.36 FEET; THENCE ON A BEARING OF NORTH 00°24'22" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL WITH THE SOUTH LINE OF SAID QUARTER ON A BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 515.96 FEET; THENCE ON A BEARING NORTH 00°25'19" WEST, A DISTANCE OF 2033.61 FEET; THENCE ON A BEARING OF NORTH 44°27'37" EAST, A DISTANCE OF 68.73 FEET; THENCE ON A BEARING OF SOUTH 63°56'06" EAST, A DISTANCE OF 18.56 FEET; THENCE ON A BEARING OF NORTH 19°56'13" EAST, A DISTANCE OF 44.30 FEET; THENCE ON A BEARING OF NORTH 34°34'08" EAST, A DISTANCE OF 25.22 FEET; THENCE ON A BEARING OF NORTH 72°13'53" EAST, A DISTANCE OF 27.65 FEET; THENCE ON A BEARING OF SOUTH 37°05'32" EAST, A DISTANCE OF 14.75 FEET; THENCE ON A BEARING OF SOUTH 54°25'19" EAST, A DISTANCE OF 16.30 FEET; THENCE ON A BEARING OF SOUTH 80°46'21" EAST, A DISTANCE OF 23.15 FEET; THENCE ON A BEARING OF SOUTH 87°13'11" EAST, A DISTANCE OF 11.70 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 74°03'00" EAST, AND A CHORD DISTANCE OF 34.18 FEET) A DISTANCE OF 34.48 FEET; THENCE ON A BEARING OF SOUTH 60°52'49" EAST, A DISTANCE OF 42.96 FEET; THENCE ON A BEARING OF SOUTH 53°28'55" EAST, A DISTANCE OF 108.90 FEET; THENCE ON A BEARING OF SOUTH 31°54'18" EAST, A DISTANCE OF 87.45 FEET; THENCE ON A BEARING OF SOUTH 26°44'08" EAST, A DISTANCE OF 158.72 FEET; THENCE ON A BEARING OF SOUTH 28°30'48" EAST, A DISTANCE OF 137.12 FEET; THENCE ON A BEARING OF SOUTH 35°51'47" EAST, A DISTANCE OF 63.86 FEET; THENCE ON A BEARING OF SOUTH 44°53'50" EAST, A DISTANCE OF 71.01 FEET; THENCE ON A BEARING OF SOUTH 00°10'26" EAST, A DISTANCE OF 305.26 FEET; THENCE ON A BEARING OF SOUTH 41°48'53" WEST, A DISTANCE OF 216.94 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 19°54'50" EAST, AND A CHORD DISTANCE OF 97.23 FEET) A DISTANCE OF 105.78 FEET; THENCE ON A BEARING OF SOUTH 00°01'58" EAST, A DISTANCE OF 78.63 FEET; THENCE ON A BEARING OF SOUTH 34°02'36" EAST, A DISTANCE OF 118.96 FEET; THENCE ON A BEARING OF SOUTH 00°17'22" WEST, A DISTANCE OF 227.41 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF SOUTH 45°46'21" WEST, AND A CHORD DISTANCE OF 77.15 FEET) A DISTANCE OF 83.79 FEET; THENCE ON A BEARING OF SOUTH 00°06'58" EAST, A DISTANCE OF 142.97 FEET; THENCE ON A BEARING OF SOUTH 86°22'32" WEST, A DISTANCE OF 30.69 FEET; THENCE ON A BEARING OF SOUTH 01°46'13" EAST, A DISTANCE OF 80.18 FEET; THENCE ON A BEARING OF SOUTH 89°57'22" WEST, A DISTANCE OF 20.82 FEET; THENCE ON A BEARING OF SOUTH 00°15'55" WEST, A DISTANCE OF 130.86 FEET; THENCE ON A BEARING OF SOUTH 89°40'17" EAST, A DISTANCE OF 21.15 FEET; THENCE ON A BEARING OF SOUTH 00°20'17" WEST, A DISTANCE OF 28.30 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 118.49 FEET, A CHORD BEARING OF SOUTH 21°22'45" EAST, A CHORD DISTANCE OF 60.15 FEET) A DISTANCE OF 60.82 FEET; THENCE ON A BEARING OF SOUTH 32°29'33" EAST, A DISTANCE OF 24.43 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 194.67 FEET, A CHORD BEARING OF SOUTH 12°51'45" EAST, AND A CHORD DISTANCE OF 80.56 FEET) A DISTANCE OF 81.15 FEET; THENCE ON A BEARING OF SOUTH 01°52'31" EAST, A DISTANCE OF 26.20 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 24.081 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS OF RECORD, IF ANY.

(AND IN ADDITION)

KANZA BUSINESS AND TECHNOLOGY PARK SUBDIVISION. CONTAINS APPROXIMATELY 10.39-ACRES, MORE OR LESS.

EXCEPT

The property commonly known as the 501 Sports Complex and legally described as follows: A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the Sixth Principal Meridian, described as

follows: Beginning at a point on the West line, 30.00-feet North of the Southwest Corner of said Quarter Section (said point being on the North right-of-way line of West Sixth Street); thence North 00 degrees, 06 minutes, 40 seconds West, along said West Line, 1,118.79-feet; thence South 86 degrees, 14 minutes, 23 seconds East, 130.46-feet; thence North 42 degrees, 56 minutes, 08 seconds East, 233.28-feet; thence North 01 degrees, 24 minutes, 28 seconds West, 497.95-feet; thence North 88 degrees, 48 minutes, 04 seconds East, 120.98-feet; thence on a 302.50-foot radius curve to the left, with a 170.62-foot chord bearing North 72 degrees, 25 minutes, 13 seconds East, an arc distance of 172.97-feet; thence North 56 degrees, 02 minutes, 21 seconds East, 399.91-feet; thence South 20 degrees, 26 minutes, 15 seconds East 750.52-feet; thence South 00 degrees, 24 minutes, 53 seconds East, 1, 344.97-feet to the North right-of-way line of West Sixth Street; thence South 89 degrees, 36 minutes, 04 seconds West, along said North right-of-way line, 1,162.82-feet to the Point of Beginning. The above contains 44.001-acres, more or less, all in the City of Topeka, Shawnee County, Kansas.

(AND IN ADDITION)

Cowdin Subdivision No. 3, according to the recorded plat thereof.

(AND IN ADDITION)

OAKLAND AREA

Begin at the intersection of the centerline of NE Poplar Street with the centerline of NE Laurent Street in the City of Topeka, Shawnee County, Kansas; thence northerly along the centerline of NE Poplar Street to the centerline of NE Grant Street; thence easterly along the centerline of NE Grant Street to the centerline of NE Chester Avenue; thence northerly along the centerline of NE Chester Avenue to the centerline of NE Belmont Avenue; thence easterly on the centerline of NE Belmont Avenue to the centerline of NE Oakland Avenue; thence southerly along the centerline of NE Oakland Avenue to the Northeasterly line of the Doran Avenue lots, in Garden Park Addition; thence northwesterly along the North line of the Doran Avenue lots to a point on the East line of Lot 10 on Doran Avenue, as described in Book 4208, page 873; thence southwesterly along the West line of the parcel described in Book 4208, page 873 and its extension to the centerline of NE Laurent Street; thence westerly along the centerline of NE Laurent Street to the Point of Beginning.

(AND IN ADDITION)

A tract of land in Section 30, Township 12 South, Range 16 East of the Sixth Principal Meridian, in the City of Topeka, Shawnee County, Kansas, described as follows: Begin at the Southwest corner of Section 30; thence northerly along the West line of Section 30 to the North line of said Section 30; thence easterly along the North line of Section 30 to the extended East line of South Village Subdivision; thence southerly along the East line of South Village Subdivision to the South line of South Village Subdivision; thence westerly along the South line of South Village Subdivision to the East line of Terra Heights Subdivision; thence southerly along the East line of Terra Heights Subdivision to the Southwesterly right of way line of the Missouri Pacific Railroad, as recorded in Book 4251, page 621; thence South 54 degrees 38 minutes 32 seconds East, 1304.94 feet along said right of way line; thence southeasterly and southwesterly along said right of way line, 1020.98 feet along the arc of a curve to the right, having a radius of 419.28 feet with a chord which bears South 21 degrees 57 minutes 15 seconds West, 786.78 feet; thence South 89 degrees 35 minutes 28 seconds West, 132.83 feet along said right of way line; thence westerly along said right of way line, 249.10 feet along the arc of a curve to the left, having a radius of 613.69 feet with a chord which bears South 77 degrees 55 minutes 31 seconds West, 247.40 feet to the North right of way line of SE 53rd Street; thence South 89 degrees 35 minutes 28 seconds West, 368.63 feet along the North right of way of SE 53rd Street; thence southerly to the South line of Section 30; thence westerly along the South line of Section 30 to the Point of Beginning.

(AND IN ADDITION)

Southern Hills Subdivision "A", Southern Hills Subdivision "B", and Southern Hills Subdivision "C" according to the recorded plats thereof. Contains approximately 110.8 acres.

(AND IN ADDITION)

Drakes Farm Subdivision, according to the recorded plat thereof.

(AND IN ADDITION)

3528 SE Cyprus Drive - Lot 1, Block A, Croco Park Subdivision

(AND IN ADDITION)

3521 SE 21st Street – Lots 1, 2, 4, and 4, Block A, Altair Heights Subdivision No. 6.

(AND IN ADDITION)

Lot 1, Block A, Altair Heights Subdivision No. 3, less street right-of-way.

OUTSIDE REVITALIZATION AREA; ‘DILAPIDATED STRUCTURE’:

(Menninger Clock Tower Building)

A portion of Lot 1, Block A, Menninger Foundation Subdivision, being situated in the Southwest Quarter of Section 28, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Northwest corner of said Southwest Quarter, being a point on the West line of Menninger Foundation Subdivision; thence on an assumed Azimuth of 179 degrees 17 minutes 46 seconds coincident with the West line of said Menninger Foundation Subdivision, a distance of 638.96 feet; then on Azimuth 89 degrees 17 minutes 46 seconds, perpendicular to the West line of Menninger Foundation Subdivision, a distance of 898.87 feet to the Point of Beginning; thence on Azimuth 88 degrees 07 minutes 19 seconds, a distance of 329.86 feet; thence on Azimuth 177 degrees 11 minutes 06 seconds, a distance of 250.36 feet; thence on Azimuth 183 degrees 05 minutes 12 seconds, a distance of 141.29 feet; thence on Azimuth 194 degrees 58 minutes 13 seconds, a distance of 66.17 feet; thence on Azimuth 177 degrees 47 minutes 10 seconds, a distance of 178.14 feet; thence on Azimuth 267 degrees 50 minutes 09 seconds, a distance of 275.83 feet; thence on Azimuth 357 degrees 50 minutes 17 seconds, coincident with centerline of an existing access road recorded in Book 4314, Page 099 in the Register of Deeds Office for Shawnee County, a distance of 431.62 feet; thence on Azimuth 317 degrees 14 minutes 41 seconds, a distance of 39.39 feet; thence on Azimuth 358 degrees 10 minutes 19 seconds, a distance of 172.54 feet to the Point of Beginning.

PART 2
APPRAISED VALUATION OF REAL PROPERTY

The appraised valuation of the Menninger Clock Tower and the real estate contained in the Neighborhood Revitalization Area as of June 14, 2020 for each parcel by land and building values is on file in the office of the Shawnee County Appraiser. The 2020 appraised valuation for the 14,108 parcels contained in the area is:

Land	\$262,450,850
<u>Improvements</u>	<u>\$1,624,280,390</u>
Total Appraised Valuation	\$1,886,731,240

PART 3
LISTING OF OWNERS OF RECORD IN AREA

Each owner of record of the Menninger Clock Tower and each parcel of land is listed together with the corresponding address on file in the office of the Shawnee County Appraiser (<http://www.snco.us/ap/>).

PART 4
EXISTING ZONING BOUNDARIES
&
EXISTING/PROPOSED LAND USES

Descriptions of zoning districts, current boundaries, existing land uses, and future land use maps within the Neighborhood Revitalization Area are all found on file in the Topeka Planning Department or at www.topeka.org/planning

PART 5
MAJOR IMPROVEMENTS
PROPOSED FOR NEIGHBORHOOD REVITALIZATION AREA

A list of the proposed major improvements within the Neighborhood Revitalization Area are identified within the adopted neighborhood and area plans of the City's Comprehensive Plan. Copies of those plans are on file with the Topeka Planning Department and on-line at www.topeka.org/planning

- Topeka Land Use and Growth Management Plan (2015)
- Central Highland Park Neighborhood Plan (2010)
- Ward-Meade Neighborhood Plan (2001/2010)
- Chesney Park Neighborhood Plan (1998/2009)
- Central Park Neighborhood Plan (1998/2008/2019)
- Hi-Crest Neighborhood Plan (2015)
- North Topeka West (2016)
- Historic North Topeka East (2013)
- Holliday Park Neighborhood Plan (1998/2008)
- Oakland Neighborhood Plan (2004/2014)
- Hi-Crest Neighborhood Plan (2003)
- Old Town Neighborhood Plan (2003)
- East Topeka Neighborhood Revitalization Plan (2002)
- Downtown Topeka Redevelopment Plan (2001)
- Elmhurst Neighborhood Plan (2001)
- Tennessee Town (2001/2017)
- Washburn-Lane Parkway Plan (2001)
- Quinton Heights Neighborhood Plan (2018)
- East Topeka North Neighborhood Plan (2020)
- Downtown Master Plan (2021)

Proposed housing, infrastructure, and public facility improvements within these plans are intended to guide the City's future resource allocation as targeted within the Neighborhood Revitalization Area. Actual approved resource allocations are found with the City's Capital Improvement Budget and Consolidated Plan.

PART 6
STATEMENT SPECIFYING THE ELIGIBILITY REQUIREMENTS
FOR A TAX REBATE

Residential New Construction/Rehabilitation

All properties with residential improvements legally permitted by applicable zoning regulations and building codes within, or that fronts a public street boundary of the designated Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 10%.

Commercial New Construction/Rehabilitation

All properties with commercial, office and institutional, and industrial improvements legally permitted by applicable zoning regulations and building codes within, or that fronts a public street boundary of the designated Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 20%.

PART 7

CRITERIA FOR DETERMINATION OF ELIGIBILITY

- (a) Construction of an improvement must have begun on or after January 1, 2022. Such improvement project shall remain eligible in the event the neighborhood revitalization plan is extended beyond 2024 by a subsequent ordinance. An improvement project constructed pursuant to a building permit and an application for tax rebate filed before January 1, 2022, may be eligible for a rebate under the Neighborhood Revitalization Program created by City Ordinance No. 20149
- (b) A rebate application must be filed prior to or within sixty (60) days of the issuance of a building permit or initiation of work (if no building permit is required) as determined by the Planning Director. An application determined to be “out-of-time” shall be accepted by the Planning Director if the applicant can demonstrate that prior to commencing the improvements, he or she intended to use the program’s benefits for the specific improvement proposed in the application. Some factors that may be used to determine the intent and prior knowledge of the program include previous written or verbal communication with city staff, contractors, or other interested parties in the project. The fact that the applicant was not made aware of the program by city staff shall not be used as a factor in this determination. An application shall not be accepted “out-of-time” if the building permit was issued to correct a past zoning or building code violation. The applicant must submit all evidence in writing that supports the above criteria to the Planning Department within one (1) year of the issuance of the building permit. The applicant may appeal the Planning Director’s decision to the City Manager who has final authority over the matter.
- (c) The improvements must conform with the Comprehensive Plan, design guidelines within applicable elements of the Comprehensive Plan and Title 18 Comprehensive Zoning Regulations, including adopted Neighborhood Conservation Districts in effect at the time the improvements are made.
- (d) New and existing improvements on the property must conform with all other applicable codes, rules, and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.
- (f) Commercial or industrial property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and Topeka's existing tax abatement program pursuant

to Article 11, Section 13 of the Kansas Constitution and TMC Chapter 3.55, may receive one exemption/rebate per project from the City as a tax incentive.

- (g) Any property that fronts a public street boundary of the Neighborhood Revitalization Area shall be eligible for the rebate, except those properties that front a public highway.

PART 8

CONTENTS OF APPLICATION FOR TAX REBATE

Part 1 - General Information (Completed by applicant)

- (a) Owner's Name and applicant's name
- (b) Owner's Mailing Address.
- (c) School District No.
- (d) Parcel I.D. No.
- (e) Building Permit No. and copy of permit
- (f) Address of Property.
- (g) Legal Description of Property
- (h) Day Phone Number.
- (i) Proposed Property Use.
- (j) Improvements (Attach itemized list of improvements)
- (k) Estimated Cost of Improvements
- (l) Proof of Historical Register Listing or nomination.
- (m) List of Buildings proposed to be or actually demolished.
- (n) Date of commencement of construction.
- (o) Estimated date of completion of construction.

Part 2 - Status of Construction/Completion

- (a) County Appraiser's Statement of Percentage Test.
- (b) County Clerk's Statement of Tax Status.
- (c) Planning's Statement of Application Conformance for Tax Rebate.

PART 9
APPLICATION PROCEDURE

- (a) The owner/applicant shall obtain an Application for Tax Rebate from Topeka Planning Department, or concurrent with obtaining a building permit application.
- (b) The applicant shall complete and sign the application and file the original with Planning, prior to or within sixty (60) days of issuance of the building permit or as permitted under Part 7(b).
- (c) Planning shall forward the application to the Shawnee County Appraiser's Office for determination of the appraised valuation of the improvements and when necessary for designated historic properties, shall indicate the base tax year in order to determine the property's pre-demolition value for historic resources or landmarks that were demolished to make way for the improvements.
- (d) On or about January 1, the County Appraiser shall conduct an on-site inspection of the construction project, determine the new valuation of the real-estate, complete his portion of the application, and report the new valuation to the Shawnee County Clerk by June 1 of that same year. The tax records on the project shall be revised by the County Clerk's Office.
- (e) Upon determination by the Appraiser's office that the improvements meet the percentage test for rebate and the Clerk's office has determined the status of the taxes on the property, Planning shall certify to the County Clerk the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant.
- (f) Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year period extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Shawnee County to the other taxing units, a tax rebate in the amount of the tax increment (less any fees as specified in the Interlocal Agreement) shall be made to the applicant.

The tax rebate amount will be based on the appraised property value increment between the application year and the completion year directly attributable to the improvement itself. The actual rebate may vary year to year depending upon the approved mill levy for all participating taxing jurisdictions. The tax rebate shall be made by Audit and Finance, Shawnee County through the Neighborhood Revitalization Fund established in conjunction with the City of Topeka and the other taxing units participating in an Interlocal Agreement.

PART 10
STANDARDS AND CRITERIA FOR APPROVAL

- (a) Project improvements shall be 100% complete within two years of building permit issuance or within two years of beginning construction on the listed improvements.
- (b) The appraised value of residential property must be increased by a minimum of 10%.
- (c) The appraised value of commercial and industrial property must be increased by a minimum of 20%.
- (d) New improvements must conform with all applicable codes, rules, and regulations in effect at the time the improvements are made, including zoning regulations and design guidelines adopted by the Governing Body, for the length of the rebate.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.

PART 11

STATEMENT SPECIFYING REBATE FORMULA

Program Period:

The Neighborhood Revitalization Fund and tax rebate incentive program shall expire on December 31, 2024.

Rebate Period:

All Eligible Uses – Administrative Approval	10 years
All Eligible Uses – Governing Body Approval	11-20 years

Rebate Amount*:

Standard Rebate:	
- All Eligible Uses Not Specified In Areas Below	95% (years 1-5) 50% (years 6-10)
Standard Plus 10 Rebate:	
- “Intensive Care” areas (2020 Neighborhood Health Map)	95%
- National/State Register/Properties and Districts and Local Historic Properties/Districts	95%
- “New” Infill Housing (Single and Multi-Family); including: Single-family in Cowdin Subd. #3, Southern Hills Subd. A, B, and C, and Drakes Farm Subdivisions	95%
Standard Plus 20 Rebate:	
- TIF District	
- Minimum \$10,000,000 investment	
- Primary use is residential	
- “But-For” Test/Study	
- Governing Body Approval	95%

*5 % to remain in Neighborhood Revitalization Fund for administrative costs.

Part 12

OTHER MATTERS

1. The governing body may declare a building outside of a neighborhood revitalization area to be a “dilapidated structure” if it satisfies the conditions set forth in subsection (a) of KSA 12-17, 115. A “dilapidated structure” is defined as a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worth of preservation. Pursuant to K.S.A. 12-17,117(b), the governing body has determined the the Menninger Clock Tower building located at 5800 SW 6th Avenue is a ‘dilapidated structure’ and, as such, is eligible for consideration of a property tax rebate for the following reasons:

- The building is a dilapidated structure due to its long vacancy and current boarded condition,
- The building is historic and is listed on the National Register of Historic Places and is worthy of preservation.

Prior to acceptance of a tax rebate application for projects involving a ‘dilapidated structure’, the applicant must submit a “but-for” test/study to be approved by the City Manager that demonstrates the need for a rebate.

2. The governing body may designate certain projects to have up to a 20-year rebate period, provided all of the following criteria are satisfied:
 - The project is located within an existing Tax Increment Financing District (TIF) within the NRP Area

- The primary use is residential
- The project has a minimum investment of \$10,000,000
- The project submits a but-for analysis that demonstrates the need for the longer rebate period.

Should the governing body determine that the project meets the criteria, the property will be removed from the TIF in accordance with Ordinance No. 20228. Prior to acceptance of a tax rebate application, projects must submit a “but-for” test/study to be approved by the City Manager that demonstrates the need for a rebate.

3. The remaining funds in the Special Fund identified in the Neighborhood Revitalization Plan adopted in Ordinance No. 18222 shall be transferred to the City of Topeka’s Housing Trust Fund as a match to support affordable housing development.

SHAWNEE COUNTY TAX LEVY SCHEDULE 2020

Tax Levies per \$1,000 Assessed Valuation

<u>Taxing Jurisdiction (within USD 501 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1. Shawnee County	48.157	30.71%
2. City of Topeka	39.687	25.31%
3. USD 501 (Topeka)	49.716	31.70%
4. Washburn University	3.249	2.07%
5. Topeka-Shawnee County Public Library	9.786	6.24%
6. TMTA (Transit)	4.200	2.68%
7. MTAA (Airport)	<u>2.032</u>	<u>1.30%</u>
Total	156.827	100%

<u>Taxing Jurisdiction (within USD 345 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1. Shawnee County	48.157	30.0%
2. City of Topeka	39.687	25.11%
3. USD 345 (Seaman)	50.925	32.22%
4. Washburn University	3.249	2.06%
5. Topeka-Shawnee County Public Library	9.786	6.16%
6. TMTA (Transit)	4.200	2.66%
7. MTAA (Airport)	<u>2.032</u>	<u>1.29%</u>
Total	158.036	100%

<u>Taxing Jurisdiction (within USD 450 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1. Shawnee County	48.157	30.30%
2. City of Topeka	39.687	24.97%
3. USD 450 (Shawnee Heights)	51.83	32.61%
4. Washburn University	3.249	2.04%
5. Topeka-Shawnee County Public Library	9.786	6.16%
6. TMTA (Transit)	4.200	2.64%
7. MTAA (Airport)	<u>2.032</u>	<u>1.28%</u>
Total	158.941	100%

<u>Taxing Jurisdiction (within USD 437 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1. Shawnee County	48.157	30.65%
2. City of Topeka	39.687	25.26%
3. USD 437 (Auburn Washburn Rural)	50.0	31.82%
4. Washburn University	3.249	2.07%
5. Topeka-Shawnee County Public Library	9.786	6.23%
6. TMTA (Transit)	4.200	2.67%
7. MTAA (Airport)	<u>2.032</u>	<u>1.29%</u>
Total	157.111	100%

Source: Shawnee County Clerk's Office, 2020

CITY OF TOPEKA CONTRACT NO. _____

INTERLOCAL AGREEMENT/NEIGHBORHOOD REVITALIZATION
2022-2024

This Interlocal Cooperation Agreement (hereinafter referred to as "Agreement") entered into this _____ day of _____, 20____, by and among the City of Topeka, a duly organized municipal corporation hereinafter referred to as "City" and Unified School Districts Nos. 345 (Seaman), 437 (Auburn-Washburn) 450 (Shawnee Heights), and 501 (Topeka); the Board of County Commissioners of Shawnee County; Topeka Metro Transit Authority; Metropolitan Topeka Airport Authority; Topeka & Shawnee County Library and Washburn University.

WHEREAS, K.S.A. 12-17,119 and K.S.A. 12-2904 authorize public agencies to enter into interlocal agreements to jointly perform certain functions including neighborhood revitalization; and

WHEREAS, all parties are, pursuant to K.S.A. 12-2903, public agencies, capable of entering into interlocal agreements; and

WHEREAS, K.S.A. 12-17,114 *et seq.* and any amendments thereto (the "Act"), provides a program for neighborhood revitalization and further allows for the use of interlocal agreements between public agencies to further neighborhood revitalization; and

WHEREAS, it is the desire and intent of the parties hereto to provide the maximum economic development incentive as provided for in the Act, by acting jointly.

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

1. Purpose. The purpose of this Agreement is to provide a program for neighborhood revitalization and allow the public agencies within the designated

neighborhood revitalization area to work together to maximize the economic development incentives allowed through the Act. The parties have reviewed the City's neighborhood revitalization plan ("Plan"), and by adoption of this Agreement, agree to work cooperatively to implement the Plan.

2. Administrator. As the parties are not utilizing a separate legal entity to administer the Agreement, the City shall administer the Plan.

3. Financing. The parties will finance the development in the revitalization area and the dilapidated structure identified in the Plan (Menninger Clock Tower) through a property tax rebate which shall be administered according to the Plan. Pursuant to K.S.A. 12-17,118, City will create a neighborhood revitalization fund and Shawnee County will administer distribution of the rebates. Five percent (5%) of the increment in ad valorem property taxes, as defined by the Act, shall be used to pay for administrative costs of the City and Shawnee County in budgeting, implementing and administering the Plan. The five percent (5%) administration fee shall be apportioned sixty-seven percent (67%) to Shawnee County and thirty-three percent (33%) to the City.

4. Duration. Pending approval of the Attorney General and filing with the Shawnee County Register of Deeds and the Secretary of State, this Agreement shall be effective on the date indicated on Page 1 which shall be the same date that the Agreement was executed by the City Manager, notwithstanding that the other parties may have executed this Agreement at an earlier or later date. This Agreement shall expire on December 31, 2024.

5. Termination. The Plan has a duration of three (3) calendar years, commencing January 1, 2022, and ending December 31, 2024. Notwithstanding Section 4, the parties agree that termination of this Agreement by any party prior to December 31, 2024 would adversely impact the Plan, and, consequently, this Agreement may only be terminated with

ninety (90) day's written notice, and further provided such written notice must be received prior to August 1 in the calendar year prior to the tax year the party desires to terminate participation, unless such notice is waived, in writing, by all parties. Any application for a tax rebate submitted to the City prior to receipt of the notice of termination shall, if approved, be considered eligible for the duration of the rebate period set forth in the Plan.

6. Property. No real or personal property shall be acquired, held, or disposed of during the term of this Agreement.

7. Execution. For purposes of executing this Agreement, this document, if signed by electronic signature and transmitted by electronic mail, will be treated as an original document. This Agreement may be executed by each party in one or more counterparts, each of which when so executed shall be an original, and all of which together shall constitute one instrument.

8. Liberal Construction. This Agreement shall be liberally construed to achieve the economic development objectives and purposes of both this Agreement and the Plan. Should any provision of this Agreement be determined to be void, unenforceable, or illegal, such provision(s) shall be null and void, but the remaining provisions shall be unaffected thereby and shall continue to be valid and enforceable.

9. Entire Agreement. This Agreement constitutes the entire agreement between the parties and may not be modified or amended, except in writing executed by all parties in the same manner as the original.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective representatives with authority to bind their respective entity.

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**SIGNATURE PAGE
(INTERLOCAL COOPERATION AGREEMENT)
(NEIGHBORHOOD REVITALIZATION 2022-2024)**

UNIFIED SCHOOL DISTRICT 345 (Seaman)

Superintendent

Date: _____

Attest: _____

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**SIGNATURE PAGE
(INTERLOCAL COOPERATION AGREEMENT)
(NEIGHBORHOOD REVITALIZATION 2022-2024)**

UNIFIED SCHOOL DISTRICT 437 (Auburn/Washburn)

Superintendent

Date: _____

Attest: _____

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**SIGNATURE PAGE
(INTERLOCAL COOPERATION AGREEMENT)
(NEIGHBORHOOD REVITALIZATION 2022-2024)**

UNIFIED SCHOOL DISTRICT 450 (Shawnee Heights)

Superintendent

Date: _____

Attest: _____

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**SIGNATURE PAGE
(INTERLOCAL COOPERATION AGREEMENT)
(NEIGHBORHOOD REVITALIZATION 2022-2024)**

UNIFIED SCHOOL DISTRICT 501 (Topeka)

Superintendent

Date: _____

Attest: _____

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**SIGNATURE PAGE
(INTERLOCAL COOPERATION AGREEMENT)
(NEIGHBORHOOD REVITALIZATION 2022-2024)**

Board of County Commissioners of Shawnee County

Chairperson

Date: _____

Attest: _____
County Clerk

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**SIGNATURE PAGE
(INTERLOCAL COOPERATION AGREEMENT)
(NEIGHBORHOOD REVITALIZATION 2022-2024)**

Topeka Transit Metro Authority

Board Chairperson

Date: _____

Attest: _____

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**SIGNATURE PAGE
(INTERLOCAL COOPERATION AGREEMENT)
(NEIGHBORHOOD REVITALIZATION 2022-2024)**

Metropolitan Topeka Airport Authority

Chairperson

Date: _____

Attest: _____

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**SIGNATURE PAGE
(INTERLOCAL COOPERATION AGREEMENT)
(NEIGHBORHOOD REVITALIZATION 2022-2024)**

Topeka and Shawnee County Public Library

Chief Executive Officer

Date: _____

Attest: _____

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**SIGNATURE PAGE
(INTERLOCAL COOPERATION AGREEMENT)
(NEIGHBORHOOD REVITALIZATION 2022-2024)**

Washburn University

Jerry B. Farley, President

Date: _____

Attest: _____

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**SIGNATURE PAGE
(INTERLOCAL COOPERATION AGREEMENT)
(NEIGHBORHOOD REVITALIZATION 2022-2024)**

CITY OF TOPEKA, KANSAS

Brent Trout, City Manager

Date: _____

ATTEST:

Brenda Younger, City Clerk

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**(INTERLOCAL COOPERATION AGREEMENT)
(NEIGHBORHOOD REVITALIZATION 2022-2024)**

ATTORNEY GENERAL APPROVAL

The above and foregoing Interlocal Agreement, consisting of ____pages, is approved by the Attorney General of the State of Kansas as provided by K.S.A. 12-2904(g) this ____ day of _____, 20_____.

By_____
Kansas Attorney General's Office
Derek Schmidt, Kansas Attorney General

(Published in the Topeka Metro News on September 27, 2021 and October 4, 2021)

RESOLUTION NO. 9264

A RESOLUTION introduced by City Manager Brent Trout establishing a date for a public hearing concerning the adoption of a Neighborhood Revitalization Plan pursuant to K.S.A. 12-17,114 *et seq.*

WHEREAS, the City of Topeka, Kansas, may pursuant to K.S.A. 12-17,114 *et seq.* adopt a plan to assist in the rehabilitation, conservation or redevelopment of any area within the City of Topeka which meets the conditions provided in said law; and

WHEREAS, the City of Topeka is desirous of exercising the authority provided in K.S.A. 12-17,114 *et seq.* in order to rehabilitate, conserve or redevelop certain designated areas in the City of Topeka; and

WHEREAS, the current Neighborhood Revitalization Plan (NR Plan) expires on December 31, 2021; and

WHEREAS, K.S.A. 12-17,117(c) requires that the Governing Body hold a public hearing before adopting an NR Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, that the following notice is hereby given:

NOTICE

The Governing Body will consider the adoption of a Neighborhood Revitalization Plan, pursuant to K.S.A. 12-17,114 *et seq.*, at a public hearing at 6:00 p.m. on October 12, 2021 in the City Council Chambers, 214 E 8th Street, Topeka, Kansas.

The proposed Neighborhood Revitalization Plan and a description of the boundaries of the proposed Neighborhood Revitalization Area are available for inspection during the hours of 8:00

a.m. to 5:00 p.m. in the office of City Clerk, 215 E 7th Street, Room 166, Topeka, Kansas. The Plan is also accessible at: <https://www.topeka.org/planning/neighborhood-revitalization-plan/>

At the conclusion of the hearing, the Governing Body will consider findings necessary for the adoption of the proposed Neighborhood Revitalization Plan and the establishment of the proposed Neighborhood Revitalization Area, all as provided for in K.S.A. 12-17,114 *et seq.*

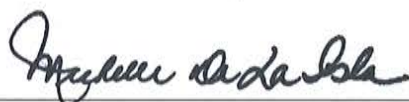
BE IT RESOLVED that the City Clerk shall cause a copy of this Resolution to be mailed to the following taxing entities within Shawnee County, Kansas:

Unified School Districts Nos. 345 (Seaman), 437 (Auburn-Washburn) 450 (Shawnee Heights), and 501 (Topeka); the Board of County Commissioners of Shawnee County; Topeka Metro Transit Authority; Metro Topeka Airport Authority; Topeka & Shawnee County Library and Washburn University.

BE IT FURTHER RESOLVED that the City Clerk shall cause this Resolution to be published in the official City newspaper at least once a week for two (2) consecutive weeks prior to the hearing.

ADOPTED and APPROVED by the Governing Body September 21, 2021.

CITY OF TOPEKA, KANSAS


Michelle De La Isla, Mayor



ATTEST:


Brenda Younger, City Clerk

DRAFT



2022-2024

City of Topeka, Kansas

Effective January 1, 2022

ADOPTED BY THE CITY OF TOPEKA GIVERNING BODY:

ENTER DATE

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Introduction

This Plan is intended to promote the revitalization of the inner urban area hereinafter described as the Neighborhood Revitalization Area (NRA) of the City of Topeka through the rehabilitation, conservation and redevelopment of the area in order to protect the public health, safety welfare of the residents of the City. More specifically, in accordance with KSA 12-17, 118 (d), a tax rebate incentive will be available to property owners for certain improvements that raise the appraised value of residential property 10% and commercial property 20%.

In accordance with KSA 12-17, 114 et. seq., the Governing Body has held a public hearing and considered the existing conditions and alternatives with respect to the described area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units (City of Topeka, Shawnee County, USD 501 (Topeka), USD 345 (Seaman), USD 450 (Shawnee Heights), USD 437 (Auburn-Washburn Rural), Washburn University, Topeka-Shawnee County Public Library, Topeka Metropolitan Transit Authority (TMTA), Metropolitan Topeka Airport Authority (MTAA). Accordingly, the Governing Body has reviewed, evaluated, and found that the described area meets one or more of the conditions contained in KSA 12-17,115 (c).

1. An area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare;
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

Furthermore, the Governing Body may declare a building outside of a NRA to be a “dilapidated structure” if the structure satisfies the following definition KSA 12-17,115(a): “Dilapidated structure” means a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worthy of preservation.

The boundary of the proposed NRA is intended to reflect the City’s most investment-challenged and deteriorated areas as determined by the City’s Neighborhood Health Map. The NRA includes all designated “Intensive Care” and “At Risk” Census block groups based on the most recent update of the health map in 2017. These areas are deemed to qualify under all of the above criteria (KSA 12-17, 115 (c)).

In addition, some parts of the proposed NRA are outside At Risk/Intensive Care designations. Those areas are included because they either: 1) have been historically “At Risk” since 2000, 2) are part of infill subdivisions or redevelopment areas that were dependent upon and approved under the City’s past Neighborhood Revitalization Plans, 3) are part of minor boundary rounding to make the NRA as contiguous and orderly as possible, or 4) otherwise would qualify under the above criteria (KSA 12-17, 115 (c)). Taken as a whole, the proposed NRA meets legislative and statutory intent of KSA 12-17, 115 (c).

Any boundary expansions should be consistent with the above criteria and the State’s Attorney General’s opinion issued in 1996 which determined that the intent of the legislation was aimed at neighborhood stabilization and preventing deterioration in the central section of the city or more specifically, neighborhoods. The opinion concludes that the governing body must make a finding that the area meets one of the conditions listed in KSA 12-17, 115 (c), that rehabilitation of the

area is necessary to protect the welfare of the municipalities' residents, and that the area should not include the entire municipality.

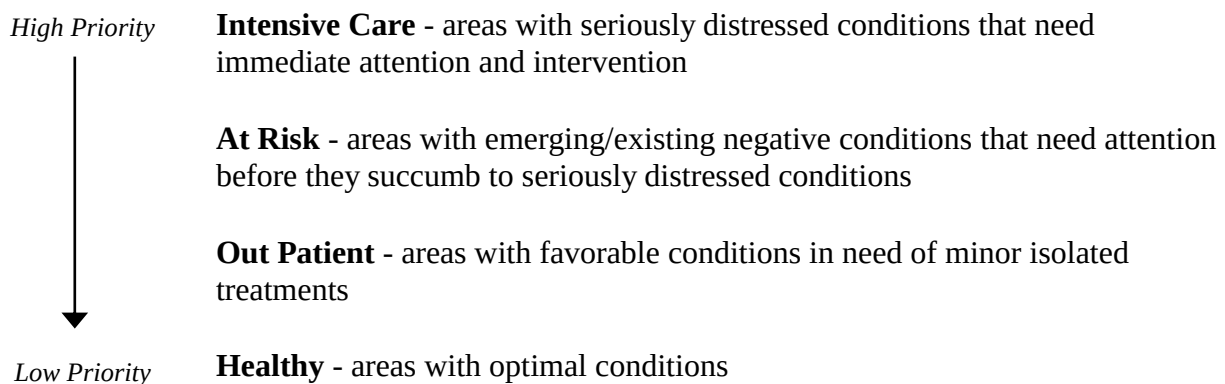
As a matter of policy, the City of Topeka's NRA is also proposed to be limited in scope to the above areas in order to promote a streamlined and administrative "but for" policy. The inherent presumption of this Plan is that necessary private investments would not occur in these areas "but for" the incentives offered under the Plan. Incentives are approved administratively by City of Topeka staff upon application by the property owner without further proof of need for the incentives. In order to enforce this assumption, the Plan puts forth thresholds for application deadlines to ensure the applicant knew about the program prior to construction and that the investment must create an impactful value increase.

Therefore, this Plan finds the proposed areas are most legally justifiable under State law and provides for a streamlined "but for" test to revitalize the City's most deteriorated sections.

PART 1

DESCRIPTION OF NEIGHBORHOOD REVITALIZATION AREA

The Neighborhood Revitalization Area (Map #1) in general follows the boundaries of *Intensive Care* and *At Risk* neighborhoods as identified in the City of Topeka Neighborhood Health Map. This map most recently updated in 2017, establishes four (4) health classifications for neighborhoods (intensive care, at risk, out patient, and healthy) to determine priorities for re-investment and planning assistance. They are described below in order of priority:



The four health classifications were based on five (5) vital signs that measured the relative health of all neighborhood areas in Topeka. This neighborhood health assessment was used to develop a “triage” approach to revitalization. Those areas that had more “life-threatening” or urgent needs as measured by the vital signs should receive higher priority for treatment over those areas with less urgent needs. These higher priority areas (*intensive care/at risk*) are the focus for neighborhood planning efforts and public re-investment. A summary of the vital signs include:

Poverty (2015-2019 American Community Survey 5-Year Estimates, U.S Census) - High concentrations of poverty are one of the most reliable indicators of performance in school, crime rates, family fragmentation, job readiness, housing conditions, etc.

Public Safety (January 2019 – December 2020, Topeka Police Dept.) – Public Safety, as measured by number of Part 1 crimes reported for the last two full years, is a symptom indicating the local environmental conditions conducive to crime and how well a neighborhood is organized to prevent crime from occurring.

Residential Property Values (April 2020, Shawnee County Appraisers Office) – Property values are in part a reflection of the quality of housing supply and the image of a neighborhood. The median value of a house purchased in Shawnee County was \$122,000 in 2018 (Topeka Association of Realtors).

Single Family Housing Tenure (April 2020 Shawnee County Appraisers Office)

The percentage of homeowners residing in a neighborhood can be an indication of the willingness (or confidence) to invest in the area. The most relevant measure of this is how many single-family dwellings are owner-occupied since these homes were primarily built for individual ownership.

Secured Houses & Unsafe Structures (2020 City of Topeka Special Structures Unit) - A secured house is one of the most evident physical displays that will undermine confidence in an area for investment and precipitates a downward spiral for the block and/or neighborhood.

Vital Sign Ranges (2021)

Neighborhood Health Composite (avg. score)	% of Persons Below Poverty Level (score)	Part 1 Crimes per 100 Persons (score)	Average Residential Property Values (score)	% Owner Occupied Housing Units (score)	Number of Secured and Unsafe Structures Per 100 Properties (score)
Healthy (3.3 - 4.0)	2020: 0 - 9% (4)	0 - 12 (4)	2020: \$111,872 and ↑ (4)	70 - 100% (4)	2020: 0 - .25 (4)
Out Patient (2.7 - 3.2)	2020: 10 - 18% (3)	13 - 18 (3)	2020: \$72,694 - \$111,871 (3)	50 - 69% (3)	2020: 0.26 - 0.75 (3)
At Risk (1.9 - 2.6)	2020: 19 - 30% (2)	19 - 28 (2)	2020: \$43,195 - \$72,693 (2)	34 - 49% (2)	2020: 0.76 - 1.75 (2)
Intensive Care (1.0 - 1.8)	2020: 31 - 100% (1)	29 + (1)	2020: \$43,194 and ↓ (1)	0 - 33% (1)	2020: 1.76 and ↑ (1)

Area Profile

Health rankings are determined by averaging all vital sign levels for each neighborhood area. *Intensive care* and *at risk* neighborhoods have the lowest vital sign measurements, and hence are the primary focus of the Neighborhood Revitalization (NR) Area. Below is a comparison profile of the NR Area and non-NR Area

Total Primary Neighborhood Revitalization Area 2020

Health Rating	Part 1 Crimes per 100 persons	% of Persons Below Poverty Level	% Owner Occupied Single Family Housing units	Secured & Unsafe Structures	Average Residential Property Values
Intensive Care	34	36%	40.1%	1.81	\$43,094
At Risk	16	23.5%	48.6%	1.22	\$63,667
Out Patient	15	11.3%	52.5%	0.4	\$63,765
Total Primary NR Area	20	24.2%	47.3%	1.21	\$58,813

Total Non Neighborhood Revitalization Area 2020

Health Rating	Part 1 Crimes per 100 persons	% of Persons Below Poverty Level	% Owner Occupied Single Family Housing units	Secured & Unsafe Structures	Average Residential Property Values
Out Patient	15	13%	59.30%	0.53	\$148,709
Healthy	6	8%	81.60%	0.14	\$221,810
Total Non NR Area	9	9.60%	74.3	0.26	\$198,380

General Characteristics 2020

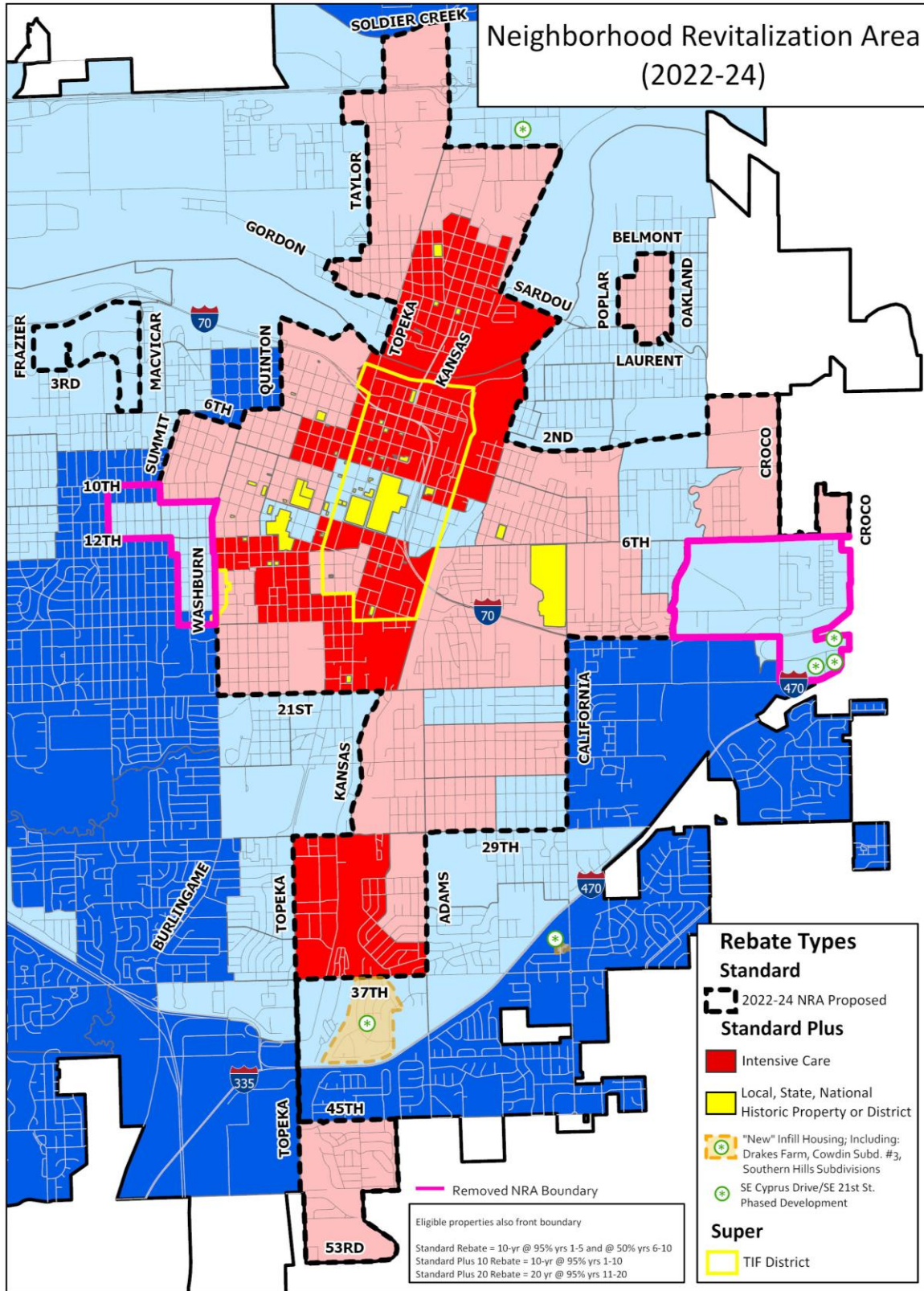
Area	Square Miles	% of Total	#of Parcels	% Total	Vacant Parcels	% Total
Intensive Care	3.6	6%	3,715	7.3%	592	14.1%
At Risk	7.8	12%	8,640	16.9%	1,305	31.0%
Out Patient	1.47	2%	1,731	3.4%	201	4.8%
Kanza/ USD 501	0.31	0%	27	0.1%	4	0.1%
Total NR AREA	13.2	21%	14,113	27.7%	2,102	49.9%
Non-NR Area	49.55	79%	36,895	72.3%	2,111	50.1%
Total (All Topeka)	62.75	100%	51,008	100%	4,213	100.0%

General Characteristics 2020

Area	2019 Population	% of Total	Total Housing Units (2015 - 2019 ACS)	% of Total	Real Property Valuation (2020)	% of Total
Intensive Care (Primary)	6,071	4.8%	3,143	4.7%	\$467,668,280	5.2%
At Risk (Primary)	20,807	16.5%	9,938	14.8%	\$972,567,170	10.8%
Out Patient (Primary)	6,773	5.4%	2,993	4.5%	\$700,763,830	7.8%
Total NR Area	33,651	26.6%	16,074	23.9%	\$2,140,999,280	23.8%
Non NR Area	92,746	73.4%	51,179	76.1%	\$6,841,428,970	76.2%
Total (All Topeka)	126,397	100%	67,253	100%	\$8,982,428,250	100.0%

Summary

- The primary NR Area comprises only 21% of the land area of Topeka, but contains approximately 50% of all vacant parcels in the City.
- The poverty rate in the primary NR Area is two and a half times the poverty rate of the non-NR Area.
- Average residential property values are nearly 340% greater outside of the NR Area than within its boundaries.
- The homeownership rate is substantially greater outside of the primary NR Area boundary (74% versus 47%).
- 64% of all secured and unsafe structures in the City are located within the NR Area boundary yet only constitute 26% of all housing units in the city



**LEGAL DESCRIPTION OF
Neighborhood Revitalization Area
JULY, 2021**

PRIMARY AREA

Beginning at the intersection of the Centerline of US Highway 24 with the Centerline of NW Clay Street; thence easterly, on the Centerline of US Highway 24, to an intersection with the Centerline of NW Rochester Road; thence northerly on the Centerline of NW Rochester Road to an intersection with the Centerline of Soldier Creek; thence easterly on the Centerline of Soldier Creek to an intersection with the Centerline of NW Topeka Boulevard; thence southerly, on the Centerline of NW Topeka Boulevard to an intersection with the Centerline of Soldier Creek; thence easterly down the Centerline of Soldier Creek to an intersection with the Centerline of the Mainline Track of the Union Pacific Railroad; thence southerly, on the centerline of said mainline track, to an intersection with the Centerline of the West Approach to the Sardou Bridge over the Kansas River; thence east-southeasterly on the centerline of said approach and the Centerline of the Sardou Bridge to an intersection with the Centerline of the Kansas River; thence southwesterly up the Centerline of the Kansas River to an intersection with an extension of the Centerline of NE Chandler Street; thence southerly on the Centerline of NE Chandler Street to an intersection with the Centerline of NE Seward Avenue; thence westerly on the Centerline of NE Seward Avenue to an intersection with the Centerline of NE Branner Street; thence south-southwesterly on the Centerline of Branner Street to an intersection with the Centerline of the Mainline Track of the Burlington Northern - Santa Fe Railway; thence easterly on the centerline of said mainline track to an intersection with the East line of the Northeast Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M.; thence northerly on the East line of the Northeast Quarter to an intersection with the Centerline of NE Seward Avenue; thence easterly on the Centerline of NE Seward Avenue to an intersection with the Centerline of NE Rice Road; thence southerly on the Centerline of NE Rice Road and on the Centerline of SE Rice Road to an intersection with the Centerline on SE Sixth Street; thence easterly on the Centerline of SE Sixth Street to the extended West line of Reser's Croco Subdivision No. 2; thence on the boundary of Reser's Croco Subdivision No. 2 the following five courses: northerly, 300.00 feet; westerly, 100.00 feet; northerly, 1642.97 feet; easterly, 300.00 feet; southerly, 399.26 feet; thence easterly on the North line of Reser's Croco Subdivision No. 2 and its extension to an intersection with the East line of the Southeast Quarter of Section 34, Township 11 South, Range 16 East of the Sixth P.M.; thence southerly to the Northeast corner of Section 3, Township 12 South, Range 16 East of the 6th P.M, also being the Centerline of said SE Sixth Street; thence westerly on the Centerline of said SE Sixth Street to the intersection with SE Deer Creek Parkway; thence South on the Centerline of said SE Deer Creek Parkway to the intersection with the Centerline of Interstate Highway 70; thence westerly on the Centerline of Interstate Highway 70 to the intersection with the Centerline of SE California Avenue; thence southerly on the Centerline of SE California Avenue to an intersection with the Centerline of SE 29th Street; thence westerly on the Centerline of SE 29th Street to an intersection with the Centerline of SE Adams Street; thence southerly on the Centerline of SE Adams Street to an intersection with the Centerline of 37th Street; thence westerly on the Centerline of said 37th Street to an intersection with the Centerline of SW Topeka Boulevard; thence northerly on the Centerline of SW Topeka Boulevard to an intersection with the Centerline of 29th Street; thence easterly on the Centerline of said 29th Street to an intersection with the Centerline of the right of way of the Landon Trail, formerly the right of way of the Missouri Pacific Railway; thence northerly on the Centerline of the right of way of the Landon Trail to an intersection with the Centerline of 21st Street; thence westerly on the Centerline of said 21st Street to the intersection with the Centerline of SW Washburn Avenue; thence northerly on the Centerline of said SW Washburn Avenue to the intersection with the Centerline of SW 11th Street; thence westerly on the Centerline of said SW 11th Street to the intersection with the Centerline of SW Woodward Avenue; thence northerly on the Centerline of said SW Woodward Avenue to an intersection with the Centerline of SW 10th Avenue; thence westerly on the Centerline of said SW 10th Avenue to an intersection with the Centerline of SW Summit Avenue; thence north-northeasterly on the Centerline of said SW Summit Avenue to an intersection with the Centerline of SW Sixth Avenue; thence easterly and east-southeasterly on the Centerline of SW Sixth Avenue to an intersection with the Centerline of SW Washburn Avenue; thence north-northeasterly on the Centerline of SW Washburn Avenue to an intersection with the Centerline of SW Willow Avenue; thence easterly, on the Centerline of SW Willow Avenue to an intersection with the Centerline of Quinton Avenue; thence northerly on the Centerline of Quinton Avenue to an intersection with the Centerline of SW 1st Street; thence east-southeasterly on the Centerline of SW 1st Street to the West line of Section 30, Township 11 South, Range 16 East of the 6th P.M.; thence northerly on the West line of

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Adopted by the Governing Body: ENTER DATE*

DRAFT – 9/22/2021

Section 30 to an intersection with the Centerline of the Kansas River; thence southeasterly down the Kansas River to an intersection with the Centerline of SW Topeka Boulevard; thence north-northeasterly on the Centerline of Topeka Boulevard to an intersection with the Centerline of NW Laurent Street; thence west-northwesterly on the Centerline of NW Laurent Street to an intersection with the Centerline of NW Norris Street; thence west-northwesterly on the Centerline of NW Norris Street to an intersection with the Centerline of NW Lane Street; thence north-northeasterly on the Centerline of NW Lane Street to an intersection with the Centerline of NW Gordon Street; thence east-southeasterly on the Centerline of NW Gordon Street to an intersection with the Centerline of NW Buchanan Street; thence northerly on the Centerline of NW Buchanan Street to an intersection with the Centerline of NW Grant Street; thence easterly, on the Centerline of NW Grant Street to an intersection with the Centerline of NW Western Avenue; thence northerly on the Centerline of NW Western Avenue to an intersection with the Centerline of NW St. John Street; thence easterly on the Centerline of NW St. John Street to an intersection with the Centerline of NW Taylor Street; thence northerly on the Centerline of NW Taylor Street to an intersection with the Centerline of NW Lyman Road; thence westerly on the Centerline of NW Lyman Road to an intersection with the Centerline of NW Clay Street; thence northerly on the Centerline of NW Clay Street to the point of beginning.

(AND IN ADDITION)

KANZA BUSINESS AND TECHNOLOGY PARK (OVERALL PUD BOUNDARY)

A TRACT OF LAND IN THE SOUTHEAST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, LOT 3 OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER, ALL IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00°00'22" EAST, 30.00 FEET, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°36'04" WEST, 23.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'04" WEST, 2611.74 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER, 30.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°06'23" WEST, 1118.90 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 86°16'38" EAST, 130.48 FEET; THENCE NORTH 42°55'39" EAST, 233.28 FEET; THENCE NORTH 01°25'17" WEST, 497.95 FEET; THENCE SOUTH 88°46'41" WEST, 278.01 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°06'23" EAST, 120.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER TO THE NORTH LINE OF ARLINGTON HEIGHTS SUBDIVISION; THENCE SOUTH 89°54'32" WEST, 1309.28 FEET ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°11'27" EAST, 953.94 FEET ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°18'11" EAST, 663.92 FEET ALONG THE WEST LINE OF SAID LOT 3 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70; THENCE NORTH 88°53'30" EAST, 883.63 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE ON A CURVE TO THE LEFT, ALONG SAID RIGHT-OF-WAY LINE, A RADIUS OF 1579.22 FEET, AN ARC DISTANCE OF 683.95 FEET, WITH A CHORD WHICH BEARS NORTH 76°29'04" EAST, 678.62 FEET; THENCE NORTH 64°04'38" EAST, 1046.28 FEET, ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 00°08'08" WEST, 213.32 FEET; THENCE SOUTH 78°48'28" EAST, 1483.53 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°08'53" EAST, 87.25 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 16°33'51" WEST, 156.49 FEET; THENCE SOUTH 00°08'53" EAST, 539.57 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, 45.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°00'22" WEST, 35.43 FEET; THENCE SOUTH 89°59'38" EAST, 21.50 FEET; THENCE SOUTH 00°00'22" WEST, 2570.01 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 258.943 ACRES, MORE OR LESS.

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26; THENCE ALONG THE SOUTH LINE OF SAID QUARTER ON

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AN ASSUMED BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 825.36 FEET; THENCE ON A BEARING OF NORTH 00°24'22" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL WITH THE SOUTH LINE OF SAID QUARTER ON A BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 515.96 FEET; THENCE ON A BEARING NORTH 00°25'19" WEST, A DISTANCE OF 2033.61 FEET; THENCE ON A BEARING OF NORTH 44°27'37" EAST, A DISTANCE OF 68.73 FEET; THENCE ON A BEARING OF SOUTH 63°56'06" EAST, A DISTANCE OF 18.56 FEET; THENCE ON A BEARING OF NORTH 19°56'13" EAST, A DISTANCE OF 44.30 FEET; THENCE ON A BEARING OF NORTH 34°34'08" EAST, A DISTANCE OF 25.22 FEET; THENCE ON A BEARING OF NORTH 72°13'53" EAST, A DISTANCE OF 27.65 FEET; THENCE ON A BEARING OF SOUTH 37°05'32" EAST, A DISTANCE OF 14.75 FEET; THENCE ON A BEARING OF SOUTH 54°25'19" EAST, A DISTANCE OF 16.30 FEET; THENCE ON A BEARING OF SOUTH 80°46'21" EAST, A DISTANCE OF 23.15 FEET; THENCE ON A BEARING OF SOUTH 87°13'11" EAST, A DISTANCE OF 11.70 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 74°03'00" EAST, AND A CHORD DISTANCE OF 34.18 FEET) A DISTANCE OF 34.48 FEET; THENCE ON A BEARING OF SOUTH 60°52'49" EAST, A DISTANCE OF 42.96 FEET; THENCE ON A BEARING OF SOUTH 53°28'55" EAST, A DISTANCE OF 108.90 FEET; THENCE ON A BEARING OF SOUTH 31°54'18" EAST, A DISTANCE OF 87.45 FEET; THENCE ON A BEARING OF SOUTH 26°44'08" EAST, A DISTANCE OF 158.72 FEET; THENCE ON A BEARING OF SOUTH 28°30'48" EAST, A DISTANCE OF 137.12 FEET; THENCE ON A BEARING OF SOUTH 35°51'47" EAST, A DISTANCE OF 63.86 FEET; THENCE ON A BEARING OF SOUTH 44°53'50" EAST, A DISTANCE OF 71.01 FEET; THENCE ON A BEARING OF SOUTH 00°10'26" EAST, A DISTANCE OF 305.26 FEET; THENCE ON A BEARING OF SOUTH 41°48'53" WEST, A DISTANCE OF 216.94 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 19°54'50" EAST, AND A CHORD DISTANCE OF 97.23 FEET) A DISTANCE OF 105.78 FEET; THENCE ON A BEARING OF SOUTH 00°01'58" EAST, A DISTANCE OF 78.63 FEET; THENCE ON A BEARING OF SOUTH 34°02'36" EAST, A DISTANCE OF 118.96 FEET; THENCE ON A BEARING OF SOUTH 00°17'22" WEST, A DISTANCE OF 227.41 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF SOUTH 45°46'21" WEST, AND A CHORD DISTANCE OF 77.15 FEET) A DISTANCE OF 83.79 FEET; THENCE ON A BEARING OF SOUTH 00°06'58" EAST, A DISTANCE OF 142.97 FEET; THENCE ON A BEARING OF SOUTH 86°22'32" WEST, A DISTANCE OF 30.69 FEET; THENCE ON A BEARING OF SOUTH 01°46'13" EAST, A DISTANCE OF 80.18 FEET; THENCE ON A BEARING OF SOUTH 89°57'22" WEST, A DISTANCE OF 20.82 FEET; THENCE ON A BEARING OF SOUTH 00°15'55" WEST, A DISTANCE OF 130.86 FEET; THENCE ON A BEARING OF SOUTH 89°40'17" EAST, A DISTANCE OF 21.15 FEET; THENCE ON A BEARING OF SOUTH 00°20'17" WEST, A DISTANCE OF 28.30 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 118.49 FEET, A CHORD BEARING OF SOUTH 21°22'45" EAST, A CHORD DISTANCE OF 60.15 FEET) A DISTANCE OF 60.82 FEET; THENCE ON A BEARING OF SOUTH 32°29'33" EAST, A DISTANCE OF 24.43 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 194.67 FEET, A CHORD BEARING OF SOUTH 12°51'45" EAST, AND A CHORD DISTANCE OF 80.56 FEET) A DISTANCE OF 81.15 FEET; THENCE ON A BEARING OF SOUTH 01°52'31" EAST, A DISTANCE OF 26.20 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 24.081 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS OF RECORD, IF ANY.

(AND IN ADDITION)

KANZA BUSINESS AND TECHNOLOGY PARK SUBDIVISION. CONTAINS APPROXIMATELY 10.39-ACRES, MORE OR LESS.

EXCEPT

The property commonly known as the 501 Sports Complex and legally described as follows: A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the Sixth Principal Meridian, described as

follows: Beginning at a point on the West line, 30.00-feet North of the Southwest Corner of said Quarter Section (said point being on the North right-of-way line of West Sixth Street); thence North 00 degrees, 06 minutes, 40 seconds West, along said West Line, 1,118.79-feet; thence South 86 degrees, 14 minutes, 23 seconds East, 130.46-feet; thence North 42 degrees, 56 minutes, 08 seconds East, 233.28-feet; thence North 01 degrees, 24 minutes, 28 seconds West, 497.95-feet; thence North 88 degrees, 48 minutes, 04 seconds East, 120.98-feet; thence on a 302.50-foot radius curve to the left, with a 170.62-foot chord bearing North 72 degrees, 25 minutes, 13 seconds East, an arc distance of 172.97-feet; thence North 56 degrees, 02 minutes, 21 seconds East, 399.91-feet; thence South 20 degrees, 26 minutes, 15 seconds East 750.52-feet; thence South 00 degrees, 24 minutes, 53 seconds East, 1, 344.97-feet to the North right-of-way line of West Sixth Street; thence South 89 degrees, 36 minutes, 04 seconds West, along said North right-of-way line, 1,162.82-feet to the Point of Beginning. The above contains 44.001-acres, more or less, all in the City of Topeka, Shawnee County, Kansas.

(AND IN ADDITION)

Cowdin Subdivision No. 3, according to the recorded plat thereof.

(AND IN ADDITION)

OAKLAND AREA

Begin at the intersection of the centerline of NE Poplar Street with the centerline of NE Laurent Street in the City of Topeka, Shawnee County, Kansas; thence northerly along the centerline of NE Poplar Street to the centerline of NE Grant Street; thence easterly along the centerline of NE Grant Street to the centerline of NE Chester Avenue; thence northerly along the centerline of NE Chester Avenue to the centerline of NE Belmont Avenue; thence easterly on the centerline of NE Belmont Avenue to the centerline of NE Oakland Avenue; thence southerly along the centerline of NE Oakland Avenue to the Northeasterly line of the Doran Avenue lots, in Garden Park Addition; thence northwesterly along the North line of the Doran Avenue lots to a point on the East line of Lot 10 on Doran Avenue, as described in Book 4208, page 873; thence southwesterly along the West line of the parcel described in Book 4208, page 873 and its extension to the centerline of NE Laurent Street; thence westerly along the centerline of NE Laurent Street to the Point of Beginning.

(AND IN ADDITION)

A tract of land in Section 30, Township 12 South, Range 16 East of the Sixth Principal Meridian, in the City of Topeka, Shawnee County, Kansas, described as follows: Begin at the Southwest corner of Section 30; thence northerly along the West line of Section 30 to the North line of said Section 30; thence easterly along the North line of Section 30 to the extended East line of South Village Subdivision; thence southerly along the East line of South Village Subdivision to the South line of South Village Subdivision; thence westerly along the South line of South Village Subdivision to the East line of Terra Heights Subdivision; thence southerly along the East line of Terra Heights Subdivision to the Southwesterly right of way line of the Missouri Pacific Railroad, as recorded in Book 4251, page 621; thence South 54 degrees 38 minutes 32 seconds East, 1304.94 feet along said right of way line; thence southeasterly and southwesterly along said right of way line, 1020.98 feet along the arc of a curve to the right, having a radius of 419.28 feet with a chord which bears South 21 degrees 57 minutes 15 seconds West, 786.78 feet; thence South 89 degrees 35 minutes 28 seconds West, 132.83 feet along said right of way line; thence westerly along said right of way line, 249.10 feet along the arc of a curve to the left, having a radius of 613.69 feet with a chord which bears South 77 degrees 55 minutes 31 seconds West, 247.40 feet to the North right of way line of SE 53rd Street; thence South 89 degrees 35 minutes 28 seconds West, 368.63 feet along the North right of way of SE 53rd Street; thence southerly to the South line of Section 30; thence westerly along the South line of Section 30 to the Point of Beginning.

(AND IN ADDITION)

Southern Hills Subdivision "A", Southern Hills Subdivision "B", and Southern Hills Subdivision "C" according to the recorded plats thereof. Contains approximately 110.8 acres.

(AND IN ADDITION)

Drakes Farm Subdivision, according to the recorded plat thereof.

(AND IN ADDITION)

3528 SE Cyprus Drive - Lot 1, Block A, Croco Park Subdivision

(AND IN ADDITION)

3521 SE 21st Street – Lots 1, 2, 4, and 4, Block A, Altair Heights Subdivision No. 6.

(AND IN ADDITION)

Lot 1, Block A, Altair Heights Subdivision No. 3, less street right-of-way.

OUTSIDE REVITALIZATION AREA; ‘DILAPIDATED STRUCTURE’:

(Menninger Clock Tower Building)

A portion of Lot 1, Block A, Menninger Foundation Subdivision, being situated in the Southwest Quarter of Section 28, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Northwest corner of said Southwest Quarter, being a point on the West line of Menninger Foundation Subdivision; thence on an assumed Azimuth of 179 degrees 17 minutes 46 seconds coincident with the West line of said Menninger Foundation Subdivision, a distance of 638.96 feet; then on Azimuth 89 degrees 17 minutes 46 seconds, perpendicular to the West line of Menninger Foundation Subdivision, a distance of 898.87 feet to the Point of Beginning; thence on Azimuth 88 degrees 07 minutes 19 seconds, a distance of 329.86 feet; thence on Azimuth 177 degrees 11 minutes 06 seconds, a distance of 250.36 feet; thence on Azimuth 183 degrees 05 minutes 12 seconds, a distance of 141.29 feet; thence on Azimuth 194 degrees 58 minutes 13 seconds, a distance of 66.17 feet; thence on Azimuth 177 degrees 47 minutes 10 seconds, a distance of 178.14 feet; thence on Azimuth 267 degrees 50 minutes 09 seconds, a distance of 275.83 feet; thence on Azimuth 357 degrees 50 minutes 17 seconds, coincident with centerline of an existing access road recorded in Book 4314, Page 099 in the Register of Deeds Office for Shawnee County, a distance of 431.62 feet; thence on Azimuth 317 degrees 14 minutes 41 seconds, a distance of 39.39 feet; thence on Azimuth 358 degrees 10 minutes 19 seconds, a distance of 172.54 feet to the Point of Beginning.

PART 2
APPRAISED VALUATION OF REAL PROPERTY

The appraised valuation of the Menninger Clock Tower and the real estate contained in the Neighborhood Revitalization Area as of June 14, 2020 for each parcel by land and building values is on file in the office of the Shawnee County Appraiser. The 2020 appraised valuation for the 14,108 parcels contained in the area is:

Land	\$262,450,850
<u>Improvements</u>	<u>\$1,624,280,390</u>
Total Appraised Valuation	\$1,886,731,240

PART 3
LISTING OF OWNERS OF RECORD IN AREA

Each owner of record of the Menninger Clock Tower and each parcel of land is listed together with the corresponding address on file in the office of the Shawnee County Appraiser (<http://www.snco.us/ap/>).

PART 4
EXISTING ZONING BOUNDARIES
&
EXISTING/PROPOSED LAND USES

Descriptions of zoning districts, current boundaries, existing land uses, and future land use maps within the Neighborhood Revitalization Area are all found on file in the Topeka Planning Department or at www.topeka.org/planning

PART 5
MAJOR IMPROVEMENTS
PROPOSED FOR NEIGHBORHOOD REVITALIZATION AREA

A list of the proposed major improvements within the Neighborhood Revitalization Area are identified within the adopted neighborhood and area plans of the City's Comprehensive Plan. Copies of those plans are on file with the Topeka Planning Department and on-line at www.topeka.org/planning

- Topeka Land Use and Growth Management Plan (2015)
- Central Highland Park Neighborhood Plan (2010)
- Ward-Meade Neighborhood Plan (2001/2010)
- Chesney Park Neighborhood Plan (1998/2009)
- Central Park Neighborhood Plan (1998/2008/2019)
- Hi-Crest Neighborhood Plan (2015)
- North Topeka West (2016)
- Historic North Topeka East (2013)
- Holliday Park Neighborhood Plan (1998/2008)
- Oakland Neighborhood Plan (2004/2014)
- Hi-Crest Neighborhood Plan (2003)
- Old Town Neighborhood Plan (2003)
- East Topeka Neighborhood Revitalization Plan (2002)
- Downtown Topeka Redevelopment Plan (2001)
- Elmhurst Neighborhood Plan (2001)
- Tennessee Town (2001/2017)
- Washburn-Lane Parkway Plan (2001)
- Quinton Heights Neighborhood Plan (2018)
- East Topeka North Neighborhood Plan (2020)
- Downtown Master Plan (2021)

Proposed housing, infrastructure, and public facility improvements within these plans are intended to guide the City's future resource allocation as targeted within the Neighborhood Revitalization Area. Actual approved resource allocations are found with the City's Capital Improvement Budget and Consolidated Plan.

PART 6
STATEMENT SPECIFYING THE ELIGIBILITY REQUIREMENTS
FOR A TAX REBATE

Residential New Construction/Rehabilitation

All properties with residential improvements legally permitted by applicable zoning regulations and building codes within, or that fronts a public street boundary of the designated Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 10%.

Commercial New Construction/Rehabilitation

All properties with commercial, office and institutional, and industrial improvements legally permitted by applicable zoning regulations and building codes within, or that fronts a public street boundary of the designated Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 20%.

PART 7

CRITERIA FOR DETERMINATION OF ELIGIBILITY

- (a) Construction of an improvement must have begun on or after January 1, 2022. Such improvement project shall remain eligible in the event the neighborhood revitalization plan is extended beyond 2024 by a subsequent ordinance. An improvement project constructed pursuant to a building permit and an application for tax rebate filed before January 1, 2022, may be eligible for a rebate under the Neighborhood Revitalization Program created by City Ordinance No. 20149
- (b) A rebate application must be filed prior to or within sixty (60) days of the issuance of a building permit or initiation of work (if no building permit is required) as determined by the Planning Director. An application determined to be “out-of-time” shall be accepted by the Planning Director if the applicant can demonstrate that prior to commencing the improvements, he or she intended to use the program’s benefits for the specific improvement proposed in the application. Some factors that may be used to determine the intent and prior knowledge of the program include previous written or verbal communication with city staff, contractors, or other interested parties in the project. The fact that the applicant was not made aware of the program by city staff shall not be used as a factor in this determination. An application shall not be accepted “out-of-time” if the building permit was issued to correct a past zoning or building code violation. The applicant must submit all evidence in writing that supports the above criteria to the Planning Department within one (1) year of the issuance of the building permit. The applicant may appeal the Planning Director’s decision to the City Manager who has final authority over the matter.
- (c) The improvements must conform with the Comprehensive Plan, design guidelines within applicable elements of the Comprehensive Plan and Title 18 Comprehensive Zoning Regulations, including adopted Neighborhood Conservation Districts in effect at the time the improvements are made.
- (d) New and existing improvements on the property must conform with all other applicable codes, rules, and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.
- (f) Commercial or industrial property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and Topeka's existing tax abatement program pursuant

to Article 11, Section 13 of the Kansas Constitution and TMC Chapter 3.55, may receive one exemption/rebate per project from the City as a tax incentive.

- (g) Any property that fronts a public street boundary of the Neighborhood Revitalization Area shall be eligible for the rebate, except those properties that front a public highway.

PART 8

CONTENTS OF APPLICATION FOR TAX REBATE

Part 1 - General Information (Completed by applicant)

- (a) Owner's Name and applicant's name
- (b) Owner's Mailing Address.
- (c) School District No.
- (d) Parcel I.D. No.
- (e) Building Permit No. and copy of permit
- (f) Address of Property.
- (g) Legal Description of Property
- (h) Day Phone Number.
- (i) Proposed Property Use.
- (j) Improvements (Attach itemized list of improvements)
- (k) Estimated Cost of Improvements
- (l) Proof of Historical Register Listing or nomination.
- (m) List of Buildings proposed to be or actually demolished.
- (n) Date of commencement of construction.
- (o) Estimated date of completion of construction.

Part 2 - Status of Construction/Completion

- (a) County Appraiser's Statement of Percentage Test.
- (b) County Clerk's Statement of Tax Status.
- (c) Planning's Statement of Application Conformance for Tax Rebate.

PART 9
APPLICATION PROCEDURE

- (a) The owner/applicant shall obtain an Application for Tax Rebate from Topeka Planning Department, or concurrent with obtaining a building permit application.
- (b) The applicant shall complete and sign the application and file the original with Planning, prior to or within sixty (60) days of issuance of the building permit or as permitted under Part 7(b).
- (c) Planning shall forward the application to the Shawnee County Appraiser's Office for determination of the appraised valuation of the improvements and when necessary for designated historic properties, shall indicate the base tax year in order to determine the property's pre-demolition value for historic resources or landmarks that were demolished to make way for the improvements.
- (d) On or about January 1, the County Appraiser shall conduct an on-site inspection of the construction project, determine the new valuation of the real-estate, complete his portion of the application, and report the new valuation to the Shawnee County Clerk by June 1 of that same year. The tax records on the project shall be revised by the County Clerk's Office.
- (e) Upon determination by the Appraiser's office that the improvements meet the percentage test for rebate and the Clerk's office has determined the status of the taxes on the property, Planning shall certify to the County Clerk the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant.
- (f) Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year period extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Shawnee County to the other taxing units, a tax rebate in the amount of the tax increment (less any fees as specified in the Interlocal Agreement) shall be made to the applicant.

The tax rebate amount will be based on the appraised property value increment between the application year and the completion year directly attributable to the improvement itself. The actual rebate may vary year to year depending upon the approved mill levy for all participating taxing jurisdictions. The tax rebate shall be made by Audit and Finance, Shawnee County through the Neighborhood Revitalization Fund established in conjunction with the City of Topeka and the other taxing units participating in an Interlocal Agreement.

PART 10
STANDARDS AND CRITERIA FOR APPROVAL

- (a) Project improvements shall be 100% complete within two years of building permit issuance or within two years of beginning construction on the listed improvements.
- (b) The appraised value of residential property must be increased by a minimum of 10%.
- (c) The appraised value of commercial and industrial property must be increased by a minimum of 20%.
- (d) New improvements must conform with all applicable codes, rules, and regulations in effect at the time the improvements are made, including zoning regulations and design guidelines adopted by the Governing Body, for the length of the rebate.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.

PART 11

STATEMENT SPECIFYING REBATE FORMULA

Program Period:

The Neighborhood Revitalization Fund and tax rebate incentive program shall expire on December 31, 2024.

Rebate Period:

All Eligible Uses – Administrative Approval	10 years
All Eligible Uses – Governing Body Approval	11-20 years

Rebate Amount*:

Standard Rebate:

- All Eligible Uses Not Specified In Areas Below	95% (years 1-5)
	50% (years 6-10)

Standard Plus 10 Rebate:

- “Intensive Care” areas (2020 Neighborhood Health Map)	95%
- National/State Register/Properties and Districts and Local Historic Properties/Districts	95%
- “New” Infill Housing (Single and Multi-Family); including: Single-family in Cowdin Subd. #3, Southern Hills Subd. A, B, and C, and Drakes Farm Subdivisions	95%

Standard Plus 20 Rebate:

- TIF District	
- Minimum \$10,000,000 investment	
- Primary use is residential	
- “But-For” Test/Study	
- Governing Body Approval	95%

*5 % to remain in Neighborhood Revitalization Fund for administrative costs.

Part 12

OTHER MATTERS

1. The governing body may declare a building outside of a neighborhood revitalization area to be a “dilapidated structure” if it satisfies the conditions set forth in subsection (a) of KSA 12-17, 115. A “dilapidated structure” is defined as a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worth of preservation. Pursuant to K.S.A. 12-17,117(b), the governing body has determined the the Menninger Clock Tower building located at 5800 SW 6th Avenue is a ‘dilapidated structure’ and, as such, is eligible for consideration of a property tax rebate for the following reasons:

- The building is a dilapidated structure due to its long vacancy and current boarded condition,
- The building is historic and is listed on the National Register of Historic Places and is worthy of preservation.

Prior to acceptance of a tax rebate application for projects involving a ‘dilapidated structure’, the applicant must submit a “but-for” test/study to be approved by the City Manager that demonstrates the need for a rebate.

2. The governing body may designate certain projects to have up to a 20-year rebate period, provided all of the following criteria are satisfied:
 - The project is located within an existing Tax Increment Financing District (TIF) within the NRP Area

- The primary use is residential
- The project has a minimum investment of \$10,000,000
- The project submits a but-for analysis that demonstrates the need for the longer rebate period.

Should the governing body determine that the project meets the criteria, the property will be removed from the TIF in accordance with Ordinance No. 20228. Prior to acceptance of a tax rebate application, projects must submit a “but-for” test/study to be approved by the City Manager that demonstrates the need for a rebate.

3. The remaining funds in the Special Fund identified in the Neighborhood Revitalization Plan adopted in Ordinance No. 18222 shall be transferred to the City of Topeka’s Housing Trust Fund as a match to support affordable housing development.

SHAWNEE COUNTY TAX LEVY SCHEDULE 2020

Tax Levies per \$1,000 Assessed Valuation

<u>Taxing Jurisdiction (within USD 501 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1. Shawnee County	48.157	30.71%
2. City of Topeka	39.687	25.31%
3. USD 501 (Topeka)	49.716	31.70%
4. Washburn University	3.249	2.07%
5. Topeka-Shawnee County Public Library	9.786	6.24%
6. TMTA (Transit)	4.200	2.68%
7. MTAA (Airport)	<u>2.032</u>	<u>1.30%</u>
Total	156.827	100%

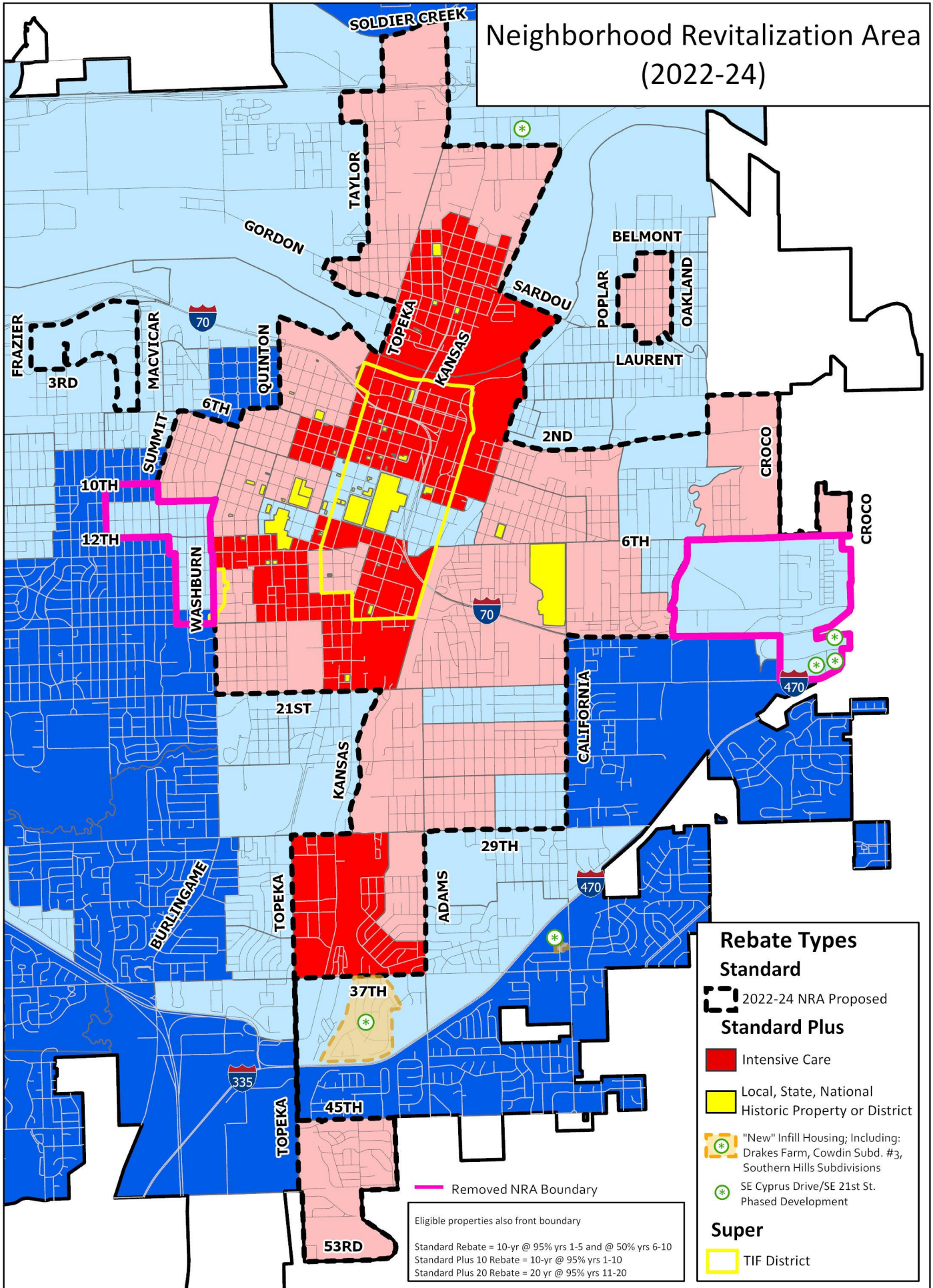
<u>Taxing Jurisdiction (within USD 345 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1. Shawnee County	48.157	30.11%
2. City of Topeka	39.687	25.11%
3. USD 345 (Seaman)	50.925	32.22%
4. Washburn University	3.249	2.06%
5. Topeka-Shawnee County Public Library	9.786	6.16%
6. TMTA (Transit)	4.200	2.66%
7. MTAA (Airport)	<u>2.032</u>	<u>1.29%</u>
Total	158.036	100%

<u>Taxing Jurisdiction (within USD 450 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1. Shawnee County	48.157	30.30%
2. City of Topeka	39.687	24.97%
3. USD 450 (Shawnee Heights)	51.83	32.61%
4. Washburn University	3.249	2.04%
5. Topeka-Shawnee County Public Library	9.786	6.16%
6. TMTA (Transit)	4.200	2.64%
7. MTAA (Airport)	<u>2.032</u>	<u>1.28%</u>
Total	158.941	100%

<u>Taxing Jurisdiction (within USD 437 area)</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
1. Shawnee County	48.157	30.65%
2. City of Topeka	39.687	25.26%
3. USD 437 (Auburn Washburn Rural)	50.0	31.82%
4. Washburn University	3.249	2.07%
5. Topeka-Shawnee County Public Library	9.786	6.23%
6. TMTA (Transit)	4.200	2.67%
7. MTAA (Airport)	<u>2.032</u>	<u>1.29%</u>
Total	157.111	100%

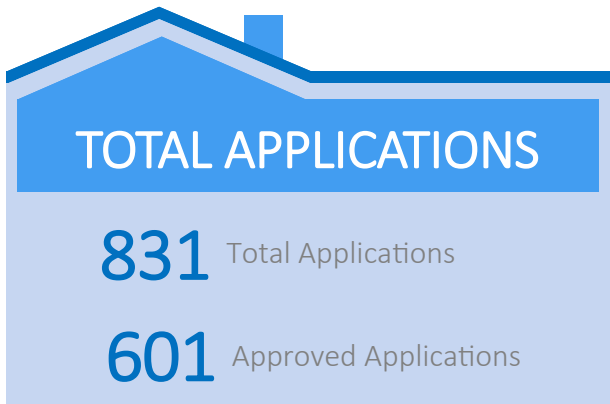
Source: Shawnee County Clerk's Office, 2020

Neighborhood Revitalization Area (2022-24)



Neighborhood Revitalization Program

Term Years 1995-2021



TOTAL INVESTED

464 MILLION DOLLARS

IN BOTH COMMERCIAL AND RESIDENTIAL PROPERTIES

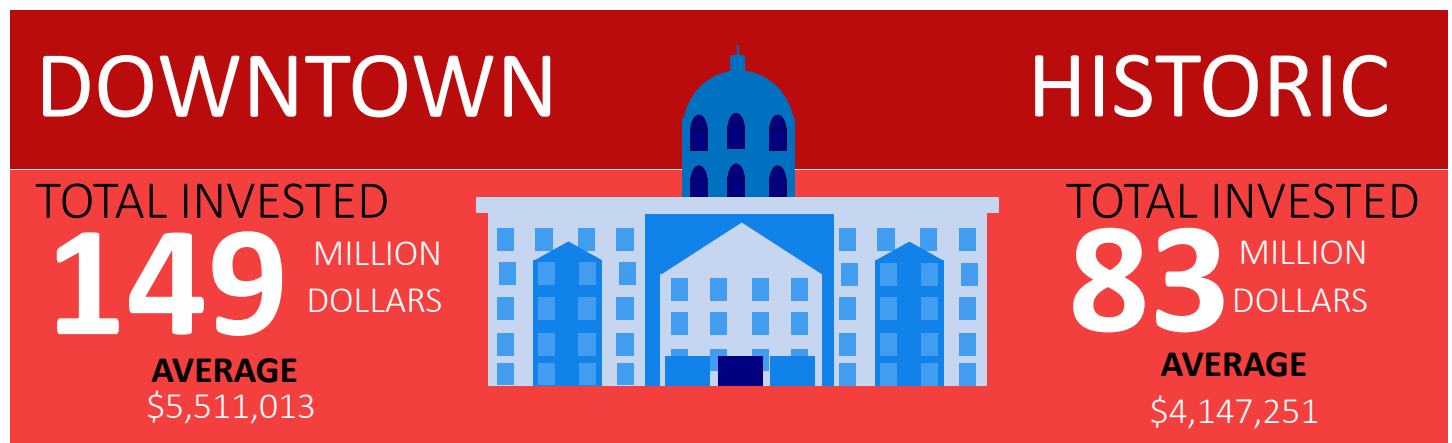
\$355,178,005
COMMERCIAL

\$109,218,582
RESIDENTIAL

1995-2020 **TAX REBATE AMOUNT PAID** **\$56,795,316**

\$29,625,641 **NEW TAX GENERATED** 2006-2021

FOR EVERY DOLLAR REBATED
\$8.2 ARE INVESTED



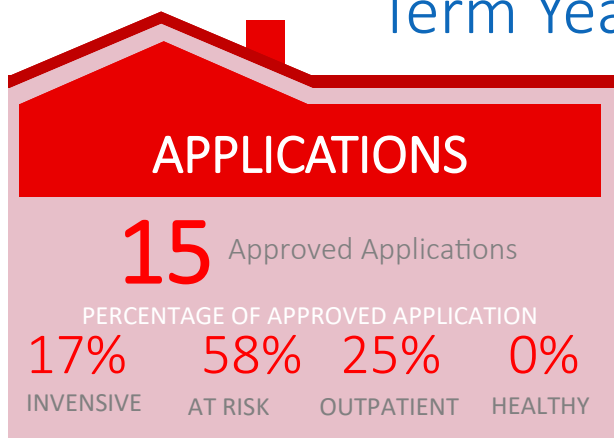
Neighborhood Health 2004-2021

INTENSIVE CARE	\$41,778,640	13%
AT RISK	\$203,488,677	63%
OUTPATIENT	\$56,103,574	17%
HEALTHY	\$23,597,968	7%



Neighborhood Revitalization Program

Term Years 2019-2021



TOTAL INVESTED

33 MILLION DOLLARS

IN BOTH COMMERCIAL AND RESIDENTIAL PROPERTIES

\$25,299,258

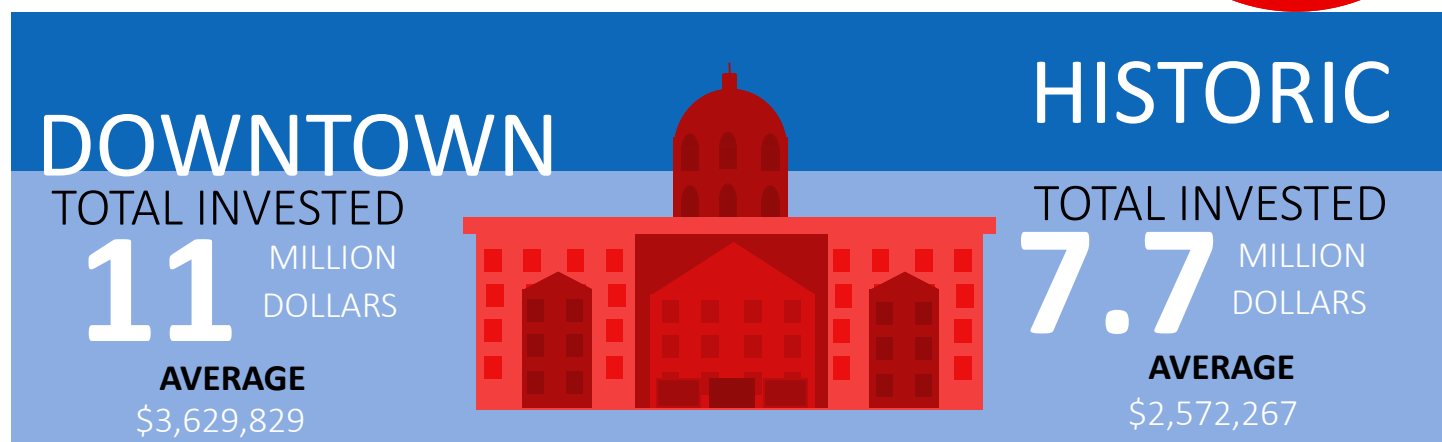
COMMERCIAL

\$7,858,302

RESIDENTIAL

2019-2020 TAX REBATE AMOUNT PAID **\$6,852,700**

\$5,884,102 NEW TAX GENERATED 2019-2021



Neighborhood Health Applications and Investments

2019



\$594,500 \$9,551,911 \$7,442,067 \$39,168

2020



\$495,910 \$12,926,764 \$1,131,000

2021*



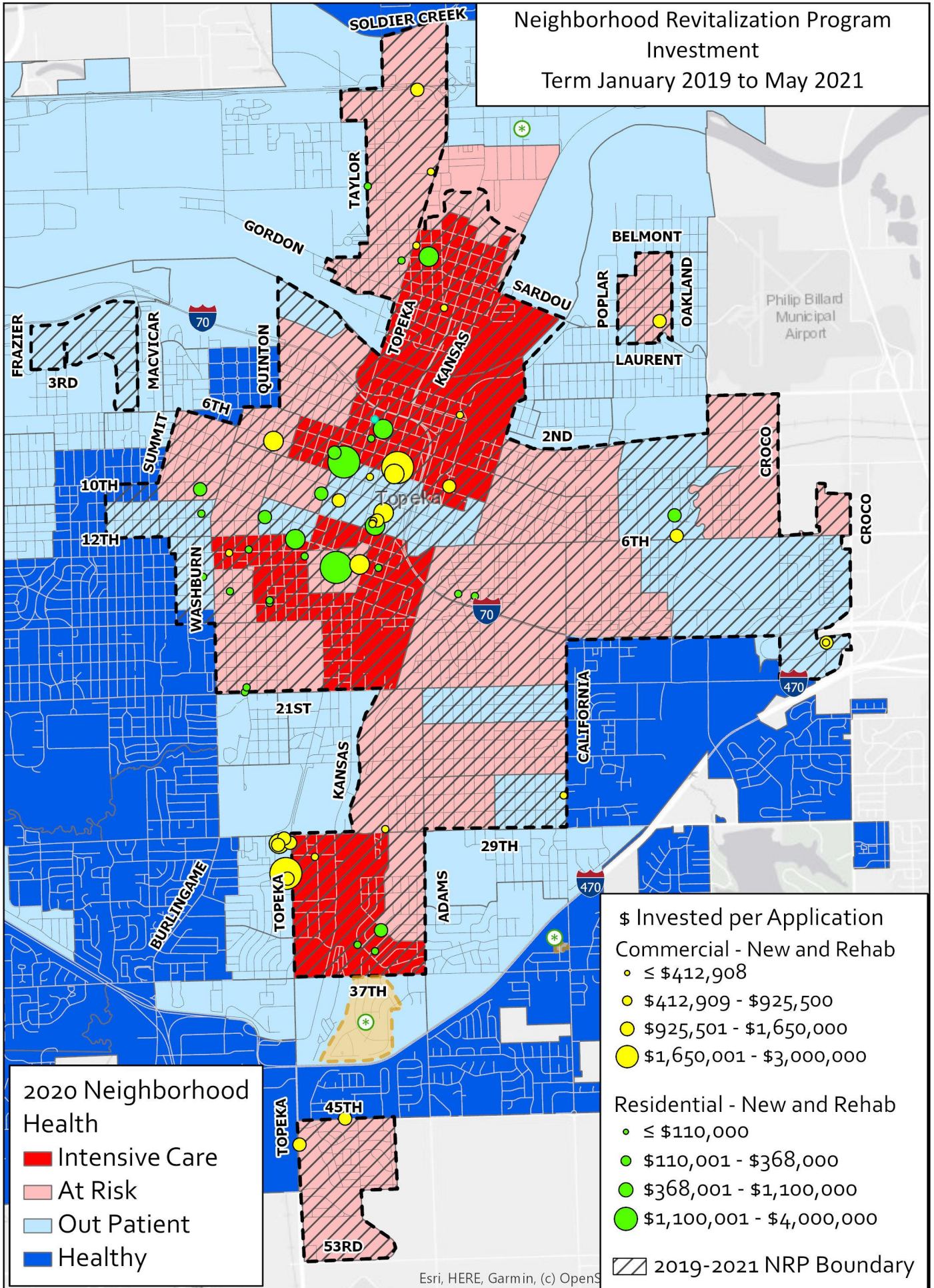
\$208,240 \$768,000

- Intensive Care
- At Risk
- Out Patient
- Healthy

33 NEW Residential Units



Neighborhood Revitalization Program
Investment
Term January 2019 to May 2021



Owner/Applicant	Address	Neighborhood Health	Type of Improvement	NIA	Estimate	Status of Rebate	2019 post improvement (appraised value)	2020 post improvement (appraised value)	2021 post improvement (appraised value)
2019									
Amherst Holdings LLC/Stephen Osborne	1433 SW Lincoln	At Risk	Multifamily Rehab	Central Park	\$95,000	APPROVED	\$278,470	\$374,020	
Holiday Square Partners LLC	517 SW 29th St.	Outpatient	New Commercial		\$796,141	APPROVED	\$0	\$543,100	
Clinton Self Storage LLC / Frank Meade	3528 SE Cyprus	At Risk	Commercial New		\$807,050	INCOMPLETE	\$212,540	\$747,750	\$762,360.00
Van Buren Street Development LLC	304 SW Van Buren	At Risk	Multifamily New	Downtown	\$1,100,000	APPROVED	\$150,000	\$1,038,270	\$923,750.00
Lee Thomas	3363 SE Girard	Intensive Care	Single Family Rehab	Hi Crest	\$12,500	APPROVED	\$19,990	\$27,800	
Kansas Towers LLC	830 S Kansas Ave	At Risk	Commercial Rehab	Downtown	\$552,225	DISAPPROVED	\$2,972,460	\$3,127,560	
John and Christie Chance	1903 NW Topeka Blvd	At Risk	Commercial Rehab	N Topeka West	\$240,000	APPROVED	\$196,300	\$302,450	
Meridian Development / Nathan Morris	1717 S Kansas Ave	Intensive Care	Commercial Rehab	Monroe	\$350,000	DISAPPROVED	\$250,000	no change	
AIM Strategies LLC/Seth Wagoner	921 S Kansas Ave	At Risk	Commercial Rehab	Downtown	\$148,077	APPROVED	\$98,000	\$206,700	\$324,100.00
Jay and Mildred McMurray	1336 N Topeka Blvd	At Risk	New Commercial	N Topeka East	\$178,173	APPROVED	\$52,990	\$209,430	
Harold D. Nelson Trust	1137 SW Boswell Ave	Outpatient	Single Family Rehab	Elmhurst	\$6,000	APPROVED	\$47,170	\$53,400	
Thomas J. Dobski Trust	3201-3207 SW Topeka Blvd	Outpatient	Commercial Rehab		\$700,000	APPROVED	\$110,300	\$309,480	\$383,200.00
Thomas J. Dobski Trust	3101 SW Topeka Blvd	Outpatient	Commercial Rehab		\$1,197,058	INCOMPLETE	\$539,420	no change	
McDonald's Corporation	3117 SW Topeka Blvd	Outpatient	Commercial New		\$2,500,000	APPROVED	\$1,302,790	\$2,034,870	
Richard and Lisa Werner Trust	2307 SW 10th Avenue	Healthy	Commercial Rehab		\$32,000	DISAPPROVED	\$140,700	\$159,300	
Top Expo LLC	1306 SW Harrison	At Risk	Residential Multifamily	Downtown	\$1,102,211	INCOMPLETE	\$500,520	\$503,070	\$505,330.00
Delores J. Smith	1317 SW Garfield Ave.	At Risk	Single Family Rehab	College Hill	\$79,000	APPROVED	\$23,200	\$75,300	
Heather Graves	922 N Kansas Ave	Intensive Care	Commercial Rehab	N Topeka East	\$32,000	APPROVED	\$69,000	\$96,900	
Klaton Properties: Mike Tryon	822/824 S Kansas	At Risk	Commercial Rehab	Downtown	\$1,146,000	APPROVED	\$151,200	\$795,000	\$1,187,000.00
ARE Holdings LLC	1115 SW 6th Avenue	At Risk	Commercial Rehab	Old Town	\$955,200	APPROVED	\$215,300	\$302,910	\$813,900.00
Tags Enterprises LLC	430 SE Teft St.	At Risk	Multifamily Rehab	East Topeka South	\$160,000	APPROVED	\$378,930	\$513,110	
Hicks Block LLC/Bryan Falk	600 SW 6th	Intensive Care	Multifamily Rehab	Ward Meade	\$200,000	INCOMPLETE	\$200,520	\$204,120	\$230,150.00
AZHA Propeties LLC	3100 SE 6th St	At Risk	Commercial New	E Topeka North	\$703,236	APPROVED	\$144,600	\$959,510	
Momentum Investment Grp LLC	1205 SW Polk St	At Risk	Multi Family Rehab	Historic Holliday Park	\$645,380	APPROVED	\$733,160	\$1,335,870	
1318 Buchanan LLC / Mike Wilson	1309 SW Huntton St	At Risk	Commercial Rehab	Central Park	\$65,000	APPROVED	\$52,800	\$74,800	
Holiday Square Partners LLC	2903 SW Topeka Blvd	Outpatient	Commercial Rehab		\$592,868	APPROVED	\$0	\$126,100	
Tope City Properties LLC (Reuter)	4600 S Topeka Blvd	At Risk	New Commercial		\$853,360	INCOMPLETE	\$144,020	\$161,440	
Holiday Square Partners LLC	2903 SW 29th St	Outpatient	Commercial Rehab		\$1,650,000	APPROVED	\$1,749,100	\$2,109,020	\$3,548,600.00
101 N Kansas LLC	109 N Kansas Ave	At Risk	Commercial Parking Lot	Downtown	\$75,000	DISAPPROVED	\$168,350	no change	
Colby Series 19 LLC	2620 NE Sardou Ave	At Risk	Commercial Rehab	Oakland	\$652,000	APPROVED	\$277,500	\$587,700	\$790,400.00

Owner/Applicant	Address	Neighborhood Health	Type of Improvement	NIA/NA	Estimate	Status of Rebate	2020 post improvement (appraised value)	2021 post improvement (appraised value)	2022 post improvement (appraised value)
2020									
McCabe Properties LLC	3003 SW Van Buren St	Intensive Care	Commercial rehab		\$412,909	APPROVED	\$228,200	\$340,900	
Melissa Wyatt	1528 SW Central Park Ave	Intensive Care	Single Family Rehab	Central Park	\$20,000	APPROVED	\$39,400	\$45,700	
Melissa Wyatt	1532 SW Central Park Ave	Intensive Care	Single Family Rehab	Central Park	\$20,000	DISAPPROVED	\$45,490	\$43,600	
Melissa Wyatt	1534 SW Central Park Ave	Intensive Care	Single Family Rehab	Central Park	\$20,001	APPROVED	\$29,310	\$35,800	
Melissa Wyatt	1530 SW Central Park Ave	Intensive Care	Single Family Rehab	Central Park	\$23,000	APPROVED	\$35,090	\$42,900	
AIM Strategies Inc	913 S Kansas Ave	At Risk	Commercial rehab	Downtown	\$224,950	INCOMPLETE			
Topeka T&S Todd Konkell	528 SE Adams St	At Risk	Commercial rehab	Downtown	\$925,500	INCOMPLETE			
Kronos Construction	1736 NW Taylor	At Risk	New Single Family	N Topeka West	\$110,000	INCOMPLETE			
Singer Watson Investments	2081 SW Buchanan	At Risk	New Single Family	Chesney Park	\$80,000	INCOMPLETE			
Singer Watson Investments	2075 SW Buchanan	At Risk	New Single Family	Chesney Park	\$80,000	INCOMPLETE			
	1205-1229 S Kansas, 115 SW								
Atlantic Signal	12th, 1222 SW Jackson	At Risk	New Commercial	Downtown	\$1,100,000	INCOMPLETE			
LaTonia Wright	1407 SE Washington	At Risk	Single Family Rehab	East Topeka South	\$4,500	APPROVED	\$14,080	\$20,800	
Batis Development Co	563 NW U.S. 24 Highway	At Risk	New Commercial	North Topeka West	\$700,000	INCOMPLETE			
CAA1 LLC	1015 SW Garfield St.	At Risk	Multi-family rehab		\$240,000	INCOMPLETE			
CAA1 LLC	827 SW Tyler St.	At Risk	Multi-family rehab	Old Town	\$368,000	INCOMPLETE			
CAA1 LLC	1111 SW Fillmore	Outpatient	Multi-family rehab	Historic Holliday Park	\$240,000	INCOMPLETE			
Townsite Tower QOZB LLC	534 S Kansas Ave	At Risk	Commercial rehab	Downtown	\$3,000,000	INCOMPLETE			
Townsite Tower QOZB LLC	120 SE 6th Ave	At Risk	Commercial rehab	Downtown	\$1,200,000	INCOMPLETE			
Clinton Self Storage / Frank Meade	3528 SE Cyprus Dr	At Risk	New Commercial		\$288,109	INCOMPLETE			
622 Van Buren Place LLC	622 SW Van Buren	At Risk	Commercial rehab	Downtown	\$56,000	INCOMPLETE			
Luke and Ashley Loewen	302 SE 45th Street	At Risk	Commercial rehab		\$700,000	INCOMPLETE			

Holiday Square Partners LLC	2935 SW Topeka Blvd	Outpatient	Comercial Rehab		\$891,000	INCOMPLETE		
Amherst Holdings LLC	315 SW 4th Street	At Risk	Multifamily Rehab	Downtown	\$50,000	INCOMPLETE		
Amherst Holdings LLC	100 NE Jefferson Sreet	At Risk	Commercial rehab	Downtown	\$64,500	DISAPPROVED	\$320,000	\$320,000
Curtis Homes LLC	316 NW Grant Street	At Risk	Multi-family rehab	N Topeka East	\$517,970	INCOMPLETE		
Casson Homes LLC	603 SW Topeka Blvd	At Risk	Multi-family New	Old Town	\$2,470,000	INCOMPLETE		
Jerusalem Ranch LLC	250 SE 29th St	At Risk	Commercial Rehab	Jefferson Square	\$100,000	INCOMPLETE		
Nacahal Holdings LLC/Chris Steimler	420 SW 9th St	At Risk	Commercial Rehab	Downtown	\$500,000	INCOMPLETE		

Owner/Applicant	Address	Neighborhood Health	Type of Improvement	NIA	Estimate			
2021								
Billy Development LLC	923-925 S Kansas	At Risk	Commercial/Residential	Downtown	\$600,000			
Clinton Self Storage Bldg D	3528 SE Cyprus Dr	At Risk	Commercial		\$161,500			
Quinghui Wang Coon	1228 NW Eugene	At Risk	Single Family Rehab	North Topeka West	\$6,500			
SENT Holdings LLC	3383 SE Irvingham St	Intensive Care	New Single Family	Hi Crest	\$152,000			
SENT Holdings LLC	223 SE 34th St	Intensive Care	Single Family Rehab	Hi Crest	\$56,240			
First Choice Concrete - De Zyon Clark	2701 SE California Ave	At Risk	Commercial Rehab	Central Highland Park	\$37,000			
DeZyon Clark	1255 SW Tyler	At Risk	Multifamily Rehab	Historic Holliday Park	\$90,000			
Donna Pearson	1124 SW Huntoon St	Intensive Care	Multifamily Rehab	Ward Meade	\$20,700			
Anjelica Pearson	1418-1420 SE Branner	At Risk	Duplex Rehab (existing)	East Topeka South	\$13,400			
Sandy Hestand Pruett	1208 SE Quincy St	Intensive Care	Single Family Rehab	Monroe	\$65,000			
Tyler Jagers	228 SW Harrison St	At Risk	Single Family Rehab	Ward Meade	\$94,440			
RM69 Holdings LLC	3612 SW Kanza Dr	Outpatient	Multi Family New	N/A	\$11,734,999			



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 12, 2021

DATE: October 12, 2021
CONTACT PERSON: Councilmember Neil Dobler, Public Infrastructure Committee Chair DOCUMENT #:
SECOND PARTY/SUBJECT: Kansas Avenue Parking Meetings PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by the members of the Public Infrastructure Committee comprised of Council Members Neil Dobler, Tony Emerson, and Mike Lesser recommending resumption of metered parking on certain downtown streets.

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

(Approval would result in the removal of parking hoods on certain downtown meters and imposition of two-hour metered parking.)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to resume charging for parking on the 100 blocks off of Kansas Avenue between 6th and 10th Streets.

STAFF RECOMMENDATION:

The Public Infrastructure Committee recommended approval by a vote 3-0-0 on September 14, 2021.

BACKGROUND:

Since 2017, free parking has been allowed downtown in the 100 blocks off of Kansas Avenue between 6th and 10th Streets. As parking revenues have declined, with a 2022 budget forecasting a deficit of \$1.3 million.

On September 14, 2021, the Public Infrastructure Committee voted to recommend resuming charging for those parking spaces through 2-hour metered parking by vote of 3-0-0.

BUDGETARY IMPACT:

An estimated revenue increase of \$100,000 annually.

SOURCE OF FUNDING:

Parking Fund

ATTACHMENTS:

Description

Resolution

Public Infrastructure Committee Report - September 14, 2021

Public Infrastructure Committee Meeting Excerpt Minutes (DRAFT) - September 14, 2021

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by the members of the Public Infrastructure Committee
4 comprised of Council Members Neil Dobler, Tony Emerson, and Mike
5 Lesser recommending resumption of metered parking on certain
6 downtown streets.
7

8 WHEREAS, since 2017, free parking has been allowed downtown on the 100 blocks
9 off of Kansas Avenue (east and west) between 6th and 10th streets; and

10 WHEREAS, there has been a significant decline in parking revenue since March,
11 2020, and a 2022 budget forecasting a deficit of \$1.3 million; and

12 WHEREAS, the members of the Public Infrastructure Committee, after considering
13 the matter on September 14, 2021, voted to recommend to the Governing Body: (1)
14 removal of the parking hoods on meters located on the 100 blocks off of Kansas Avenue
15 (east and west) between 6th and 10th streets; and (2) the imposition of two-hour metered
16 parking.

17 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE
18 CITY OF TOPEKA, KANSAS, that the City Manager is directed to facilitate the removal of
19 the parking hoods on meters located on the 100 blocks off of Kansas Avenue (east and
20 west) between 6th and 10th streets; and impose two-hour metered parking.

21 ADOPTED and APPROVED by the Governing Body on _____.

22 CITY OF TOPEKA, KANSAS
23

24 _____
25 Michelle De La Isla, Mayor
26

27 ATTEST:
28

29 _____
30 Brenda Younger, City Clerk

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

**Name of
Committee:**

Public Works Infrastructure

Title:

A RESOLUTION introduced by members of the Public Works Infrastructure Committee comprised of Council members Neil Dobler, Tony Emerson, and Michael Lesser recommending approval to remove the hoods from parking meters in Downtown area.

**Date referred
from Council
meeting:**

**Date referred
from
Committee:**

September 14, 2021

**Committee
Action:**

Motion by Tony Emerson, seconded by Michael Lesser, to recommend to the full Governing Body, approval of the Resolution as presented. Motion passed 3-0.

Comments:

The Public Works Infrastructure Committee was presented with information requesting approval to reinstate paid parking on meters located along the hundred blocks along South Kansas Avenue in the Downtown area. Hooded meters would become 2-hour paid parking spaces.

Amendments:

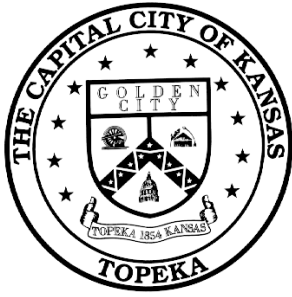
N/A

**Members of
Committee:**

Councilmembers Neil Dobler (Chair), Tony Emerson, and Michael Lesser

**Agenda Date
Requested:**

October 12, 2021



CITY OF TOPEKA

CITY COUNCIL
City Hall, 215 SE 7th St., Room 255
Topeka, KS 66603-3914
(785) 368-3710

Liz Toyne, Executive Assistant
E-mail: etoyne@topeka.org

www.topeka.org

EXCERPT

HOLLIDAY 1st FLOOR CONFERENCE ROOM, Topeka, Kansas, Tuesday, September 14, 2021. The Public Works Infrastructure Committee members met at 10:00 A.M., with the following Committee members present: Dobler (Chair), Emerson, Lesser.

The following is an excerpt of the draft minutes from the meeting:

APPROVAL by the Committee of the Resolution to remove the hoods on parking meters along the side streets (“hundred block streets”) of South Kansas Avenue.

Presentation: Parking Garage Infrastructure & Parking Fund [Video 16:50 minute mark]
[This presentation can be found in the “Supplemental Materials” section on the Committee’s webpage.]

Deputy Director Uhrig stated conversations have resumed with Downtown Topeka Inc (DTI) to discuss what options they would also like to consider. The information today will touch on high-level review of the revenue/expenses are for each garage, as well as to review some of the next steps for revamping the parking rates and some of the Downtown parking structures.

Jason Tryon presented information on current garage rates, to include profit and loss for the entire parking garage system. The Park & Shop Garage is the only garage that currently generates a profit.

Highlights:

- Current Garage Rates – all garages are \$67.75/monthly with exception of reserved spaces at Center City (\$75.50/mo) and 9th Street (\$47.75/mo).
 - Coronado Garage has long-term contract for discounted pricing on 100 spaces with Topeka Grand Real Estate. This expires in 2022.
 - 512 Jackson Street Garage has long-term contract with Dept. of Children & Family Services for 355 spaces with automatic escalators in 2022, 2027, 2032, and 2037.
 - Crosby Garage has long-term contract with Dept. of Corrections for 100 spaces expiring in 2034.
- Profit & Loss information and a pro forma for each garage
 - Current revenue for 2022 for entire garage system is just under \$2M/yr.
 - Operating costs are about “break even”
 - Capital expense is what drives totals to a \$1M negative

- Park & Shop garage is only one that shows a profit. There is not as much capital expense needed, and also benefits from receiving more hourly revenue than the other garages.
- Map showing current parking zones and designated times. There are six various timeframes in the Downtown area for parking. Staff would like to bring consistency to some of these areas.
- Proposed Parking Changes was discussed some at the previous meeting, however Staff brought additional suggestions:
 - Simplifying the parking zones where possible, and making sure the same rule applies to each block.
 - Would like to test app-only zones. In the future, Staff feels it may be necessary to have paid parking spaces that do not have a physical meter at them. Testing a zone to see how it was received through an app-only measure would provide additional data to Staff. This may be something to consider in the future for Kansas Ave for aesthetic reasons. This is not being recommended today, however would like to look further into it in the future as it is a current revenue source that the City is not tapping into, by allowing free parking on Kansas Ave.
 - In the future, Staff would like to establish a minimum and maximum pricing range for each of the parking areas. This would allow the parking administration department to set their rates without having to have approval for each individual pricing change that we would make.

Questions

- Director Jackson inquired with Mr. Tryon if the time slots were based on observed demand?

No. There has not, historically, been any type of reporting or data collection done on demand, until 2020. As of today, we do have some of that information because about 25% of our revenue does come from people who are paying by app. In that case, we can see which zones are paid for most frequently. However, we are not able to pull data from things like demand-based pricing, because the meters are based on physical points, so cannot fluctuate based on pricing demand.

- Could you please review the annual revenue and expenses?

Maintenance cost – anything spent on physical goods that are needed to repair the garages. This also covers the cost for contractors who are called out to make repairs.

Insurance – This is property insurance. It is an expense that has increased significantly over the past two years.

Utilities – Would include electricity and water. Constantly trying to reduce the electrical expense. More recently have been trying to replace lighting with LED lights when possible, however many of the light fixtures are old and not compatible with LED lighting. This would be an example of another repair cost.

Pilots – Payments In Lieu Of Taxes. Assessed to each individual garage.

Employee Expense – This covers Parking Administration Department staff in the office, as well the maintenance staff that works on the garages, and includes a share of employee expense for the Parking Control Officers, that is assessed to the garages. The majority of the Parking Control Officer expense is assessed from the on-street parking fund, however, they do still patrol the garages and make sure there are not issues or problems throughout the day.

Internal Services – Include things like IT expenses for maintaining the servers and various software programs used for parking system maintenance.

Office Expense – This would include the cost for the office space at Holliday, general office supplies, and various other permits and forms that have to be printed.

Debt – The City currently owes on the Crosby and Center City garages. Center City has debt payments through 2031. Crosby through 2036. The way the debt is structured, it would be Mr. Tryon's hope to see, in 2031, significantly lower debt service. The way the Center City garage is structured, as the debt is paid off, there is additional debt that is due on Crosby. The annual expense is fairly flat at this point. That changes as the Finance Department pays off bonds earlier or makes other arrangements they make based on the market.

Annualized Capital Expense – Refers to the estimate received from Walter P. Moore for the 10-year Capital Improvement Plans, and then taking that 10 years' worth of expense and annualizing it to a one-year budget. This shows what would need to be spent in each garage, on average, every year through that decade.

Chairman Dobler inquired if this was to be cash or additional debt service? Mr. Tryon noted that decision was still left to be discussed and decided on. Staff is putting together recommendations, based on revenue enhancements that they would like to make, for increasing the cost of some of the garages or changing some of the on-street revenue. There are a few different scenarios that would cover them by cash. However, doing the entire \$10M worth of improvements would likely require a reissuance of additional debt to cover that.

Parking manages a reserve fund which currently sits at about \$2M, however, there is an additional \$8,000 in the 2021 budget to make repairs that are needed at Townsite. If the City continues to make repairs over the next few years, the decision would need to be made to either increase the revenue substantially so that fund would not be reduced, or issue a new debt.

- Looking at this forecast now, are we thinking that we will just break even?

Correct. As of right now, our Annual Operating Expense is about breakeven. Given the 2022 budget, we do expect that revenue will rebound, with the hope being we will see pre-pandemic figures again by 2023. This is roughly \$400K for the garages. We were trending well, however August dropped a bit, more than we had seen in June and July.

- Is the insurance cost of \$190,000 part of the City's insurance plan, and deductible, in totality?

City Manager stated it was part of the \$500,000 plan. Committee member Lesser was curious if it would be worth looking into self-insuring in totality. These are masonry structures, and as such will not be nearly as likely to catch on fire or blow away. Deputy Director Uhlrig noted that when the 2021 insurance rates increased, the parking budget was hit significantly, financially. Committee member Lesser suggested re-evaluating on this policy. City Manager stated the allocation may also need to be reviewed.

- Committee member Emerson inquired about the parking meter app and the revenue that it has generated thus far. Mr. Tryon responded that about 26% of current meter revenue is being paid by customers using the app. We are seeing people take advantage of the app, mostly in the longer-term parking of the 10 hour meters.
- How are the PILOT fees calculated?

Mr. Tryon's division receives an overall number from Finance that is the overall number to allocate toward Parking. Then his division assigns the internally, and the figure the revenue center based on the revenue that the parking garage or parking lot generates. In the past, we have not separated out the individual garages or parking lots were provided back to the specific location, rather than just one lump allocation.

- Kansas Ave side street that has had hooded meters for a long time, what would your suggestion be; if we put those meters back into 2 hour meters and continue to allow Kansas Ave to be 2 hour zones?

Under the hooded meters, are one-hour and two-hour meters. Staff would recommend converting all of those to two-hour meters. It would also be recommended that Kansas Avenue continue to be designated at two-hour block zone, and charge for the hundred blocks on either side. A current problem that is occurring now is that people are using the free two-hour zone on Kansas Ave, and then hoping to the side streets; each of which are separate two-hour zones. This is a way people have been exploiting to avoid paying for parking. Most of this is occurring by people who work or live in the Downtown area, rather than visitors.

- Would you recommend implementing those immediately?

Yes, if we could implement that program immediately, that would be ideal. As we are looking at increasing our revenue over the next several years, this would be one of the first things on the table Mr. Tryon feels should be implemented. Deputy Director Uhlrig noted that the placement of the hoods on meters were done at the direction of a former City Manager, and was not implemented under an ordinance. However, prior to moving forward, we would like to seek approval from the Governing Body as to what their desire would be before taking any action.

- o How does DTI feel about this change?

Seemed receptive overall, and understanding for the need to change the status quo. Feedback was that moving steps at a time would be more beneficial. Keeping the free parking along Kansas Ave, for the time being.

- o What form of action we would like to take?

City Manager Trout suggested writing up a resolution in order to proceed, in order to have clear language as to what action is being asked of the Governing Body to take.

- o Would you need to inventory the current meters for functionality?

There are likely some that are rusted out and will need to be replaced, however there is ample inventory on-hand of replacement heads.

- o Would you consider making these meters app only?

It could be a consideration, however, if there are only a few that are non-functional, it may create more confusion by customers if all of the meters are not the same. The new meters could be set up to allow for customers to pay by coin or by app. Mr. Tryon would not recommend testing out the app-only zones in that immediate area because it would be too many changes at once and likely would receive a lot of push-back from customers and businesses. Mr. Tryon would suggest trying the app-only system in a lower used area in the beginning, such as in the 10-hour meter zones, to test the feedback. And then slowly moving into other meter zones.

- o Is there a pro forma associated with replacing meter heads, or is it as easy as replacing old meter heads with new ones and we will not incur additional costs in doing that?

There would only be the cost of labor for internal maintenance staff to change those out. There is adequate inventory of functional coin-operated meters to change those out.

- o Committee member Emerson inquired about people space hopping, and asked for clarification.

People are able to park on Kansas Ave for 2 hours. There is no ordinance that allows for citing people who move from Kansas Ave to the side hundred streets.

- **MOTION:** The Public Works Infrastructure Committee is making a recommendation to move to Governing Body to make a motion to remove the hoods on parking meters along the side streets along Kansas Ave. Committee member Lesser made the motion. Committee member Emerson seconded the motion. Motion moved 3:0.
- Regarding suggestions by constituents to sell the parking garages:

- With the study that was done, what does that gain the City? In 10 years, what condition are those parking garages going to be in? Will we be looking at another capital expenditure at that point?

It is a combination of certain things that were recommended by the study that would require ongoing maintenance, and is not necessarily a one-time cost. In terms of whether the City would have to spend \$10M every ten years, that information is not accurate. It would be a portion of that amount, but would not be the entire \$10M. In terms of selling the garages, that is something that staff has been approached with a couple of times with, since Mr. Tryon's tenure. However, from those conversations, the desired sale price and the desired buy price are pretty far apart. Another option that has been explored would be to enter into some sort of public-private partnership. Columbia Capital completed a study, in February of 2020 just before the pandemic hit, with some figures. However, since that time, the value of a parking garage may not be exactly what it was then. Within the study, a number of different risks were identified. And although no formal recommendations were made, the study did show that there was significant risk to enter into a public-private partnership. An arrangement like that may look like the City selling the garages to a private entity with a range of prices that they would be allowed to charge, which would be agreed to at the time of sale. That option could be something staff continues to explore, however, there are no interested buyers in the short term. With the proposed improvements, the City is not over-improving the assets, rather they are being made to ensure the structures are where they need to be for public safety, to upgrade the outdated lighting fixtures, to ensure there is adequate emergency lighting, and to ensure all of the fire suppression is working properly.

- If the City were to sell all of the garages as a package, that would be the floor of what we would need to get out of the debt service, correct?

If the City were to sell all of the garages, we would have to pay off all of the bonds by the time of sale. Those fees would need to be factored into the price of sale.

Mr. Tryon stated some of the Downtown stakeholders have noted they are happy to continue paying what they are paying to the City, because they know that maintenance on owning their own garage would be excessive.

- One option, in the future, would be to sell off all of the garages. If we could get out of the parking garage business, would we be happy? Are there single parking garages that it would make sense to sell and have a private owner come in?

We would have many things to consider:

- There would be risk associated if we sold off the asset, it may be harder for businesses to have public parking offered.
- With fewer parking spaces that the City controls in Downtown, gives us less flexibility to control the price of what we charge for Downtown.
- Long-term question if we do not have any public parking. There have been studies from municipalities that sold their garages only to have to then build a new one to entice a client in their downtown area.

- How much of an impediment is the 9th Street garage to the overall system, since it has special conditions? That garage would not significantly impact the entire system. Mr. Tryon recommended that if the City increased the price for other garages, that we lower the price of 9th Street. One reason would be to show a gesture of goodwill to the community. That although most prices are being raised, there is a lower price option available for people willing to walk a few additional blocks. The 9th Street garage also has excess capacity and could accommodate more users. In the short term, we could lower the price to entice people to come in. We could also lower rates of some of the parking meters that are a few blocks farther away. These fees would raise along with the others as time would go on.
- Next steps: Bring back list of proposed ranges that Staff would like to get approval from the full Governing Body, which would give Staff the discretion to make pricing changes within that range. Staff would also like to bring the Committee a new layout of what the rules regarding Downtown parking would be. Deputy Director stated staff would like to take the updated list to the Downtown stakeholders to receive their feedback, as the previous conversations were had over a year and a half ago. From there, a change to the resolution would be required as defined amounts are listed in the current resolution.



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Topeka, Kansas 66603
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October 12, 2021

DATE:	October 12, 2021	
CONTACT PERSON:	Brent Trout, City Manager	DOCUMENT #:
SECOND PARTY/SUBJECT:	Special Meeting (Work Session) Date - ARPA Funding	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:	Discussion 10-05-21.	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

ESTABLISH a special meeting (work session) date of the Governing Body to discuss American Rescue Plan Act (ARPA) funding.

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

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Establish a special meeting (work session) date to discuss ARPA funding. The City of Topeka will receive \$45,676,831 in total of ARPA funding in two tranches. The City has received \$22,838,415.50 in funding with the second distribution in 2022. Cities have until December 31, 2024, to obligate the money and until December 2026 to spend any obligated money.

STAFF RECOMMENDATION:

Staff is supportive of having additional time to discuss and assist the Governing Body with the funding discussions.

BACKGROUND:

ARPA funding can be used to respond to Public Health Emergencies, Negative Economic Impacts, Revenue Loss, Premium Pay to Essential Workers, Water, Sewer and Broadband Infrastructure projects.

The City Manager reviewed the preliminary project funding list with Governing Body members during one on one

meetings in August, and the project list has been modified based on the feedback from those meetings. Staff is seeking additional input on October 5th, October 19th and November 16th from the Governing Body and public to finalize the project list with the intent to present a final project list for approval by the Governing Body on December 7, 2021. The approval in December is requested in order to allow Staff time to incorporate the items in the approved CIP budget.

BUDGETARY IMPACT:

Budgetary impact will be based on the final project list approved by the Governing Body.

SOURCE OF FUNDING:

Federal American Rescue Plan Act



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214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 12, 2021

DATE: October 12, 2021
CONTACT PERSON: DOCUMENT #:
SECOND PARTY/SUBJECT: Public Comment PROJECT #:
Protocol
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

PUBLIC COMMENT PROTOCOL

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

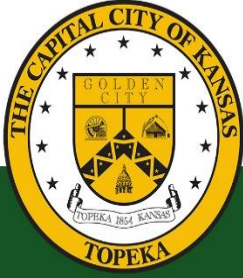
BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Zoom Meeting Protocol - Public Comment
Procedures for Addressing the Governing Body
October 12, 2021 - Email Received



CITY OF TOPEKA

City Clerk
City Hall, 215 SE 7th Street, Room 166
Topeka, KS 66603
www.topeka.org

Brenda Younger, M.M.C.
785-368-3940
Email: byounger@topeka.org

Zoom Meeting Protocol Public Comment

- 1) Make sure your **Zoom name, email and/or phone number** matches what was submitted to the City Clerk when you signed up for public comment. **Any misnamed or unauthorized users will not be admitted to Zoom.**
- 2) Please keep your **mic muted** and your **camera off** until you are called by the Mayor to give your comment.
- 3) If you are cut off during your comment time due to an internet connection or technical issue, you will need to submit your comments in writing to the City Clerk at cclerk@topeka.org or 215 SE 7th Street, Room 166, Topeka, KS 66603 for attachment to the minutes.
- 4) If you break any of the public comment rules, you will receive one warning from the Mayor. If you continue any prohibited behavior, you will be removed from the Zoom meeting room and will not be allowed to rejoin.
- 5) Public comment is limited to four minutes. You may receive an extension at the discretion of the Governing Body. The timer will be visible to you in the 'City of Topeka Admin' window on the Zoom app. Call-in users will hear one beep when a minute is remaining and then another beep when time has expired.
- 6) Please **do not share the Zoom login information** with anyone. Any unauthorized users will not be admitted to the Zoom meeting room.

PROCEDURES for Addressing the Governing Body

In accordance with Governing Body Rules, the following protocols for public comment apply.

- Each person shall state his or her name and city of residence in an audible tone for the record.
- All remarks shall be addressed to the Governing Body as a whole -- not to any individual member.
- In order to provide additional time for as many individuals as possible to address the Governing Body, each individual signed up to speak will need to complete his or her comments within four minutes.
- The following behavior will not be tolerated from any speaker:
 - Uttering fighting words
 - Slander
 - Speeches invasive of the privacy of individuals (no mention of names)
 - Unreasonably loud speech
 - Repetitious speech or debate
 - Speeches so disruptive of proceedings that the legislative process is substantially interrupted

Any speaker who engages in this type of behavior will be warned once by the presiding officer (Mayor). If the behavior continues, the speaker will be ordered to cease his or her behavior. If the speaker persists in interfering with the ability of the Governing Body to carry out its function, he or she will be removed from the Zoom meeting room.

Members of the public, Governing Body and staff are expected to treat one another with respect at all times.

Brenda Younger

From: teresa miller <teresa-miller@att.net>
Sent: Tuesday, October 12, 2021 4:00 PM
To: City Clerk
Subject: Fairvan Scooter's PUD 21/02

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Council Members:

Normally North Topeka West NIA will not allow zoning of any Residential Properties to be changed. This is in our Neighborhood Plan. Because of a problem in our NIA, the people of the North Topeka West NIA were not notified by our Officers that this meeting on zone changes for this property were to happen.

Because part of this property had already been a restaurant, the NIA always new that some type of company would want to build there. So this time it was okay to let the R-1 or R-2 change to a PUD.

In the future, North Topeka West NIA people do not want any R-1 or R-2 properties zone changed. It's in the Neighborhood Plan.

Retired President,

Teresa Miller

Kelly L. Bogner

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Wednesday, October 13, 2021 10:32 AM
To: City Clerk; City Council; Tony Emerson; Neil Dobler; Karen A. Hiller; Michael Lesser; Michelle De La Isla; Spencer Duncan
Subject: 14 pg. power point of Utilities Quarter Report last night.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
--

I have reviewed, and find 'report' lacking in specifics, lengths of pipe replaced, timelines of all projects, cost estimates, Et Al.

Utilities:

Ref. Quarterly report. Please provide specifics, including when projects were started as well. Include the number of miles of water lines replaced. Include design timelines which should be pretty easy to do, and should have been included in such a "report". Thank you.

We are spending a budget of over \$100 MILLION per year on this Department. That is about the size of the entire Shawnee County Budget. I want oversight of this Department at a MUCH higher level of scrutiny Board of Directors, Please. Thank you !

Joseph Ledbetter JD, MPA